1. Introduction

There were no major legal amendments in 2006.

2. Asylum

2006 was characterised by a further fall in asylum figures in Germany.

2.1. Analysis and interpretation of asylum statistics

2.1.1 Please describe trends in first-time asylum applications (on the basis of persons, e.g. dependant children should be included, but counted separately) in 2006 compared to the previous year. Are these trends related to legislative or administrative developments/changes?

The number of asylum applications in Germany has fallen rapidly since the mid-nineties, with the exception of 2001. 21,029 asylum applications were lodged in 2006. This demonstrates a drop of 27.3 percent compared with the previous year (28,914). The number fell by 76.2 percent as against 2001. 2006 hence shows once more the lowest level of asylum applicants since 1983.

The largest numbers of asylum applications were lodged by persons from Serbia and Montenegro (2006: 3,237), followed by people from Iraq (2,117) and Turkey (1,949). The structure of asylum-seekers’ countries of origin has undergone considerable change over time. Whilst countries of origin such as Bulgaria and Romania were predominant at the beginning of the nineties, their position has now been taken up by Serbia and Montenegro, as well as by Iraq. There is considerable interest in this context in the share of “other countries” (all countries apart from the top ten countries) among all asylum applicants: This share was 24.4% in 1992. It has risen considerably in recent years, and was 44.7% in 2006. This means that a large number of refugees – as in the field of general immigration – now come from a wide range of countries of origin; the predominance of individual countries of origin is falling.

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1 A dependant child refers to a person below the age of 18 years who claims asylum with their dependants (e.g. parents, guardians) and would then be counted as an individual person. In addition, their dependant(s) would also be counted as separate person(s).
2 Serbia and Montenegro have been two independent states since June 2006. They are however still kept together in the national statistics for 2006.
Somewhat fewer than two-thirds (62.6%) of asylum applicants were male in 2006. The share of women in 2006 was therefore 37.4%. The initial asylum applications were most frequently lodged in the age category of the under 30s (78.5%). The share of minors is 45.5%. It is noteworthy here that female asylum-seekers were somewhat overrepresented in this age group: 55% of all female asylum applicants were under 18, whilst this figure was only 40% among male applicants. Asylum applicants aged over 60 are negligible in quantitative terms (1.1%).

186 unaccompanied minors were recorded in Germany in 2006; somewhat more than half of them (54.3%) were male. It should be noted here that – because of the legal situation – only persons who have not yet reached the age of 16 are regarded as unaccompanied minors in Germany.

2.1.2 What is the total number of first and final positive decisions (again on the basis of persons) in 2006, disaggregated by the citizenship of the person concerned? Please explain changes in the total number of positive decisions in comparison to the previous year.

The share of positive decisions in accordance with Article 16a of the Basic law (Grundgesetz) and family asylum, in accordance with section 60 subs. 1 of the Residence Act (Aufenthaltsgesetz), as well as in accordance with section 60 subs. 2, 3, 5 and 7 of the Residence Act, among all decisions totalled 6.3% in 2006. In 2001, 2002, 2003, 2004 and 2005, this protection rate was 24.4% and 6.2% and 5.0% and 4.9% and 6.5% respectively. Negative decisions at first instance were handed down on 57.8%, whilst almost one-third of all sets of proceedings (35.8%) were concluded by other means. The recognitions and the rescissions of letters of recognition by the administrative courts for 2006 cannot be shown.

If the positive decisions are differentiated according to recognitions in accordance with the Geneva Refugee Convention (recognitions in accordance with Article 16 a of the Basic law and family asylum, as well as in accordance with section 60 subs. 1 of the Residence Act) and subsidiary protection (decision in accordance with section 60 subs. 2, 3, 5 and 7 of the Residence Act), it emerges that above all recognitions on refugee status of the Geneva Convention were pronounced by the Federal Office: 69.1% of all positive decisions related to this form of protection. By contrast, subsidiary protection was granted in 30.9% of all cases which were decided on positively. No major difference can be recorded in comparison to the previous year.

The largest absolute number of positive decisions in accordance with the Geneva Refugee Convention in 2006 was for the country of origin Russian Federation (173), followed by Iraq (161). In the field of subsidiary protection, the largest number of positive decisions was made for the countries of origin Afghanistan (163) and Serbia and Montenegro (90).

