

## The Evaluation of Germany's Immigration Policies in Terms of Securitization

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### Abstract

Germany has been known as a migrant magnet in the last century. Especially following World War II, the country required so much workforce that many people in Asia, Europe, and Africa migrated to Germany for a better life and future. According to the 2020 statistics, it has 1.5 migrants per 1,000 people. 13% of the country's population is composed of ethnic groups, including Turkish (1.8%), Polish (1%), and Syrian (1%). Germany has introduced a new skilled immigration act passed in the senate in early 2020 because of the shortage of skilled workers in the country. This study aimed to investigate Germany's immigration policies and approaches in terms of securitization in the last century. In this perspective, recent studies on Germany's immigration policies, the theory of securitization policies and migrants, and Germany's and the European Union's securitization policies were critically investigated and discussed. The findings were also elaborated in order to evaluate Germany's immigration policies in terms of securitization.

### 1. INTRODUCTION

Securitization is one of the concepts brought to the literature by the critical security studies approach intended to understand how security threats are constructed through discourse (Minsky & Wray, 2008). Securitization practice can be defined as the articulation of an issue to the security agenda by policymakers and the legitimization of extraordinary political processes shaped in line with this discourse. Accordingly, concerns about national

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security led to the development of policies that disrupt the routine political order and functioning of the state by setting political priorities (Acharya et al., 2013). Discussing an issue within the security agenda will legitimize the adoption of urgent and extraordinary methods to solve the problem (McDonald, 2008).

Security has certain meanings and has changed since ancient times based on stoic thinking. It is of any psychological status of any entity. Later, Machiavelli, Locke, and Holmes revised the definition of security based on stoic thinking as a state's basic guarantee for the fundamental rights, protection of self and goods, individuals, and public order. It could also be described as objective circumstances created via the protection of hazards for individuals and goods. However, in today's world, security concepts and threats do not essentially produce objectives and material circumstances of the outside world (Fabozzi & Kothari, 2008).

.Securitization and immigration had become crucial topics by the end of the 20th century (Mattsson, 2017). The studies on security have started to discuss the concept both horizontally and vertically. The Copenhagen School supported the idea that threat varies for every subject and object, real or non-real, regarding securitization (Jakesevic & Tatalovic, 2016). Copenhagen school, developed by the scholars Waever and Buzan, has been an influential theoretical approach for explaining securitization theory and paved its foundations. Their approach did not support the ideas of realist and non-realist theories of international relations, which defined security as a power balance for nation-states equipped with rational and utilitarian societies.

Securitization is necessary for preventing or reducing terrorism and transnational crime in the EU region. Securitization of migration is implemented to regulate aspects accepted as security threats (Dennison & Janning, 2016). In addition, irregular migration is also considered a reason for the securitization of migration since it is not controlled like legal migration (d'Appollonia & Reich, 2008).

The critical constructionist analysts referred to as the Copenhagen School set the securitization concept in the field of security studies (Bilgin, 2011). The Copenhagen School came to the fore with a project established in 1985 within the University of Copenhagen that deals with aspects of European security other than military elements in an inclusive manner. The Copenhagen School, which has been developing since the second half of the 1980s, has contributed to the development of a critical perspective on the scope and emergence of security threats (Stritzel, 2007).

## 2. GERMANY'S IMMIGRATION POLICIES

Since The Federal Republic of Germany was established following World War II (WWII) in 1949 (Hoadley,2004), the country started welcoming other Germans living in the communist countries of central and eastern Europe. Similarly, East Germany followed its twin country, welcoming third-world countries' human labor and immigrants. As the German countries were reunited in 1989, they started requiring more human labor, attracting more immigrants from third-world countries. The immigrants already in the countries were allowed to stay after the reunification. In the last steps of immigration policies for Germany, the number of immigrants increased at a rapid rate and reached over 7 million in 1996 (Joppke, 2011).

Labor market participation and attachment and the social mobility of immigrants have been a significant concern in many countries, including Germany and other OECD countries worldwide, in the last few decades (Rinne, 2011). One of the primary reasons is that immigration and the number of immigrants in Europe are increasing phenomena in all major OECD countries.

The European Union (EU) countries have recently developed more sophisticated policies to handle labor immigration. They initiated a Blue Card system to attract immigrants from non-EU member countries. It is specifically designed for the skilled workers. The EU countries grant a wide variety of opportunities and ample leeway to satisfy EU-wide minimum standards for the approval procedures of non-member highly skilled qualified workers (Hinte & Treess, 2011).

