

**The Politics of Social Inclusion: Implementing Refugee and Immigration Policy in
the New Germany - A Public Administration and Public Policy Perspective.**

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Abstract:

Contrary to what the popular political rhetoric would indicate, Germany organizes and finances a wide range of state supported services which indeed do promote immigration and permanent resettlement into the country. Indeed, Germany has adopted the world's single largest migration program by allowing for the annual return of up to 220,000 Ethnic German immigrants (*Spätaussiedler*) to the FRG as guaranteed in the 1953 Federal Expellee and Refugee Act as amended in the 1993 War Aftermath Compensation Law (*Kriegsfolgenbereinigungsgesetz KfbG*). Hand in hand with this expansive immigration of Ethnic German migrants is the immigration and permanent resettlement of post-Soviet Jews to the Federal Republic. Adopted in 1991 under the auspices of the Quota Refugee Law, the resettlement of post-Soviet Jews is fully supported with state funds and their permanent resettlement is encouraged. Since its adoption some 100,000 post-Soviet Jews have made Germany their home with an additional 30,000 having already received permission to resettle and another 122,000 awaiting a positive decision on their application to immigrate. As a result of this policy, Germany has now become the third largest country of Jewish immigration behind Israel and the United States.

The immigration of post-Soviet Jews and the return of Ethnic Germans share a special legacy born out of Germany's history with these two groups. In contrast to Uwe Hunger's study which outlines an exclusionary approach toward labor migrants within the E.U. which denies this group social, political, and in certain instances, civil rights, my study considers the opposite, or an inclusionary approach to immigration policy within the E.U. Rather than attempt to discover broad generalizations encompassing a wide spectrum of migration policies (i.e., asylum, project tied worker or, controlling illegal immigration) this approach dis-aggregates migration policy and reviews the post-Soviet Jewish and Ethnic German experience in an effort to build upon a more middle-range theory of immigration policy implementation and social inclusion as seen through a public administration and public policy lens.

Both the 1991 Quota Refugee Law as well as the 1993 War Aftermath Compensation Law (henceforth 1993 KfbG) require the prospective immigrant to first submit an application for admission (*Aufnahmebescheid*) in their home country before legal entry will be approved. As a result of these measures, federal, state and local governments can better organize and coordinate their efforts in refugee and returnee resettlement. Since receipt of social welfare provisions as well as legal residency requirements are tied to this application procedure the government has been able to effect a greater degree of control in regulating the annual flows of Soviet Jews and Ethnic Germans entering the Federal Republic. Both policies lend themselves well to a study of this sort as both policies' possess comparable policy - administrative attributes which permit closer analysis. Additionally, both are peculiar to the FRG based exclusively upon historical and humanitarian principles.

Introduction:¹

The Federal Republic of Germany is home to some 7.3 million immigrants or 8.6 percent of its population making Germany the largest country of immigration in Europe (Thraenhardt, 1999). Further, Germany maintains Europe's most liberal asylum provisions despite amending its asylum law (Article 16) in 1993. Undergoing its sharpest demand for asylum with 438,000 requests filed in 1992, and 322,000 in 1993 (SOEPMI, 1997) the Federal Republic was forced to drastically alter its hitherto liberal asylum provisions in order to assert a degree of control in the face of growing migratory pressures. The amended law calls for procedures for the recognition of refugee status that correspond to the spirit of Maastricht and Schengen and which are administered by the Federal Office for the Recognition of Refugee Affairs (henceforth BAAF). What is most striking is that since passage of the 1993 Asylum reform the number of migrants claiming asylum has declined continuously: in the first-half of 1993, 224,000 sought asylum; in the second-half (after passage of the Act) 98,000 sought asylum. The decrease in numbers has continued. In 1997, for example, 104,000 persons sought asylum compared to 438,000 in 1992. Indeed, in all asylum categories experienced declines falling from 380,000 in 1993, for example, to 52,000 five years later (Auslaender und Asylpolitik in der Bundesrepublik Deutschland: Entwicklung der Auslaenderzahlen, Marz 1998. Bonn. Bundesministerium des Innern)

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In addition to asylum seekers, Germany has a net in-migration of some 30,000 project tied workers per year as opposed to other member states of the European Union (Hunger, 1999). Broadly speaking, these migratory movements do not spark public debate because labor flows are conducted largely on an individual, rather than on a collective basis. Under these agreements Germany concluded temporary work programs with Eastern European countries, primarily Poland, the Czech Republic and Hungary in response to growing migratory pressure emanating from the newly democratized states (Hunger, 1999; Werner, 1999). Under the amended Employment Promotion Act nationals from countries outside the European Union are prohibited from working in Germany without a residence permit. Therefore, in order for labor migrants to legally work in Germany they must first receive a work permit (for a full discussion, see Uwe Hunger's contribution: Social Citizenship and Transnational Migration: Inclusion and Exclusion of Temporary Labor Migrants within the European Union. Paper to be presented at the ECSA Sixth Biennial International Conference, June 3 - 5, 1999. Pittsburgh, PA.).

Germany is unique among European Union member states in its immigration policies toward Ethnic Germans and Jews from the former Soviet Union. Indeed, repatriated Ethnic Germans comprise the largest state assisted quota immigration in the world (Harris, 1997; Groenendijk, 1996; Thraenhardt, 1996) with over 2.5 million resettling in the Federal Republic since 1989. Germany also is now the third principal country of immigration for Jews, following Israel and the United States, and the only European Union member state allowing their migration and permanent settlement. Approximately 100,000 Jews from the former Soviet Union have permanently resettled in the Federal Republic since 1991. Further, there is no fixed annual quota for this group and entries typically range between 10,000 to 14,000 per year. In addition to their legal status, both Ethnic German migrants and post-Soviet Jews share similar post-war migration patterns and have traditionally used emigration as a "safety valve" in order to escape political and ethnic persecution at home.

Ethnic Germans and Jews from the former Soviet Union have privileged standing that distinguishes them from other immigrant groups in Germany. Unlike the earlier immigration of "guestworkers" and their families, or the flow of war refugees and asylum seekers these two groups are defined on the basis of the ethnic origin of the individual migrant and in both cases the policy began as a result of Germany's historic relationship with them. Indeed, their post-War immigration largely mirrored one another, and was driven primarily by humanitarian and ideological factors. In the decades before 1989, the core dynamic was ideology:

The Berlin Wall, constructed in 1961, to prohibit East Germans from leaving the Communist realm was the keystone of the Iron Curtain which divided Europe. It was a symbol of the power as well as of the weakness and unattractiveness of the Communist system. Free movement became a central Western slogan, and was voiced by American presidents Kennedy and Reagan at the Berlin Wall. Refugees from the Communist East were considered legitimate, and met with great sympathies and help in the West (Thraenhardt, 1996c:13).