The countries of origin Russian Federation (29.4%), Iraq (28.2%) and Turkey (25.7%) have the highest rates of positive decisions among the TOP 5 countries (Geneva refugee status and subsidiary protection). The protection rate of the country of origin Serbia and Montenegro (15.5%) is far higher than the general average (6.3%).

2.1.3 When compared with the previous year, can you observe changes in the statuses regularly granted to particular citizenship groups? How do you explain these changes or continuity?

There was no significant change in granting protection in 2006. Exceptions are the Russian Federation and Turkey: The protection rate of the Russian Federation increased from 18.2% in the previous year to 29.4% in 2006, and that of Turkey from 8.1% to 25.7%. In the field of subsidiary protection, the number of cases regarding Afghanistan increased from 93 cases in the previous year
to 163 in 2006. This is an increase of 42.9%. Changes in the protection rate are caused above all by the political and social situations in the countries of origin.

2.2. **Contextual interpretations (legal, political and international factors)**

2.2.1 **New or amended laws effective in 2006**

Please describe briefly any new or amended laws on asylum and relevant case law effective in 2006. Have there been important changes in comparison with the previous year?

There were no legal amendments in German asylum law in 2006.

2.2.2 **Procedural changes effective in 2006**

Please explain briefly administrative or legal changes in the application, decision, or appeals process contributing to any numerical changes. Have there been important changes in comparison with the previous year?

With the exception of a brief suspension of decisions for the country of origin Lebanon, there were no changes in implementation and procedure in 2006.

2.2.3 **Can you identify European / international factors explaining certain changes regarding asylum trends in 2006 in your Member State? Has the situation changed in comparison with the previous year?**

The following fundamental explanatory factors (determinants) for the number of new asylum applicants to Germany can be stated:

- the rulings practice of the courts,
- the further options to remain in Germany,
- the rulings practice of other (European) destination countries,
- (legal or illegal) work opportunities in Germany,
- existing migration chains and social networks, as well as
- the situation in the respective countries of origin (intraethnic tensions and expulsion, political and religious persecution, (civil) war, environmental destruction and natural disturbances, as well as economic crises).

Migration-triggering factors cannot be causally linked to the impact on numbers of new asylum cases. EU enlargement as on 1 May 2004 does not appear to have impacted the scale of asylum-related immigration. It is also not possible to say how and to what degree changes in the field of the law on asylum affected application numbers.

3. **Migration**

In general terms, the downward trend of immigration continued in 2006.

3.1. **Analysis and interpretation of migration statistics**

Note that asylum applicants should not be counted, as far as possible, as new migrants. However, once they have received a status and settle in the country, they can be counted in
the stock of legal migrants. The immigration flow (for family, work, study) should not include the asylum-seekers flow.

It is not possible to distinguish between the individual immigration categories in German arrivals statistics. For this reason, asylum applicants cannot be shown separately. Since asylum applicants must register, they are included in the immigration statistics.

3.1.1 Migration Flows

How did migration flows in your Member State change compared to the previous years, from 2002 onwards? Please explain the reasons for changes. Did the migration trends observed in this field reflect immigration policies at the time?

Compared with 2002, the number of arrivals of foreigners and Germans fell by 8.7% in 2003 to just under 769,000. There was a slight increase in the numbers in 2004 once more, to over 780,000 (+1.5%); the figure fell once more in the following year by 9.3% to 707,352. The number of new arrivals of foreigners and Germans continued to fall by 6.4% in 2006 in comparison to the previous year, reaching 661,855 (the lowest number since 1987).

The immigration rate (immigrants per thousand inhabitants) reached its peak in 2001, at 10.7. A much lower value was recorded in 2003, at 9.3 immigrants per thousand inhabitants; the figure increased slightly once more in 2004 to 9.5, then falling to 8.6 in 2005, the lowest value so far this decade. The value continued to fall in 2006, reaching 8.0.

Roughly one-fifth of all arrivals and departures had a foreign passport. The majority of German-nationality immigrants were ethnic Germans from the former USSR.

The main countries of origin in 2006 were: Poland (24.7% of all arrivals), Turkey (4.8%), USA (3.8%), Romania (3.6%) and the Russian Federation (3.5%). Immigration from these countries is primarily accounted for by three forms of arrival: immigration of ethnic Germans (Russian Federation), family reunification (Turkey), as well as temporary labour migration (Poland).