Introductory programs have recently become the latest immigration elements of policies in Nordic countries and have gained substantial popularity in countries such as Germany. They include particular principles of a combination of labor market problems and language courses for the immigrants. They can offer vocational training and language learning seminars.

Multiculturalism has been an essential issue regarding their immigration policies in present-day Germany. German politicians are generally reluctant to emphasize their distances from multiculturalism. Germany did not abandon their official policy of multiculturalism. They are crucial for Germany's political and cognitive framework towards future developments. For example, the framework changed in critical perspectives differently from past commitment or opposition to multiculturalism.

Regarding political orientations for Germany as a self-conscious country of immigration and the challenge of integration, a recent policy reorientation marked by the new Citizenship Act (in effect since 2000) and the Immigration Act (in effect since 2005), which three separate governments have developed (Schönwälder,2010).

Various studies have been conducted on Germany's immigration policies from particular perspectives. A recent study reviewed immigration, refugee, asylum, and settlement policies as political issues in Germany between 1998 and 2002. There was a debate in 1999 and 2000 caused a significant investigation by the Sussmuth Commission and other policy changes proposed by the SPD-Green government's immigration act (Balzacq et.al., 2016).

German immigration policy could be divided into four separate periods. It has been a major issue in public discussion in the 1990s. Political figures in Germany later discussed the immigration issues between 1998 and 2002. The latest significant turning point for the immigration status and policies was the September 2002 general election.

Recently, Germany introduced a new immigration policy for the skilled immigration act that was effective on March 1, 2020, because of the shortage of skilled workers in the country. This latest law permits foreign skilled workers who possess vocational training from non-EU countries with no academic training or qualifications to migrate to Germany for particular forms of work. The reason for passing this new law included the country's need for new skilled workers to improve and boost Germany's economy. Also, non-EU people with educational qualifications like college are welcome to live and work in Germany. According to the new law, if a worker has an employment contract or a job offer from any employer, he/she is given a residency status for a period of their stay in Germany. It could be for four years or the duration of the work contract. It is also possible for the worker to apply for a permanent residency following a four-year period (Floyd,2007).

### **3. THEORY OF SECURITIZATION**

The concept of securitization theory is closely related to the Copenhagen School (CS) and is accepted as a combination of classical and constructive political realism in the late 1980s. The term was initially used by Ole Weaver in 1993. Theory of securitization or securitization theory refers to explaining national and international politics in terms of establishing the security character of public problems; the social commitments arise from

the cooperative acceptance of fixing a threat and creating a particular policy (Balzacq et.al., 2016).

In addition to the Copenhagen School, Aberystwyth and Paris schools originated in post-Cold War Europe. However, CS contributed the most to the securitization theory, unlike these two alternatives. It is also straightforward in the operationalization due to the emphasis on discourses that do not require archival, field-based work, and institutional issues.

Several studies have been conducted on the securitization theory. It is considered as an extreme form of politization that provides significant means for the importance of security (Best,2001). The issues that arise regarding the theory of securitization are not necessarily for the cases of survival of the state. They often represent specific issues for constructing issues into existential problems.

Foucault and Delumeau investigated the construction of social categories, including delinquency, race, abnormality, Jews, Blacks, Muslims and women in addition to their practical consequences (Gad & Petersen, 2011). The studies, especially propaganda, related to different sets of sources, including framing. However, none of them used the term securitization.

Securitization theory is closely connected to immigration, particularly in European Union (EU) states. Immigration is a significant issue to which the securitization theory has been applied frequently in Germany and other EU states. Such a relation is generally considered in the field of securitization via an association with the concept of societal security. It was noted that immigration is considered as a threat for the survival of society (Buzan,2008). Societal security was defined as “the ability of a society to persevere in its essential character under changing conditions and possible or actual threats” (Wæver &Carlton,1993) .

Regarding moral and ethical motives and perspectives, Ole Weaver’s securitization theory has been criticized (Banai & Kreide, 2017). They generally originated from earlier security theories and were classified into two different methods. Initially, the first form refers to the nonexistence of a normative conceptualization of securitization in the analytical structure of the securitization theory. The second form of criticism comes from the nonexistence of the securitization theory in terms of political outcomes. Creating a successful securitization structure consisting of three major steps is essential. Such steps should include the identification of the existing threats to the state, possible emergent actions, and impacts of the threats on the interstate units by breaking institutional rules (Buzan et al.,1998).