As such, both enjoyed widespread public acceptance as refugees from communism. Jews were placed under the auspices of special refugee programs instituted by the U.S. government in the early 1970's which promoted their resettlement there. Despite tempered opinions toward them both largely enjoy a preferred status and degree of public legitimacy not accorded to others within Germany. To this point Walzer (1983) notes we can also be bound to help men and women persecuted or oppressed by someone else - if they are persecuted or oppressed *because they are like us* (p. 49). The Federal Republic's singular historical relationship to both groups coupled with a sense of moral obligation and cultural affinity are the core dynamics of the policy process. This preferential pattern of acceptance is most clearly seen in the liberal entry quotas and broad state-support afforded the two groups.

Table 1.1 Illustrates the acceptance patterns in the United States and Germany, 1949 - 1989

<p style="text-align: center;">A</p> <p style="text-align: center;">white & anticommunist refugees (Soviet Jews & Ethnic Germans) good acceptance</p>	<p style="text-align: center;">B</p> <p style="text-align: center;">non-white & anti-communist</p> <p style="text-align: center;">mixed acceptance</p>
<p style="text-align: center;">C</p> <p style="text-align: center;">other white refugees</p> <p style="text-align: center;">mixed acceptance</p>	<p style="text-align: center;">D</p> <p style="text-align: center;">other non-white refugees</p> <p style="text-align: center;">bad acceptance</p>

Figure 1.2 illustrates the acceptance patterns in the United States and Germany, post-1989.

<p style="text-align: center;">A</p> <p style="text-align: center;">white & wealthy refugees and immigrants (Soviet Jews) good acceptance</p>	<p style="text-align: center;">B</p> <p style="text-align: center;">non-white & wealthy refugees and immigrants</p> <p style="text-align: center;">mixed acceptance</p>
<p style="text-align: center;">C</p> <p style="text-align: center;">white & poor refugees and immigrants (Ethnic Germans) mixed acceptance</p>	<p style="text-align: center;">D</p> <p style="text-align: center;">non-white & poor refugees and immigrants</p> <p style="text-align: center;">bad acceptance</p>

Source: Thraenhart, Dietrich (1996) *Europe. A New Immigration Continent: Policies and Politics in Comparative Perspective*. Muenster: Lit Verlag.

Significance of the Research:

Despite a growing body of literature on international migration, coupled with a lively debate among and between scholars and policy-makers on a host of issues and dimensions, there remain theoretical shortcomings in the literature. Davis (1988) contends that although international migration seems straight forward, it has been "opaque to theoretical reasoning in general" (p.245) that is, scholars have been unable to account for the myriad interests involved in international migration processes, i.e., those of migrants, the receiving states, and historical and foreign policy considerations. Indeed, as Freeman (1994) notes, for all their commonalities, receiving states display significantly divergent immigration politics due to their peculiar immigration histories. Further, Miller (1995) adds:

... there is too much contradictory evidence to warrant the view that states are incapable of regulating international migration. . . Governmental policies often do have measurable and intended effects. The goal must be to generate hypotheses that can be tested empirically and thereby incrementally contribute to knowledge of state capacity to regulate international migration (1995:2).

The present shortage of theory notwithstanding, the researcher confronts an even more daunting task when taking into consideration the lack of comparative and historical studies of migration, especially in the field of public administration.

Although sociologists, historians and legal experts have written extensively on quota refugee policy (e.g., Fix and Passel, 1994; Aleinikoff, et. al., 1995; Tress, 1995), little analysis has emerged from the public administration and public policy disciplines. In examining post-Soviet Jewish quota refugee policy through an administrative and policy analytic lens, the intent is to identify processes and patterns of selection, as well as the role of program management and administration. In addition, a careful study of administrative capacity may also help to answer the more difficult and abstract

questions relating to sovereignty and state autonomy (see, Weiner, 1993; Soysal, 1994; Jacobson, 1996). Addressing these elemental questions enables a greater understanding of refugee selection criteria and state administrative capacity within an advanced industrial democracy.

Given the rise of nationalist and xenophobic movements throughout the world, the regulation of refugee admissions is, and will be for some time, one of the major challenges of immigration control for Germany. Cognizant of Schmitter Heisler's (1992) call for a more structured understanding of international migratory causes and incorporation processes, this study focuses on both "push" and "pull" factors associated with global migratory movements. Push factors that drive the ever growing number of refugees to advanced industrial democracies include persecution on the basis of national origin, race, religion, or political ideology. The changing ethnic minority-majority dynamic, particularly as a result of decolonization, coupled with the profound changes following the breakup of the former Soviet Union, can be cited as principal "push" factors affecting refugee movements. Pull factors can be traced to changes in the legal cultures of each state and the rise of a new rights-based politics (see Hollifield, Zuk and Thraenhardt, 1995; Hollifield and Zuk, forthcoming). In the German case a close study of the sweeping rights dynamic underway both in terms of an expanding welfare state (social rights) and an adherence to civil and political rights may go far in advancing contemporary immigration scholarship. Indeed, as Martin (1993) argues, receiving countries are democracies and that is part of their attraction for asylum seekers.

This paper will employ an historical analysis of Germany's post-Soviet Jewish migration policy (1991 Quota Refugee Law) outlining its development, adoption, implementation, and future implications. However, in order to effectively address this policy dynamic, it will be necessary to consider similar comparative cases. Accordingly, an analysis of the Ethnic German

(Spaetaussiedlerpolitik) policy will be undertaken with particular emphasis being placed on the resettlement of ethnic Germans living in the former Soviet Union. Although the 1993 KfbG applies to all Ethnic Germans living throughout Eastern Europe and the former Soviet Union, since 1991, however, the overwhelming majority (98%) of Ethnic German migrants originate from the former Soviet Union. The 1993 KfbG shares many similarities with the quota refugee policy applied to post-Soviet Jews. Unlike general asylum procedures practiced in the FRG, the policy formulation and implementation of quota refugee provisions comes closest in mirroring migration policies regarding the resettlement of Ethnic German migrants. In certain instances the quota refugee provisions accorded post-Soviet Jews allow for a more expedient immigration procedure than the one for ethnic Germans. And in both cases - with very few exceptions - the entire array of social welfare services as well as permanent residency are provided to Ethnic Germans and post-Soviet Jews alike. On a more general level, both forms of immigration are based neither on labor market needs nor qualification, rather they are humanitarian and derive from ethno-cultural considerations compounded by Germany's historical relationship to these two groups. "Toward some refugees, we may well have obligations of the same sort that we have toward fellow nationals" (Walzer, 1983: 45). This study chose to focus on these two groups because their status in the postwar Soviet Union as extra-territorial national minorities have linked them to one another in what Otto Bauer terms "a community of fate"- (*Schicksalsgemeinschaft*) especially in regard to emigration and resettlement. On this point Heitman (1989) notes,

[t]he causes and precipitants of German emigration have both parallels and contrasts with those of Jewish emigration. Two million ethnic Germans in the USSR in the postwar years were, like the Jews, an unassimilated, dispersed, and alienated national minority with strong cultural traditions and ethnic consciousness. They also shared with the Jews a history of persecution and discrimination under both the Russian monarchy and the Soviet regime (1989:126).