It should not be forgotten that considerable numbers of Germans and foreigners are emigrating over German borders.

The number of those leaving increased continually from 606,000 in 2001 to almost 700,000 in 2004 (+14.9%). In 2005, the number then fell once more by 9.9% to 628,399. In 2006, the number of those leaving once more rose by 1.7%, reaching 639,064. Much higher numbers of departures were already recorded in the nineties (e.g. there were more than 815,000 in 1993). The emigration rate of 7.4 in 2001 hence rose to 8.5 emigrants per thousand inhabitants in 2004; it fell once more in 2005 to 7.6. The emigration rate in 2006 was 7.8 emigrants per thousand inhabitants, meaning that it rose slightly. These high numbers of people leaving, whilst the numbers of arrivals are also high, indicate that many cases relate to temporary migration processes.

The main destination countries of emigration in 2006 were: Poland (17.6% of all immigrants), Turkey (5.2%), USA (4.6%), Italy (4.2%) and Switzerland (3.5%). It may be noted that the numbers of arrivals from Poland, from Turkey and from the United States are also countered by very high emigration figures. This too is an indication of a high degree of temporary migration in Germany.

If one takes a look at the balance of the past five years (2002 to 2006), it emerges that there was an average annual migration surplus of roughly 110,000 persons. It should be noted here that the positive balance has fallen continually since 2001, from 273,000 migration cases per year to fewer than 23,000 in 2006. All in all, therefore, more than 4.6 million people came to Germany in the period in question (from 2001 to 2006), whilst almost 3.9 million people left the country.
It is not possible to recognise a direct link between the falling immigration figures between 2001 and 2006 (with a slight interim peak in 2004) and the political changes of 2006, which were slight and not profound. The fall appears rather to be a general, longer-term trend.

### 3.1.2 Population by Citizenship in 2006

What were the largest groups\(^3\) (by citizenship) of third country nationals in 2006? If significant changes occurred in reference to the size of particular groups of third country nationals in 2006, what were the underlying causes of these changes (e.g. legal, political, economical, other)?

**Preliminary remark:** The data on migration – i.e. the immigration and emigration figures – may by no means be equated to the number of foreigners living in Germany. The numbers of foreigners are so-called stock sizes stated at a certain time (e.g. as per 31 December of a year); immigration and emigration figures relate, by contrast, to a period (e.g. one year), and constitute so-called movement values. The stock of foreigners is not only a result of the migratory events (immigration and emigration) of a country, but its size is also influenced by the following factors:

- births of foreigners in Germany (the “second” and “third” generations of migrants who themselves have never migrated),
- deaths of foreigners in Germany, as well as
- naturalisations.

What is more, ethnic German repatriates, who as a rule have German nationality, are not foreigners and do not have to be registered as such; there is no doubt, however, that they are to be regarded as migrants. International comparisons aiming to compare the migrant stock population on the basis of numbers of foreigners are extremely problematic, in particular because of the different national regulations as to nationality law and immigration regulations.

According to the Federal Register of Foreigners, there were a total of 7.3 million foreigners at the beginning of 2001 and a total of 6.7 million at the beginning of 2005. The fall is caused above all by the data correction measures carried out at the Federal Register of Foreigners in 2003 and 2004. The data of 2005 are hence not comparable with the previous years.

According to the Federal Register of Foreigners, there were 6.8 million foreigners at the beginning of 2006. Hence, in comparison to the previous year, there was only a slight increase, of 0.6%.

The distribution of nationalities among foreigners living in Germany changed only slightly between 2001 and 2006. Fewer than one-third (approx. 2.2 million) are EU nationals (EU-25, not incl. Germans). The lion’s share of foreigners were hence third-state nationals.

According to the Federal Register of Foreigners, nationals of Turkey, at almost 1.8 million persons, constituted by far the largest group of foreign individuals at the beginning of 2006 (26.1% of all foreigners), followed by Serbia and Montenegro with a share of 7.3% (493,915 foreigners).

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\(^3\) Normally up to and including at least the 10 largest groups is sufficient. More can be provided if you consider relevant, e.g. a particular interest in a specific group at EU-level.
All other third-state nationalities have a share among all foreigners which is smaller than 5%. It is thus possible to say that the country-of-origin structure of the foreign population in Germany is highly varied. Because of the data correction (see above), it is necessary here to do without a comparison in the change of the nationality structure over time.