Securitization theory refers to the international relations between the states that are explicitly interested in explaining the international relations within the cases of state actors that transform regarding subjects and events into matters of security (Charrett, 2009).

### **3.1. SECURITIZATION OF MIGRANTS**

Securitization has been extended to various types and applications in terms of the relevant security of the states since its first emergence. One of the major implementations includes the security of the states regarding immigration and the integration process (Messina, 2014). Such securitization approaches have especially attracted attention since 9/11, resulting in severe psychological, social, and financial consequences on society in national and international circumstances (d'Appollonia, 2015). It was named as a national security threat by the general public. Such policies have been implemented to form the securitization of immigration issues governance. Western political actors, including political parties, governments, and policy networks, generally adopt it (Messina, 2014). There are particular tactics and executions at the center of the securitization of migrants, including controlling state borders, reducing illegal migration flows, and policing minorities in order to fight terrorism.

On the other hand, it is essential to separate innocent immigrants seeking to relocate to more secure countries from illegal terrorist groups. Politicians and governments generally adapt the implementation integration of immigrants and ethnic minorities to generate and sustain counter-terrorism threats. Securitization within the immigration policies created a range of narrative structures for the citizens of societies, their citizens, and social values.

Previous studies revealed that there exists a weak negative correlation between the flow of immigrants and the number of terrorist activities around the globe (Jackson & Parkes, 2008). Also, no statistically significant differences were found between these two variables. Similarly, a minimal level of correlation exists between the number of immigrants and fatalities of the terrorist attacks between 2000 and 2016. Similar results were also found regarding the relationships between immigration flows and Islamic terrorism, foreign-born population and terrorist attacks, foreign-born population, and fatalities of terrorism. On the other hand, a positive medium correlation was calculated between the foreign population and Islamic terrorism in the U.S.

In the last three decades, drastic changes have been observed with the development of globalization; immigration flows due to the Arab Spring,

especially the Syrian civil war, the end of polarization, and the enhancement of transnational flows (Jackson and Parkes, 2008). The expansion of the European Union, the emergence of new economic expansion and agreements among the countries in the region, such as the Schengen area and NAFTA, were also essential turning points in this period. Also, other factors and significant events include the deterritorialization of physical borders, identities, and markets, as well as the rapid spike of immigrants to the Western states. These significant changes affected many forms and meanings of individual and social identities, state borders, and the nature of state sovereignty and collective identities. Moreover, these changes also recast internal order, revised traditional structures, new social arrangements, and modified forces of integration and fragmentation.

Finally, western states have been witnessing new existence and reborn of several conceptual and theoretical fears and anxieties regarding security, identity, and well-being against the increasing flows of immigrants (Ceyhan & Tsoukala, 2002). Migration stays at the center of the interconnected dynamical structure of borders, identity, security and orders.

#### **4. EUROPEAN UNION'S SECURITIZATION POLICIES**

European Union (EU) states have been adapting securitization theory and implementing its integration for their immigration policies for the last three decades. The main approaches and systematic planning have been revised depending on the destabilizing effects of migration toward domestic stability and threats to the general public in society.

Two crucial general judicial policies include Justice and Home Affairs, the Schengen Agreements, and the Dublin Convention. These three pillars mainly focus on the European integration process for developing a more restrictive immigration policy and social construction of the immigrants (Huysmans, 2000). On the other hand, especially the government and politicians are accepting approaches and policies that majorly affect the mix-up between immigrants and terrorist activities. Moreover, such wrongful implementation of the securitization policies damages the immigration policies and negatively affects innocent migrants.

In addition to the United States and the United Kingdom, securitization policies adopted by the EU states are mainly shaped by the perspectives of securing their nations and societies from illegal and dangerous terrorist groups. EU cooperation on counterterrorism in the last few years has been implemented by collective securitization. Such approaches were initially created by the long-term international impacts of the September 11 terrorist

attacks in New York. Starting with the US governments, EU states and other Western countries started building and adapting securitization processes and policies.