Policy Implementation within a Federal Framework:

State and local governments within the Federal Republic of Germany play a central role in implementing federal policy. The German federal structure rests on the allocation of most legislative powers to the federal or national authority, and of most executive or administrative responsibilities to the states of the federation, the *Länder* (König, 1983). The centrality of the *Länder* in the implementation of federal policies traces its historical basis to the founding of the Federal Republic in 1949. In order to understand the importance of the *Länder* in administering national policies we should keep in mind that the federal Basic Law was written after the states had already been established (Watts, 1991:26). For this reason, the *Länder* governments were able to keep a larger share of federal responsibility from the national government. The Allied governments as well as the framers of the Basic Law were well aware of the dangers of centralized power and thus the constitutional settlement of 1949 was intended to promote dispersion of power in an effort to avoid the disastrous experience of centralization and abuse of power during the Nazi era.

Unlike the U.S. model of "dual federalism," the German version does not have two separate institutional and administrative structures designed to implement policy in their own areas of competence. Rather, it represents an interwoven system of administration which is characterized by the *Länder* executing federal legislation as well as participating in its creation as guaranteed under Articles 50 and 84 of the Basic Law. This system can best be described as "horizontal federalism" or "functional federalism" (Koenig, 1983; Johnson, 1983; Peters, 1989). Although federal ministers have the responsibility for ensuring uniformity in policy implementation, state and local government administrative units, and the civil servants who staff them, are responsible for ensuring that the policy

is implemented successfully. The role of public administration within the German federal structure is key to the policy's success or failure.

The Federal Republic of Germany initiated a policy in 1991 which allowed for the migration and permanent settlement of Jews from the former Soviet Union. The new law is based upon the 1980 German Act on Measures for Refugees, which was originally adopted for Vietnamese "boat people" fleeing Southeast Asia of which some 33,000 settled as quota refugees between 1980 - 1986. The revised policy allowed for the immediate legalization of an estimated 8,535 Jews already present on German soil, and established measures enabling continued migration and permanent resettlement. The Federal Administrative Office in Cologne nearly 100,000 post-Soviet Jews as having already settled in the Federal Republic as of April 1999. An additional 30,000 received approval to immigrate and over 122,000 have applied to immigrate. Each month the Federal Administrative Office records an average of 2,000 applications requesting permission to migrate.

During the same period Germany experienced a massive influx of Ethnic German returnees from throughout Eastern Europe and the former Soviet Union. Ethnic Germans who migrate to Germany are considered returnees not migrants. This "right of return" is anchored in the 1953 Federal Expellee and Refugee Law as amended in the 1993 War Aftermath Compensation Law, as well as in Article 116 of the German Basic Law which extends the right of German citizenship to persons who "between January 30, 1933 and May 8, 1945, were deprived of their citizenship on political, racial or religious grounds, and to their descendants." Such persons may be granted German citizenship at the time of application.

Figures provided by the Commissioner of Ethnic German Affairs (March 1999) put the number of *Spaetaussiedler* living in Germany at 2.5 million with some 3 million remaining in Eastern Europe

and the former Soviet Union. In 1990 over 397,000 returned. In an effort to control the flow, application procedures were established in 1990 and 1993, and numerical quotas of 220,000 annually were introduced. Since 1991 approximately 98% of all Ethnic German immigration has originated from the former Soviet Union (Report of the Central Reception Facility, Unna-Massen, April 1995).

The federal government instituted several changes in the Quota Refugee Law tailored to specifically meet the challenges faced by the growing migration of Jews from the Soviet Union. The government convened a meeting of State Ministers for Foreigner Affairs in the city of Fulda (Hesse) wherein administrative procedures for implementing the policy were drawn, a clear indication of the government's desire to pursue a controlled and managed policy.² One of the most

²During the three day conference (28-30 January 1991) held in Fulda (Hesse) between the Federal Commissioner for Foreigner Concerns (*Beauftragte der Bundesregierung fuer die Belange der Ausländer*) and the individual state commissions the following accords were reached:

- 1) Referat III/4, within the Federal Administrative Office (*Bundesverwaltungsamt*) will be the competent department which is charged with the federal level administration of the quota refugee policy. Referat III/4's primary responsibility is visa allocation for the Federal Republic. The added charge of administering the post-Soviet Jewish migration policy is singular to this particular policy.
- 2) All Soviet Jews who have been legally accepted into the individual states between 1 June 1990 and 15 February 1991, will be recognized as 'quota refugees' and this number will be apportioned to each individual state as required by the Koenigsteiner Key.
- 3) The states should report the approximate number of Soviet Jews to the Federal Administrative Office (Referat III/4) by 28 February 1991, and the Federal Administrative Office will be required to transmit a final count by 31 August 1991.
- 4) Soviet Jews will be accorded an unlimited residency permit (*unbefristet Aufenthaltserlaubnis*). The possession of this permit will not only allow for their legal, permanent residency in the Federal Republic it will also provide for their eligibility to a wide array of social assistance provisions (*Sozialhilfeleistung*) which include German language instruction, employment re-training, and public housing assistance.
- 5) The application to emigrate will be distributed at the German consulates in the former Soviet Union (at present, there are now fifteen German consulates in the former Soviet Union). The application must be filled out in German (however the instructions are written in both Russian and in German) and no formal - extended - "validity" procedures will be made. After the

visible changes to come from the meeting was the creation of a new office within the Federal Administrative Office solely responsible for processing immigration applications at the national level. Because this mandate requires the participation of more than one agency at different levels of government, coordinating efforts are not controlled by any one person or agency. As a result of this de-centralized, field-system of administration (see Katzenstein, 1987) the Quota-Refugee Law, although administered at all three levels of government, is primarily executed at the state and local levels.

The Conference of Minister Presidents called for the legalization of Soviet Jews who had entered Germany between June 1, 1990 and January 1, 1991, and ordered that they be admitted retroactively as quota refugees. Beginning in mid-February 1991 German consulates in the Soviet Union accepted applications for refugee status under the following guidelines:

Allow for the migration of Soviet Jews [to the Federal Republic of Germany] - *without numerical limit* - on the basis of an individual-case decision and within the framework of the 22 July 1980 procedural law on refugees.