The stagnation in the number of foreigners despite slight migration gains is also caused by the introduction of a new naturalisation law in 2000. In addition to the easier naturalisation of immigrants, the territorial principle (ius soli) was considerably reinforced for children of foreigners born in Germany.

3.1.3 Residence Permits: annual total of first issuing in 2006

How did the total number of residence permits issued for the first time in 2006 change in comparison to the previous year? Please explain the reasons for this (legal, political, administrative changes, etc.). Note that this section should refer only to the first issuing of residence permits and not any subsequent extensions to a residence permit issued in previous years.

The file “Annual total number of residence permits issued according to the main categories for migration” should not be used as a German NCP in the view of the Federal Office for Migration and Refugees. As in the reports of recent years, no calculations are carried out since no reliable figures are available for 2006, and it is not possible to offset the individual sub-values of immigration (family reunification, study purposes, taking up employment, other) on the basis of various sources.

3.2. Contextual interpretations (legal, political and international factors)

3.2.1 What have been the main trends and most important developments in the area of migration policy in your Member State since the previous year (political stance; new or amended laws; procedural changes; etc.? Please give a short overview.

There were no major statutory reforms as to migration in 2006.

3.2.2 What were the existing categories of admission or non-admission in 2006?

The main categories of immigration to Germany in 2006 were as follows:

- internal EU migration of Union citizens,
- spousal and family reunification of third-state nationals,
- ethnic German repatriates from the former Soviet Union (ethnic Germans),
- Jewish immigrants from the former Soviet Union,
- asylum-seekers,

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4 Owing to the different definitions and practices between the Member States, prior to the entry into force of Regulation 862/2007, there are limited comparable data. You are, therefore, requested to provide the data you have, according to the manner in which data are recorded in your Member State, noting that it should be only for the first issuing of such permits.

5 Please explain briefly new or amended immigration laws, and the areas they cover.

6 Please describe modifications to immigration procedure, including changes in application stages and agencies responsible. Include changes that are the result of both administrative and legal developments.

7 This refers to the categories which might be used in your Member State for the admission or non-admission of migrants. Examples for admission are family reunification, work, study; and, for non-admission, examples are false documents, known criminal activities, potential threat to national security. Please list the categories used in your Member State (or, if none, state this also) and breakdown any data provided using these categories.
• contract and seasonal workers, as well as other labour migrants (including IT experts),
• foreign students, and
• returning Germans.

All persons who do not fall under the regulations in question concerning the immigrant groups above do not have a long-term residence right in Germany.

3.2.3 Could you identify European / international factors explaining certain changes/continuity regarding migration in your Member State in comparison to the previous year?

The development that has been presented of overall migration from and to Germany in the period under report is not caused by individual European or international factors. This conclusion is suggested by the virtually unchanged size and structure of the stock of foreigners in Germany. It is possible that the fall in the number of persons moving to Germany and the slight increase in those leaving Germany is primarily the expression of economic developments and of the labour market in Germany in 2001 to 2006.

Whether and to what degree EU enlargement as on 1 May 2004 had exerted an influence on the scale of migration can only be stated here to a certain degree since Germany will only be opening its labour markets to the acceding states after the transitional periods. The existing programmes concerning seasonal and contract workers will be unaffected by this (cf. No. 5).

4. Refusals, Apprehensions and Removals

No direct conclusions can be made from the data presented below as to the scope of illegal migration. The number of persons who come to Germany illegally and remain here can only be determined in a highly unsatisfactory manner. Four fundamental problems are encountered here:

• The fundamental essence of the phenomenon of illegality under residence law is that the individuals in question are not recorded by state bodies, and hence are also largely missing from the statistics. Firstly, foreigners living illegally in Germany are not registered in the local population registers. Registration would lead directly to expulsion or deportation since illegal residence and entry are criminal offences. Secondly, persons without a residence title conduct themselves in such a manner that they hide their illegal residence from all state authorities at all costs.