The 9/11 terrorist attacks in the US triggered a major flow of immigration policies and methodologies that later shaped immigration policies due to the social and individual fears of threats that stem from the terrorist immigrant groups. This event was the crucial phenomenon that radically changed the EU, developing an EU counterterrorism policy for the first time. These changes later led to the creation of security units such as CTC and the European Counter Terrorism Centre (ECTC) within the Europol and significantly contributed to the reimplementation of counterterrorism strategies in the EU (Karamanidou, 2015).

European Union securitization policies were also affected by the earlier terrorist attacks throughout the European countries. Brussels terrorist attacks in 2016 initiated a debate on the existing counterterrorism policies and approaches for the EU states. ECTC was established within a few months. The EU adopted the Directive (EU) 2017/541 states for tackling terrorism in 2017. Other terrorist attacks in the UK, Germany, Italy, and Spain also contributed to the structuring and formatting of securitization policies and their impacts on society (Kaunert & Léonard, 2019).

#### **4.1. GERMANY'S SECURITIZATION POLICIES**

Various studies have been conducted to investigate securitization policies on the immigration issues executed by Germany. Studies investigated elements of contemporary securitization discourse about immigration and citizenship topics in Germany (Kaunert & Léonard, 2019). They identified exclusion mechanisms for citizenship rights and human rights that securitization discussions serve to form (Banai & Kreide, 2009). The Syrian civil war and the Arab Spring have been a dreadful example of persistent inconsistencies, which produced refugees and displaced people. Germany in the post-Nazi era pronounces loyalty to human and citizen's rights that disseminate inclusion and equality, as well as securitization instruments and exclusion. Citizenship rights and human rights are the main issues for the implementation of securitization theory in Germany.

Germany has different traditions and characteristics regarding policy decision-making that enable various approaches to the tension between human rights and collective policy-making processes (Lepsius, 2004). Securitization has been ongoing in Germany since the beginning of the new millennium.



Following the September 11 terrorist attacks in the USA, Germany immediately reacted to the new era of fighting terrorism in addition to handling immigration policies. Germany introduced two new security packages that involved extreme and various security measures regarding immigrants, immigration policies, and integration of new aspects within the Immigration Law in the context of 9/11.

In terms of data communication setup between the governmental authorities, Germany decided to expand the visa database, which provided possible opportunities for the official authorities, especially for the intelligence services. This new system covered all the costs regarding tracking financial transactions, posts, telecommunications and flight details from the private companies.

In addition, like other EU states, Germany revised its legal definitions of infringements, possibilities of prosecution and punishment regarding illegal immigration and related activities (Fauster, 2006). These steps and new approaches stemmed from a European agreement signed by the EU states in 1998 concerning foreign terrorist organizations and their illegal activities in Germany. Correspondingly, Germany also supported various facilities for the deportation of illegal immigrants and long-term residents. The new immigration Act was passed in the German senate in 2015, including the possibility of deporting a person if he/she poses a risk to national security. However, the criteria are determined according to the fact-based prognosis of the threat based on the laws of the constitution.

## **CONCLUSION**

This article illustrated securitization theory regarding the immigration policies and approaches in the case of Germany. Germany adopted a securitization theory similar to most of the Western countries after the September 11 terrorist attacks in the US. Its reaction to 9/11 could be considered one of the fastest and most influential worldwide.

The most related and significant impact of 9/11 was unduly regarding the immigration policies later revised by the EU states. Germany was one of the fastest countries in Europe to adopt new rules regarding deportation, society adaptation of the immigrants, and securing society from terrorist activities and threats from individuals among the immigrants. They also decided to tighten their borders to secure their public as well as eliminate and separate terrorist groups from immigrants.

Another crucial outcome of the new securitization efforts is that Germany, like the other EU states, has been extra careful to successfully identify

dangerous individuals that could pose a danger to society. Border control, deportation policies, and systematic monitoring of potentially dangerous immigrants have been some of the new policies to eliminate threats and suspects for national security.

The limitation on immigrants' human rights was one of the most significant downsides of the new securitization policies. Germany, as well as other EU nations, imposed facilitations of various financial supports, especially for the secret services, in order to track down suspects. Any innocent immigrant could be targeted as a terrorist based on his religious and social preferences. For example, if he attends a religious center and it has been under surveillance, he could quickly become a suspect. Therefore, it is essential to critically implement the revised laws and policies that could be able to separate terrorists from innocent individuals.

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