. . . [in addition] the individual-case decision should be liberally employed with preference given to family re-unification and other hardship cases. Furthermore, the allocation should also be made in regard to the individual needs and wishes of the respective Jewish communities (Federal Republic of Germany. *Besprechung des Bundeskanzlers mit den*

document has been reviewed by the relevant consulate personnel it will be sent to the Federal Administrative Office in Cologne, Referat III/4. Once in Cologne, the application will be examined for any destination preference or other germane considerations, i.e., family re-unification. The application is then forwarded to one of 16 central reception facilities.

6) Upon state approval, the Federal Administrative Office, Referat III/4, will inform the German consulate under what conditions a visa should be issued. Once informed, the applicant has one year in which to secure a visa. After the issuance of a travel visa the applicant is allowed three months in which to travel to the FRG (Federal Republic of Germany. *Besprechung des Bundeskanzlers mit den Regierungschefs der Laender am 9. Januar 1991 Ergebnisprotokoll*. Bonn; Federal Administrative Office. 1991. *Aufnahme juedischer Emigranten aus der ehemaligen Sowjetunion: Beschreibung der Fachaufgabe*. Cologne)

Regierungschefs der Länder am 9. Januar 1991 *Ergebnisprotokoll*. Bonn).

The policy deliberately avoided any extended bureaucratic procedure in its administration and management. However, despite government insistence that the 15 February deadline would not be sidestepped, the Central Council of Jews in Germany, as well as other interested groups, pressured to extend it (Kessler, 1994; Goldschmidt, 1995). These efforts were successful. Two additional deadlines were set for April and November. Beginning November 10, 1991 all requests for quota refugee status must originate from German consulates in the former Soviet Union and must follow formally established channels. Although Soviet Jewish migration technically falls under the 1980 German Act on Measures for Refugees which calls for a numerical quota, no quota provisions apply.³ When queried on this matter officials at the Federal Administrative Office asserted that, "theoretically," every applicant who goes through official procedures will be approved as a recognized quota refugee by the Federal Republic.

The Quota Law provisions call for close cooperation between federal, state and local governments in the administration and management of policy. The apportionment (*verteilung*) of Soviet Jews to individual states follows the Königsteiner Apportionment Key, as amended at the time of German re-unification, the standard used for proportional distribution of recognized asylum seekers and quota refugees among individual states. Although administered separately under Article 8 of the 1993 War Aftermath Compensation Law, the allotted percentage of Ethnic Germans is the

³Groenendijk notes that a denial of quota provisions for post-Soviet Jews should not be taken at face value. He adds that quotas are an attractive instrument from the policy makers perspective as it allows to estimate costs and plan for reception and housing facilities (January 6, 1999)

same. The size of apportionment corresponds to the total population of each individual state. North Rhine-Westphalia, being the most populated, is obliged to accept a larger share of quota refugees and Ethnic Germans (21.8%) than Bavaria (14.4%) the second largest.⁴

The Federal Administrative Office (FAO) located in Cologne, is the agency charged with overseeing the quota refugee policy.⁵ The application process originates at any one of the fifteen German consular offices in the former Soviet Union with the overwhelming majority coming from Kiev, Moscow, and St. Petersburg. Following parliamentary directives, the application procedure is straightforward and simple. Although the four page application must be filled out in German, its instructions are written in both German and Russian⁶ which facilitates application and approval. Once the prospective migrant obtains and completes an application form at a German consulate in the country of residence they are required to deliver it themselves and produce proof of being Jewish such as an identity card, passport, birth certificate or other verifying document.

After consular screening, the application then receives an official stamp which reads, "Membership in a select immigrant group has been established" and it is then forwarded to the FAO for further

⁴The percentages for Germany's 14 other states follows: Baden-Württemberg, 12.3%; Berlin, 2.7%; Bremen, 0.9%; Brandenburg, 3.5%; Hamburg, 2.1%; Lower Saxony, 9.2%; Mecklenberg-Vorpommern, 2.6%; Rhineland Palatinate, 4.7%; Saarland, 1.4%; Saxony, 6.5%; Saxony-Anhalt, 3.9%; Schleswig-Holstein, 3.3%; Thuringia, 3.5%.

⁵Within the FAO, Referat III/4 is charged with daily management and direction of the policy on the federal level. These administrative procedures are singular to post-Soviet Jewish immigration and resettlement. No such procedures or guidelines were applied to the resettlement of Vietnamese in the early 1980's.

⁶This brief form stands in sharp contrast to the twenty page version required of Ethnic Germans which is printed only in German because as co-ethnics they are required to be able to read, write, and speak German before being permitted to resettle (Federal Republic of Germany. Commission for Ethnic German Affairs. *Das Bundesministerium Informiert*, 1 August 1996.

review. A computerized check of the central registry of foreigners (*Auslandszentralregister*) is conducted to ensure that the applicant has no criminal record in the Federal Republic nor has previously falsified documentation otherwise the application is immediately denied. The next step in the process is deciding which Länder should receive the application, one that is based largely upon availability of quota slots rather than applicant preferences. After this the application is sent to a central reception facility (*Zentrale Aufnahmestelle des Landes*) for further review. As a result of the large volume of applications received each month by the FAO (approximately 2,000) it takes approximately three months to reach this stage of the process. The reception facility then makes a determination as to permanent placement taking into consideration housing availability, special needs of the migrant, social service capacity, local Jewish community wishes, and family unification preferences. This phase can take between six months to three years depending upon the state in question, the availability of housing, or other considerations.

Upon approval the form is sent to the FAO in Cologne, and then is forwarded to the respective German consulate in the former Soviet Union. The consular personnel then informs the applicant that s/he has received approval to travel to Germany. The applicant has one year in which to obtain the travel visa, and three months in which to travel to Germany.⁷

⁷Ethnic Germans, by contrast, are not required to follow any set time period for travel. Instead they can use their approval to resettle as an "insurance policy" should domestic events worsen in the former Soviet Union. The Commissioner for Ethnic German Affairs reported in August 1997 that over 100,000 ethnic Germans who have received approval to resettle in Germany the year before opted to stay in their places of residence rather than come to Germany.

The approved reception certificate includes an attachment, written in both German and Russian, which asks for means of travel, number in the party and tentative date of arrival which has to be filled out and mailed to the FAO. Unlike prior quota refugee groups, or Ethnic Germans, Jews who wish to migrate to Germany must provide their own means of transport. Upon arriving at the reception facility (which is always opened) the migrant is required to register with several public authorities including the employment and social welfare office. In addition, local Jewish Community Centers as well as charitable ones such as the German Red Cross and the Otto Bennecke Foundation assist in the transition process. On average, stay at the reception facility normally does not exceed one month.