• The phenomenon of illegal migration may not be disconnected from the problem of the illegal employment of foreigners since taking up illegal work is one of the main motives for illegal migration. As a result of differing demand on the sub-labour markets, residence is for a short time only in many instances. Hence, there is a lot of “coming and going” which is seasonal in nature. In particular in those areas in which illegals are more strongly represented – agriculture, construction, tourism – the demand for labour fluctuates considerably in the course of the year. If, for instance, at one point in time a measurement is taken of the number of illegals where many short-term seasonal illegal immigrations have taken place, (e.g. for harvesting in the late summer), a relatively larger population stock is recorded than if the estimate is taken after most of the persons in question have already left (e.g. in winter when the construction industry and agriculture only have a low level of demand for labour).

• If one takes as an orientation in the estimation the number of apprehensions by state administrative and investigation authorities, one should in principle consider that this only
covers the proportion of persons discovered by the authorities, whilst the grey area of illegality remains unknown. Official statistics – such as police crime statistics, the apprehension statistics of the Federal Police (formerly Federal Border Guard) and of the Federal Employment Agency – only relate to those cases which are included in the detection rate. The authoritativeness of the police statistics is hence restricted by the fact that an indefinite sub-volume of crimes cannot be covered by statistics. It is not possible to say, or it is only possible to say to a very restricted degree, from the cases included in the detection rate (in other words the number of cases detected) what the grey area and hence the total number of illegals is. For instance, an increase in the number of those apprehended does not absolutely lead to the conclusion that the total volume of the migration phenomenon has also increased. The increase could for instance be caused by improved investigation proceedings and techniques (e.g. introduction of thermal imaging cameras at borders).

- Illegal migration is a phenomenon comprising individual, and in some cases widely-diverging, social sub-phenomena. There are considerable differences as to the respective migration backgrounds, the motives for migration and the lives of the individual groups, (e.g. illegal contract workers who remained in the country, prostitutes who are resident illegally, asylum applicants who have gone into hiding, illegal family reunification); 16 such specific types can be identified for Germany. There is hence no singly “typical” pattern of illegal migration, so that these migrants do not indeed constitute a homogeneous population group. This complex, broad spectrum of illegal circumstances hence makes it considerably more difficult to make a quantitative record of illegal migration.

4.1. Analysis and interpretation of statistics

4.1.1 Please describe developments/trends pertaining to the number of refusals in 2006 in comparison to the previous year. Have there been changes in the main countries of citizenship of refused migrants since the previous year? If possible, give reasons for these changes/continuity.

The number of individuals to whom entry to Germany was refused at the border has fallen continually since 1997 according to information from the Federal Police (formerly Federal Border Guard). This trend was confirmed in the period under report 2001 to 2006; the figure fell from 51,054 persons in 2001 to 19,857 in 2006 (-61.1%). This however means an increase by 32.3% in comparison to the previous year (15,012). This is accounted for by refusal of entry in order to prevent the unauthorised entry of a foreigner who is already at the border in accordance with section 15 of the Residence Act (until 31.12.2004 section 60 of the Foreigners Act [Ausländergesetz]):

- A foreigner wishing to enter the Federal territory unlawfully shall be refused entry at the border.
- A foreigner may be refused entry at the border if
  - a reason for expulsion exists,
  - there is a well-founded suspicion that the foreigner does not intend to stay in the country for the stated purpose,

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8 This includes, for letters a) to c): information on the number of refusals; their citizenship; the difficulties in return of migrants; and special arrangements with certain countries of origin or transit regarding return and deportation.
9 A "Third-country national refused entry" means a third-country national who is refused entry at the external border because they do not fulfil all the entry conditions laid down in Article 5(1) of Regulation (EC) No 562/2006 and do not belong to the categories of persons referred to in Article 5(4) of that Regulation.
10 In case your Member State does not collect data on refused aliens, we kindly ask you to send us your enforcement statistics, even if they are not directly comparable.
he or she does not fulfil the conditions for entry into the territory of the parties signatory
in accordance with Article 5 of the Schengen Borders Code.

- A foreigner who is exempted from the requirement for a residence title for the purpose of a
temporary stay in the Federal territory may be refused entry if he or she does not fulfil the
requirements of Section 3 (1) and Section 5 (1). (...)

According to information provided by the Federal Police, it was persons from Serbia and
Montenegro whose entry was most frequently refused in 2006, at 4,641 persons; this corresponds to
a share of 23.4% among all entry refusals (2001: 11.3%; 2002: 10.6%, 2003: 10.4%, 2004: 11.5%,
2005: 20.8%). 2,124 Turkish nationals were rejected at German borders in 2006 (10.7%). The third
most frequent is citizens from Romania (1,927; 9.7%) who were refused entry to Germany.

