



Volume 9. Two Germanies, 1961-1989

The Restrictive Immigration Policy of the Kohl Government (May 6, 1983)

In the face of growing long-term unemployment among German workers, the (more) conservative Christian-democratic-liberal coalition government turned to further restrictions on immigration. The coalition called for the integration of West Germany's resident foreigners, while proposing new measures to prevent the arrival of additional immigrants.

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### **The Situation of Foreigners in the Federal Republic of Germany from 1955 to 1983**

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In his government policy statement of May 4, 1983, Federal Chancellor Helmut Kohl confirmed that his administration's policy on foreigners [*Ausländerpolitik*] will be shaped by three guidelines: integration, the restriction of further arrivals, and the promotion of foreigners' willingness to return to their home countries. In addition, the chancellor appealed to both Germans and foreigners to work towards even greater mutual understanding and even greater tolerance.

From the government policy statement of May 4, 1983:

"Our policy on foreigners follows the guiding principles that I introduced a few months ago, on October 13, 1982:

- the integration of foreign workers who have lived here with us for a long time and [the integration] of their families.
- the restriction of further of arrivals, and
- the promotion of foreigners' willingness to return to their home countries.

The commission I announced has presented the results of its work. Necessary decisions will be made after in-depth discussion with all the stakeholders. The federal government will then present a draft of the new Aliens Act.

More than 4.6 million foreigners presently reside in the Federal Republic of Germany. We know that we owe them considerable gratitude.

But it must also be said that we are not prepared to allow foreigners to carry out their own political conflicts, with the use of criminal means, in the territory of the Federal Republic of Germany. We will carefully investigate whether political extremism and crime by foreigners can be more effectively combated by expanding the options for deportation.

To be able to offer protection to the persecuted and to refugees from all over the world, in accordance with the liberal tradition of our Basic Law, the federal government will do everything in its power to prevent the abuse of the right to asylum.

Living side by side with so many foreign nationals is not problem-free. I appeal to all of us, to Germans and foreigners, to work towards even greater mutual understanding and even greater tolerance.”

The federal government intends to base its planned draft of the new Aliens Act on the recommendations of the “Foreigner Policy” Commission, which Federal Chancellor Helmut Kohl appointed after his first government policy statement on October 13, 1982. This commission, made up of representatives from federal, state, and local governments, was tasked with examining “how the social problems that emerge on account of the large number of foreigners in the Federal Republic of Germany and that also pose a challenge to these foreigners can be resolved within the scope of the liberal constitutional order.”

### **The “Foreigner Policy” Commission**

The commission, which sometimes presented differing recommendations on individual points, submitted its report on February 24, 1983. It shall:

- introduce areas in need of regulation,
- identify possible solutions and, to the extent necessary, alternatives, and
- use its recommendations to frame the decisions that have to be made at a political level.

The most important recommendation, which was supported by all members of the commission, was: a fundamental revision of the Aliens Act. The basic prerequisites that have to be met in order for foreigners to reside in and join family members already living in the Federal Republic should be laid out in the law itself – and no longer in administrative regulations as is presently the case. This would assure uniform practice throughout the Federal Republic and reduce legal uncertainties. Furthermore, changes were proposed regarding provisions for deportation and the political activities of foreigners in the Federal Republic of Germany.

Fundamental agreement was reached in the following and other areas:

- The goals of the policy on foreigners continue to be:
  - the integration of foreigners residing here on a long-term basis,
  - the restriction of new foreign arrivals, especially the unconditional maintenance of the ban on recruitment, independent of future economic developments,
  - the promotion of foreigners' willingness to return to their home countries and, to the extent possible, the maintenance of their option to return, but as a rule no forced return.

[ . . . ]

- In order to prevent illegal residency and illegal employment, additional control measures shall be taken. Further measures to prevent illegal entry and, to the extent necessary, the expansion of the general visa requirement for citizens of additional countries shall be reviewed or adopted.
- The residence permit requirement – subject to the controversial opinions on the regulation of the subsequent immigration of children of previous immigrants – shall be expanded to apply to children under sixteen years of age. There shall be a newly established legal obligation to accompany underage children illegally residing in federal territory on their return to their home countries.
- A residence permit shall be extended only if the means of subsistence are secured, a proper and adequate residence exists, and no substantial violations of German law have been committed.
- Additional measures to combat extremism among foreigners shall be taken, such as, for example, a ban on political activity in individual cases, travel restrictions, and termination of residence.

No consensus was reached on the following points, among others:

- Regulation of the subsequent immigration of children of non-EU resident aliens in Germany.

[ . . . ]

- Regulation of the subsequent immigration of spouses of second- and later-generation resident aliens from non-EU countries.

[ . . . ]

- Making the consolidation of residence [*Aufenthaltsverfestigung*] dependent on the attainment of integrational benchmarks and on making the renewal of the resident permit and the subsequent immigration of family members dependent on the verification of the existence of a proper and adequate residence.
- Making naturalization easier and on applying sanctions if the option of simplified naturalization is not taken advantage of.
- The length of time for which a work permit is withheld from asylum seekers.

Part of the commission wants the waiting period for the issuance of a work permit to be extended to the length of the entire validation process.

- Granting a return option to aliens who do not make use of repatriation assistance.

[ . . . ]

Source: "Die Situation der Ausländer in der Bundesrepublik Deutschland von 1955 bis 1983" ["The Situation of Foreigners in the Federal Republic of Germany from 1955 to 1983"], in Michael Bechtel and Birgit Mentzel-Buchner, *Ausländer. Themen für Lokaljournalisten* [*Foreigners. Themes for Local Journalists*]. Bonn, 1983, p. 36 ff.

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