Implementing the 1993 War Aftermath Compensation Law has become one of the greatest challenges faced by German civil servants at all levels of government charged with the administration and oversight of Ethnic German resettlement. Since 1989, over 2.5 million have migrated and settled in Germany. With the adoption of the 1993 Act an annual quota of 225,000 was set.⁸

The 1953 Federal Expellee and Refugee Law was initially established to assist in the social integration and resettlement of some 8 million ethnic Germans (out of 12 million) who were expelled from their homes in Eastern Europe and found themselves on Allied occupied German soil in the years immediately following the war (Steinert,1990; Delfs, 1993; Ronge,1993). These displaced persons comprised approximately one-sixth of West Germany's total population in 1949. The social, political and economic demands the expellees and war refugees placed on the fledgling German state

⁸ The quota was based on the average number who entered the Federal Republic in 1991 and 1992 and it can range from 200,000 to 250,00.

were enormous. Still a rapid way of legally incorporating them had to be found. The solution was found with the adoption of Article 116 of the Basic Law in May 1949.

So great were their numbers that Allied authorities in the British, French and U.S. zones of occupation initially forbid the returnees to organize political parties or organizations for fear that they would destabilize the fragile democratization process (see, Steinert, 1990). This prohibition ended with the passage of the Basic Law and Ethnic German expellees organized the Coalition Party of Expellees (*Block der Heimatvertriebene und Entrechteten*) as well as other organizations (*Landmannschaften*) which lobbied for equalization of war burdens and special entitlement.

Following Paragraph 1 of Article 116, German citizenship would be accorded to those who either possessed German citizenship or entered the Third Reich as refugees or expellees of German ethnic origin (*Volkszugehörigkeit*) prior to 1938. The resolution served to normalize the status of post-War expellees and refugees of German origin who were forced from their homelands and now found themselves in occupied West Germany. However, the Basic Law also distinguished citizenship in the Federal Republic of Germany (*Staatsangehöriger*) from membership in the German community of descent (*Volkszugehöriger*) paving the way for the continued migration of Ethnic Germans from throughout Eastern Europe and the Soviet Union to Germany.

German citizenship law is markedly expansive where ethno-cultural Germans are concerned and very restrictive otherwise (Brubaker, 1992). The German Citizenship Law of 1913 (*Reichs- und Staatsangehörigkeitsgesetz of 1913*) essentially truncated citizenship from residency considerations interpreting it solely on the basis of descent or blood. Residence abroad for however long has little bearing on citizenship claims therefore ex-patriate Germans (*Auslandsdeutsche*) are citizens at birth via the *jus sanguinis* principle. The foundation of *jus sanguinis* rests on the assumption of the

existence of an ethnically and culturally homogenous German *Volksgemeinschaft* as opposed to constitutional principles or liberal political traditions (Kurthen and Minkenberg, 1995), which proved to be a paradox of the post-War liberal German political culture.

The definition of expellee (*Vertriebene*) included both those who were forcibly driven from their homes immediately after the war, and those who were still living in Eastern Europe and the Soviet Union at the time in the former German territories of the East (*Ostgebiete*). Ethnic German resettlement and return came in three waves:

the immediate post War time period during which time an estimated 8 million expellees were granted German citizenship under Article 116;

the Cold-War era coinciding with the adoption of the 1953 Law of Return until the fall of the Berlin Wall in 1989;

the post-Cold War period to the present a time during which major changes in the 1953 Law of Return took place (Delfs, 1993; Groenendijk, 1996; Groenendijk, 1999).

Because of Cold War tensions and travel restrictions imposed by Eastern European and Soviet authorities between 1945 and 1988, the number of Ethnic Germans resettling in Germany was fairly constant averaging 15,000 per year. However, from the mid-1970's to the mid-1980's (during the years of detente) the average rose to 38,000 per year. The ascent of Gorbachev and the implementation of perestroika witnessed a dramatic shift in the numbers migrating to (West) Germany: between 1986 and 1989, for example, over 700,000 came to Germany, an average of more than 175,000 per year.

The dramatic increase caused policy makers to develop new ways of controlling the growing influx. Paragraph 1 of the 1953 Law contains some 100 regulations and directives according an expansive array of social welfare benefits to Ethnic Germans to ease their integration into German

society, entitlements ranging from reduced interest payments for small business loans to assistance in the agri-business sector. The tidal wave of immigrants in the late 1980's and early 1990's forced policy makers to adopt stringent reforms to better manage resettlement as well as address the problem of the burgeoning Ethnic German migration. The Integration Adjustment Law⁹ directed primarily to East Germans who arrived during the months before and after the fall of the Berlin Wall, eliminated several financial support schemes including "welcome money" (*Begrüßungsgeld*), and curtailed or ended other kinds of social assistance. The number migrating to the Federal Republic still rose. Finally, in June 1990 the Kohl government introduced an application procedure.¹⁰ The prospective migrant now had to fill out a reception certificate (*Aufnahmebescheid*) in his/her country of residence stating their intention to resettle in Germany. These policy changes culminated in the 1993 War Aftermath Compensation Law (*Kriegsfolgenbereinigungsgesetz*).

The Ethnic German application and reception certificate process generally mirrors that used for Soviet Jews under the 1991 Quota Refugee Law. The FAO is the federal agency tasked with oversight and implementation at the federal level. However, Ethnic Germans are required to fill out a twenty page application form with instructions only in German, and the application process is much more lengthy with far more bureaucratic hurdles to clear. Applicants are required to conduct a

⁹Law pertaining to the adjustment of integration measures accorded to Ethnic Germans and East Germans, December 22, 1989.

¹⁰Law to regulate the reception of Ethnic Germans, June 28, 1990.

comprehensive geneological survey of their family, for example, in order to establish membership in the German community of descent. They also must prove that they "preserved German custom and tradition" (*pflege des deutschen Volkstums*) as well as understand, write, and speak German (see, Federal Republic of Germany, 1996. Bundesverwaltungsgericht. Urteil vom 12. November 1996)

Once the application is completed and approved by the consular personnel in charge of oversight it is forwarded to the FAO in Cologne which is responsible for the apportionment of Ethnic German migrants throughout Germany. However, as a result of the vast number of applications received by the FAO, there is a backlog of some six hundred thousand which ironically has made it easier for the Federal Republic to maintain state assisted quotas on the one hand, while certifying the right to enter Germany at some future date on the other. This latitude reduces administration and resettlement pressures while giving the applicant the option of staying at home or legally entering Germany.