4.1.2 Please describe developments/trends pertaining to the number of apprehensions of
illegally-resident third-country nationals in 2006 in comparison to the previous year.\textsuperscript{11}
Have there been changes in the main countries of citizenship of those apprehended in
2006? If possible, give reasons for these changes/continuity.

The listed statistics of the Federal Police focus on apprehensions at the so-called green borders.
Most apprehensions of illegals in the country are not carried out by the Federal Police, but by the
police forces of the Federal Länderr. Their apprehension numbers in the Land are included in the
police criminal statistics, which are not listed in the template. The nature of the residence of all
foreign suspects is collected and described there. These statistics show persons with no valid right
of residence in the category “illegal”. The number of illegal non-Germans apprehended by the
police forces of the Federation and of the Länderr (who are included in the detection rate) hence
constitutes a threshold estimate for the illegal population in Germany.

In 2006, 64,605 persons were therefore registered by all police forces in Germany whose residence
was illegal. Hence, the number of suspects who were in Germany illegally in comparison to the
previous year was virtually unchanged (2005: 64,747; +0.2%). The number fell continually in
previous years (2004: -15.8%; 2005: -20.1%). The hidden number, in other words the number of
non-apprehended illegals living in Germany, however remains unknown.

The apprehension statistics of the Federal Police listed in the Excel file, which largely contains
apprehensions at the German borders, have also shown an unmistakeable, continuous reduction
since the end of the nineties. As against 2005 (15,551 persons), the number however increased by
15.7% in 2006, reaching 17,992 persons. The three most frequent groups of nationality here are:

- Romania with 2,459 apprehensions (13.7% of all apprehensions)
- Ukrainians, with 1,640 apprehensions (9.1%), and
- Serbs and Montenegrins with 1,598 apprehensions (8.9%)

4.1.3 Please describe developments/trends pertaining to the number of removals in 2006 in
comparison to the previous year. Have there been changes in the main countries of
citizenship of removed migrants? If possible, explain the underlying factors for these
changes/continuity.

The number of removals is made up of the numbers of “deportations” and “removals” by the
Federal Police. Both elements have different causes. For instance, deportation relates to the coercive

\textsuperscript{11} In case your country does not collect data on apprehensions, please provide your Enforcement Statistics, even if they
are not directly comparable.
implementation of the obligation to leave of a foreigner who in most cases has been living in Germany for a longer period (section 58 of the Residence Act). The reasons for an obligation to leave are many: e.g. posing a risk to public security, lapse of residence status. By contrast, removal within six months of entry is a measure ending the residence of a foreigner who has entered without authorisation (section 57 of the Residence Act); removal is hence directly linked to illegal entry. Direct conclusions as to the scope of illegal migration or other migration phenomena can hence not be drawn from these figures.

The number of removals fell in 2006 by 21.4% as against the previous year to 18,623. This confirms the trend of recent years. The main nationalities in 2006 were Serbia and Montenegro (2,565; 13.8%), Turkey (2,216; 11.9%) and Ukraine (1,196; 6.4%).

4.1.4 In cases of refused, apprehended, and removed migrants in 2006, are these from the same countries in all categories, or are particular citizenship groups more common in a particular category? If possible, explain the underlying causes.

It is noticeable that above all people from Serbia and Montenegro, Romania, Turkey and Ukraine are among the three most common nationality groups both in case of refusals and of apprehensions at the borders, as well as of removals.

4.2. Contextual interpretations (legal, political and international factors)

4.2.1 New or amended laws influencing illegal immigration in 2006

Please explain the most important changes in policies regarding refusal of entry or return from the previous year.

There were no statutory amendments in these fields in Germany in 2006.

4.2.2 Procedural changes influencing illegal immigration in 2006

Please describe modifications to the procedure in cases of identified illegal entry, illegal residence and return since the previous year. Include changes that are the result of both administrative and legal developments.

Also in the field of the implementation of existing statutes and ordinances, no amendments are known for 2006. Deportations to Togo were suspended for a time in 2006.

4.2.3 Can you identify European / international factors explaining certain changes/continuity regarding illegal entry in 2006 in your Member State?