Ethnic Germans travel to Germany in groups on chartered flights subsidized by the Federal Ministry of the Interior. Should they travel on their own from the former U.S.S.R. they receive 200 DM (\$150.00) per person upon registering at the respective reception facility (*Landesaufnahmestelle*) whereas their Eastern Europe counterparts receive 50 DM per person. Jews are not eligible for travel expenses.

Because their travel is organized in advance (excepting those residing in Eastern European countries) the reception facility staff members are able to anticipate the exact time of arrival and thereby extend assistance in the initial processing phase. In the western half of Germany, the Ministries of Labor, Social Welfare and Health are charged with their management and administration. In the former East Germany, administration typically falls to the state's Ministries

of the Interior. Originally designed by the Allies to provide temporary lodging to expellees from the occupied territories of the east, the facilities became an integral feature of German immigration policy as they provided temporary lodging for Ethnic Germans from Eastern Europe and the Soviet Union who resettled in West Germany.¹¹

The migrant's contact with German civil servants begins at the reception facility by registering with no less than eleven state and local agencies ranging from the employment office to the local school board. In addition the facility provides instruction in German language and orientation courses. Because many speak little German (despite mandatory German language instruction and testing before being granted permission to resettle to the FRG) street signs and administrative forms are clearly marked with either international symbols or color coding schemes designed to help streamline the process. In addition, everyone receives a checklist of all items which need to be completed before going to their place of residence. Furthermore, various forms of personal and financial counseling and organized religious activities are provided.¹² The reception facilities are responsible for administering several social integration measures such as distributing cash

¹¹The facility in Unna Massen (North Rhine Westphalia), for example, houses over 4,095 per month and it is a fully operational community replete with an outpatient clinic, wheelchair accessible dormitories and a commissary. Indeed, the facility at Unna-Massen, the largest of its kind, provided temporary lodging to over 30,000 ethnic Germans and 3, 500 Jews in 1998 alone. Since its opening in the early 1950s it has housed over 1.3 million ethnic Germans. What is most striking about the facility is its poshness compared to the make-shift (typically in the form of vacated military barracks) housing conditions accorded various other immigrant groups such as asylum seekers and de-facto refugees. Since the GDR had not adopted a similar policy of return, Ethnic Germans who resettle there are housed in vacated military barracks.

¹²In the case of the post-Soviet Jewish migrants, the local Jewish community (should there be one) provides religious instruction.

payments. The length of stay at the facilities rarely exceeds 6 weeks.

Jewish migrants next are required to report to the local office of foreigners (*Ausländerbehoerde*) where they are issued an "unlimited residency" permit. Ethnic Germans receive citizenship papers. Both groups then register with the local social welfare (*Sozialamt*) and employment offices (*Arbeitsamt*). Those with children are required to register with the child welfare office (*Jugendamt*) in order to receive supplemental benefits. However, in order to qualify for unemployment benefits during the re-training phase (*umschulungsperiode*) prior labor history documentation (*Arbeitsbuch*) has to be presented to the local employment office. Given Germany's decentralized federal structure, the onus of administering these provisions rests with local authorities.

With few exceptions, the generous social provisions accorded Ethnic Germans are available to post-Soviet Jews. These are funded by the federal government's "Guarantee Fund" (*Garantiefonds*) which are then made available to state and local governments. Financing for language training comes from the Federal Employment Office and is administered by the local employment office (see Table 1.2).

Table 1.2
Social provisions accorded to Ethnic Germans and Post-Soviet Jews

Category	Ethnic Germans	Post-Soviet Jews
Social assistance payments (general)	yes	yes
Housing assistance (to include furniture, cookware, and linen)	yes	yes
Unemployment benefits (to include employment retraining)	yes	yes
Language instruction (6 months)	yes	yes
Recognition of professional qualifications	yes (Article 10 BVFG)	no
Retirement benefits (contributory)	yes (Article 13 KfbG)	no
Special claims	yes (Article 9 KfbG)	no

Source: Haberland, Juergen, Die Aufnahme und Eingliederung von Spätaussiedlern, Teil 1,2,3, 4. NDV, Heft 12/1994, 1/1995, 2/1995, 3/1995; Runge, Irene and Igor Chalmiev, Was ich von und in Deutschland wissen sollte (1996) Berlin; Wegweiser fuer Spätaussiedler: Beratung, Hilfen, Antraege, Aemter (1996) Bonn: Bundesministerium des Innern.

Since the adoption of the 1993 Act the annual budget for Ethnic German social assistance has fallen 40% from 5.4 billion DMs in 1993 to under 3 billion in 1998. The cut has pushed the remaining cost of Ethnic German social welfare provisions to state and local governments.

Furthermore, there has been a concurrent decrease of 13 million DM in the amount of federal assistance given to welfare organizations such as the German Red Cross, Caritas Verband and Diakonisches Werk, who work closely with the Ethnic German community (Baran, 1997).

Because Germany's retirement system is an insurance based contributory one most immigrants who are retired are ineligible for pensions.¹³ Ethnic Germans, nevertheless are permitted to draw

¹³According to the Foreigners Retirement Law, foreigners who have not contributed to a retirement scheme for at least seven years are not eligible for retirement benefits. Moreover, there are no bilateral agreements between the countries formerly in the USSR and Germany which would allow for reciprocal retirement benefit payments. Furthermore, as of December 31, 1992,

retirement even though they have never actually contributed.¹⁴ Any assistance in this regard is provided by the local social welfare office. Article 17a of the Foreigners Retirement Law provides an exception:

Persons who during the Second World War lived in occupied German territory; had reached 16 years of age; who could be considered as belonging to the German community of culture "Kulturkreis"; and who, as Jews were excluded from the German community of descent (Federal Republic of Germany. Bundesrentengesetz, Article 17).

Legislation passed in January 1996 allows retirement benefits to be paid to "German speaking" eastern European Jews who had resettled in the United States or Israel provided they contributed to a German retirement scheme. However, there are no bilateral reciprocal agreements which allow for the recognition of professional qualifications or licenses, although this precondition does not apply to Ethnic Germans. Nevertheless, under the 1993 Law the number of social assistance programs available to Ethnic Germans was drastically reduced from over 100 to 30 categories. More importantly, the law changed many of the hitherto liberal provisions especially in the realm of selection criteria and citizenship measures for their non-German family members. The family reunification provisions now allow only spouses, minor children and foreign parents of minor Ethnic Germans to resettle in Germany. Spouses of non-German descent are no longer categorized as Ethnic Germans, but as foreigners, and no longer have entitlement to German citizenship. Likewise non-German family members are not eligible for (contributory) retirement

the agreement between the former East Germany and the USSR expired.

¹⁴Those who established residence in the Federal Republic before December 31, 1992 receive full benefits.

benefits. Finally, the 1993 Law dictated that those children born to Ethnic German parents after 1 January 1993 will no longer be recognized as Ethnic Germans.

One of the most striking changes in the new law is the establishment of stricter entrance requirements for Ethnic Germans who currently live in Eastern Europe. Those who wish to return to Germany can still do so, however, the burden of proof rests on the prospective returnee to certify that as a result of their belonging to the German community of descent they are subject to either persecution or discrimination,¹⁵ say, for example, within the labor market or in access to higher education.¹⁶

Ethnic Germans living in the former Soviet Union who wish to resettle to Germany need not meet this burden of proof. Rather, the legislation makes clear that as a result of their forced deportation from the Volga Autonomous Republic and other German settlements, and their forcible resettlement in Siberia and the Asian Republics, these Ethnic Germans still have an unconditional right of return. The legislation further states that those who continue to live in areas where their parents and grandparents were forcibly resettled belong to an entirely different ethnic, religious, and cultural group than that of their host country. Because of this "visible"

¹⁵This provision does not apply to those Ethnic Germans who were born before January 1, 1924.

¹⁶This restrictive measure came about as a result of a contentious four-party asylum compromise reached in June 1993, which addressed ethnic German issues as well. The government afterward adopted the "third safe country" provision which listed several countries, among them Poland, Romania, and the Czech and Slovak Republics, as safe countries of first asylum rather than Germany.

ethno-cultural difference, coupled with prior discrimination under the Soviet system, Ethnic Germans still residing in the former Soviet Union are permitted to resettle in the Federal Republic without having to justify existing discrimination.¹⁷ The new law also allows for a one time payment of 4,000 DM (\$2,860) to those who lived in the former Soviet Union and were born between 1 January 1946 and 1 April 1956 to compensate for being considered war criminals during Stalin's regime.¹⁸

Acculturation and Integration: Local Level Impact

After the emigre has moved into their new environs the challenge of assimilation and acculturation begins. The local Jewish community plays an exceedingly important social welfare role. Although the quota refugee provisions guarantee a wide range of social benefits such as language instruction, job re-training, and housing assistance, migrants are faced nevertheless with an alien environment and foreign society. The Jewish community provides integration assistance in the form of additional language training, support groups, explaining general principles of civil society, and religious socialization or Jewish acculturation (see, Tress, 1995a; 1995b; Kessler, 1997). The migrants are not required to notify the Jewish communal organization of their arrival.

¹⁷After a visit to the Soviet Union by Chancellor Adenauer in September 1955, a decree of the Presidium of the Supreme Soviet was published on December 13, 1955 exonerating the Soviet German population.

¹⁸For those born before January 1, 1946 the compensation is 6,000 DM (\$4,290.00). An additional change made in the 1993 KfbG was the official name change from *Aussiedler* (Ethnic German out-settler) to *Spätaussiedler* (late Ethnic German out-settler).

The Central Welfare Board of Jews in Germany (ZWST) recorded membership of 68,175 out of the 76,000 legally residing in Germany or 90% belonging to the country's nineteen Jewish communal organizations (see, ZWST, 1998).

ZWST, the umbrella organization under which all of Germany's Jewish communities fall, is one of the seven humanitarian relief and charitable organizations which provide and supplement the government's social welfare program. As such, it is eligible for federal funds for its operations. However, because funding is tied to matching contributions from the Federal Church Tax (*Kirchensteuer*), ZWST is underfunded due to the Jewish community's small size (Bloch, 1995). ZWST's primary responsibility is to assist local Jewish communities in their day to day operations, and to be available to those who have resettled in small villages with no Jewish community. Since the adoption of the 1991 Quota Refugee Law, ZWST has played a greater role in administering and providing assistance to each newly arriving contingent in the form of immediate housing, emergency funds, and language and religious instruction.

Unlike its political counterpart, the Central Council of Jews in Germany (*Zentralrat der Juden in Deutschland*), ZWST does not engage in any political activities. It also acts to promote Jewish (Talmudic) studies among the newly arriving emigres. As previously mentioned, many Jews have had little or no exposure to Jewish teaching and rabbinical law. Should they wish to become active within the Jewish community (as hoped) they must learn anew. ZWST supports the efforts of the local Jewish Community Centers (JCC) in this regard and where none exists provides the connection to the larger Jewish community throughout Germany. ZWST also addresses the integration demands of the new migrants. In order to effectively carry out this task, it is staffed by Soviet Jewish immigrants themselves who understand the special needs of their

cohorts. ZWST and the Central Council work very closely with the federal government, Länder governments, and local communities in every aspect of the policy process.

In an effort to ease transition into German society, many local communal organizations sponsor activities geared toward incorporating recent emigres into their new environment. A model example is in Berlin, home of Germany's largest Jewish community where because of the large number of Soviet Jewish artists, musicians and authors, cultural evenings and exhibits are sponsored each month under the auspices of the Jewish Culture Association of Berlin. The organization also publishes a (bilingual) monthly newsletter, "Juedische Korrespondanz" which features articles and essays covering such diverse topics as global anti-Semitism, or Soviet-Jewish identity in the FRG. In addition, weekly newspapers, (e.g., *Allgemeine Juedische Wochenzeitung*, *Juedisches Berlin*, *The Frankfurt Jewish News*, and *the Dusseldorfer Jewish Weekly*) are available which also address Jewish issues and concerns.

One of the greatest challenges faced by newly arriving migrants is employment. Because of the largely cosmopolitan make-up of post-Soviet Jews coupled with their over-representation in professions such as engineering, medicine and the natural sciences, finding suitable employment in an already strained German labor market is difficult at best.¹⁹ The problem is compounded by the German government's policy of not recognizing, except in the case of Ethnic Germans, professional credentials awarded in the former Soviet Union.

¹⁹Jasper, Schoeps and Vogt (1995) survey found that 71.2% hold university degrees, 35.4% are engineers or natural scientists, and 21.1% medical doctors. For a comparative perspective see, Galper, Allan S. (1995) *From Bolshoi to Beer Sheeva, Scientists to Streetsweepers: Cultural Dislocation among Soviet Immigrants in Israel*. Lanham,MD: University Press of America.

Another challenge concerns the restricted and already tight housing market. Officials at the Central Welfare Board of Jews note that many families live temporarily in refurbished hotels and dormitories for several months. Despite the continued efforts of local government administrative agencies working in concert with the local Jewish community, these two problems will continue to vex policy makers and public officials as they struggle to effectively manage Jewish migration to Germany.

Among the most pressing challenges facing Ethnic Germans in contemporary German society is their social and economic integration. Given their sheer numbers, strains on the local housing and labor markets are of great concern not only to policy makers but to state and local officials as well. Even though many may consider their immigration a "return" to their country their social integration is far from easy. Despite newly instituted language requirements, many ethnic Germans continue to have difficulty speaking German, and their German identity such as it is inclines towards "traditional, conservative values that are not to be found in today's German society" (Koller, 1994:5).

The housing shortage for Ethnic Germans is acute. Many are forced to live in temporary lodgings (*Übernahmeinrichtungen*) often in marginalized neighborhoods. At this point hard evidence is lacking as to the success or failure of post-1989 Ethnic German migrant integration. Other than the sensationalist news stories reporting clashes between Ethnic German and other foreign youth, or reports of "drunken Russians" (*besoffener Russen*) lolling about the street corners, systematic evidence needs to be generated about these problems (see, however, Lanquillon, 1982; Luettinger, 1986; Boll, 1992; Jahn, et.al, 1992, there is Klekowski, forthcoming; Dietz, 1999; Bade & Oltmer, eds. 1999). Currently, the Institut fuer Migration und

Interkulturelle Studien at the University of Osnabrueck (Lower Saxony) with generous support from the Volkswagen Foundation is conducting a longitudinal study which addresses the issue of "marginalization" among Germany's large Ethnic German community.

For Ethnic Germans with little or insufficient command of the German language, the first step toward societal integration is participation in a language training course. The Federal Employment Office sponsors courses for Ethnic Germans (and post-Soviet Jews) who were previously employed in their former country of residence that are administered by the local employment office.²⁰ Before the adoption of the KfbG in 1993, the length of language training was 10 months. It is now 6 months (25 hours per week). During training the student is paid unemployment benefits. If the person was either unemployed or employed as a domestic in their country of residence, they are paid from general social assistance funds during training.

The socio-cultural background of the Ethnic Germans and post-Soviet Jews are different from the indigenous German population. Resettling in a new environment with different value systems requires the migrant to adopt to the existing societal norms. In this regard, para-public institutions and voluntary organizations, rather than local government authorities play a more central role. For Ethnic Germans numerous church and ethnic German support organizations and associations play a key part in the returnees' social adaptation²¹, whereas the local Jewish

²⁰The legal basis for this and other labor market integration measures is the Employment Promotion Act of 1980 (*Arbeitsförderungsgesetz*).

²¹ For a detailed discussion of local government and third-sector initiatives to assist in the initial integration process see Harris, Paul A. (1999) *Russische Juden und Aussiedler: Integrationspolitik und lokale Verantwortung*. In, Klaus Bade & Jochen Oltmer, eds. *Aussiedler:*

community and migrant networks play help Soviet Jews assimilate (see Gold, 1992; Tress, 1995a, 1995b).

Summary:

In post-Cold War Germany migration is a central social issue which brings with it a wide array of challenges and demands. Many of the problems policy makers complain of today are the result of misjudgments and neglect concerning the issues of migration and integration (Martin, 1999).

Developing a sound policy which balances the demands for admittance, on the one hand, and domestic political and economic concerns, on the other, is no easy task.

The policies adopted encompass a variety of arrangements and migration schemes. On the one extreme is the issuance of temporary work permits and project tied contracts with a fixed time table and a principle of rotation based primarily upon labor market needs and to a lesser extent on the foreign relations concerns of the Federal Republic. On the other end of the spectrum, however, are the preferential policies for ethnic Germans and Jews from the former Soviet Union. Whereas a labor market dynamic may play a role in this migration (see Spencer, 1994; Bauer and Zimmerman, 1995a, 1995b, Hof, 1995) policymaking in the realm is rooted in Germany's special relationship with these two groups. The barbarism of the Third Reich, the memory of the Holocaust, and Germany's "national responsibility" for crimes against humanity, all served as the legitimating factor in the decision to adopt the 1991 Quota Refugee Law. On the other hand, the massive expulsion of 12 million Ethnic Germans from Eastern Europe immediately following the Second World War, and Stalin's deportation of Russia's entire Ethnic German population to

Siberia and the Asian Republics anchored the adoption of the 1953 Federal Expellee and Refugee Act.

To be certain outbreaks of open anti-Semitism, such as the burning of a Synagogue in Lübeck in May 1995, or the desecration of Jewish burial sites have occurred. Moreover, more subtle forms of anti-Semitism occur daily. One recent survey (Schoeps, Jasper and Vogt, 1998) found that nearly one in three (30.3%) post-Soviet Jews were confronted with some form of anti-Semitism in Germany. At the same time over 66% percent report as having never experienced anti-semitism since resettling in Germany.

The demographic impact of these two migratory movements on German society is widely felt because of the apportionment provisions established by law. Whereas selection criteria squarely rests with the federal government, the greater task of migrant integration and incorporation into German society and culture falls upon the efforts of individual Länder governments in close cooperation with local governments.

Although the number of post-Soviet Jews is small in comparison with their Ethnic German counterparts, their impact upon German society is substantial. When we recall that Germany's pre-1989 Jewish population was 30,000 since then more than three times that number have settled and many more are expected in the future. As one reflection of the impact of the new Jewish community, in four states (Berlin, Hesse, North Rhine Westfalia, Hamburg) they have the same legal rights and entitlements as the two Christian churches (Catholic and Protestant) and, as such, Jewish holidays are now officially observed. Further, this officially recognized status allows members of the Jewish community to sit on the advisory boards of the television and radio broadcast industry.

Both post-Soviet Jews and Ethnic German returnees share a legacy with Germany which other immigrant groups do not (the primary exception being the Roma and Sinti who were equally persecuted under the Nazi regime). They also have a "preferred" status that is clearly manifested in the levels of selection, and implementation. Both groups enjoy the widest array of social welfare benefits provided by the German government plus their legal status as permanent residents allows them to have free access to the German and European Union labor markets.

The controlled immigration of the two groups has served to regulate annual inflows. Compared to the varying and often divisive nature of Germany's asylum law, both the War Aftermath Compensation Law and the Quota Refugee Law do share a degree of public consensus unmatched by other immigration policies. Most are admitted on the basis of "ethno-cultural" principles utilizing an ordered application process.

Immigration pressures, and especially uncontrolled migration will continue to challenge Germany especially as it is primarily concentrated in those sectors of the economy and the society where regulation is weak. International cooperation in the form of European Union treaties as well as the third-safe country provisions have helped to harmonize migration policies and as a result have gone far to manage flows. However, for Ethnic German and post-Soviet Jews coming to Germany there is no such restriction given to the member states of the E.U. Indeed the War Aftermath Compensation Law and the Quota Refugee Law supercede all such international accords, one of the few instances in which particularistic and idiosyncratic domestic measures override E.U. policy.

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