No specific international causes can be identified.

5. Optional: Other Data and Information available

5.1. Unskilled Labour Migration: Domestic

In accordance with section 21 of the Employment Ordinance (BeschV), approval of domestic help has been possible in Germany once again since 1 January 2005 for employment in households with persons in need of long-term care. Accordingly, foreign domestics may be placed for one- to three-year full-time employment subject to insurance in private households with persons in need of long-term care if a placement agreement was made between the Federal Employment Agency and the work administrations of the corresponding countries of origin. Such agreements exist with Poland,
Slovenia, the Czech and Slovak Republics, Hungary, Bulgaria and Romania. The foreign domestic help may however only carry out “housekeeping” tasks which are not to be regarded as “long-term care work” within the meaning of long-term care insurance. 1,667 domestic helps were placed in households with persons in need of long-term care in 2005; in 2006 there were 2,241. This corresponds to an increase by 34.4% as against the previous year. The main country of origin was Poland. Roughly 80% of domestic help came from there in both 2005 and in 2006.

5.2. Migration based on bi- and multilateral arrangements: labour migration

A system for many forms of labour migration has developed in Germany in recent years because of specific demand in certain areas of the labour market. In addition to the two forms of labour migration described below, there are further possibilities to stay to work which however were not very significant in quantitative terms until the end of 2006. The programmes are not connected with the transitional dates related to EU enlargement as per 1 May 2004 in the field of the freedom of movement of workers. The data on this group of topics originate from the statistics of the Federal Employment Agency.

5.2.1 Seasonal workers

In particular in agriculture, as well as in hotels and restaurants, temporary demand for labour is to be covered by means of short-term work permits (a maximum of four months per calendar year) for workers from Central and Eastern European states.

The number of placements of such seasonal workers has continually increased since 1994 (137,819 cases), and was 329,789 cases in 2005. There were roughly 303,000 placements in 2006, 8% fewer than in the previous year. The lion’s share of seasonal workers came from Poland in 2001 to 2006; the share of Poles among all seasonal workers was 77.8% in 2006.

5.2.2 Contract workers

On the basis of bilateral government agreements with some Central and Eastern European states, foreign workers may work in Germany for a limited period (two years as a rule). A large number of contract workers are employed in the construction sector.

The number of contract workers from these states who were employed in Germany averaged 20,001 in 2006. These figures have been falling continually since 2001. Almost one contract worker out of two came from Poland between 2001 and 2006.

5.3. Student Migration, educational success rates

Students from third states with a suitable visa\textsuperscript{12} may enter Germany. To apply for a visa, the letter of admission of a German college or a recognised certificate of general qualification for university entrance is necessary, together with a completed application, proof of financing of the first study year and proof of health insurance protection. Recipients of grants from public funds are exempted from the obligation to have a visa. On entry, students are granted a residence permit limited to two years. This may be extended to a further two years until the purpose of residence is achieved by completion of the studies or doctorate where sufficient funding is proven to ensure a livelihood for this period and a proper course of study is followed.

Two categories of foreign students are identified in Germany: Firstly, ‘home students’ who have a German certificate of general qualification for university entrance, a large number of whom were

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\textsuperscript{12} with the exception of students from Iceland, Norway, Switzerland, Liechtenstein, Monaco, San Marino, Andorra, Honduras, Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand and the USA who don’t need a visa
born in Germany, but do not have German nationality and in this sense are not migrants. Secondly, ‘non-home students’ who have acquired their certificate of general qualification for university entrance abroad and enter Germany for study purposes. Their share was relatively constant until the winter semester 2000/2001, at roughly two-thirds of all students with foreign nationality, but has fallen continually since then, and was 76.5% in the winter semester 2006/2007. Hence, a total of 188,436 non-home students were registered at German colleges in the winter semester 2006/2007 (out of a total of 246,369 foreign students).

The main country of origin of the non-home students registered in the winter semester 2006/2007 was China (25,651 non-home students), ahead of Bulgaria (11,816) and Poland (11,651).

The share of non-home students among new foreign students is 82.4% in the winter semester 2006/2007, and is hence higher than the share of non-home students among all foreign students (76.5% in the winter semester 2006/2007). This also includes foreign students who only come to Germany for a temporary part of their studies (semester abroad). Of the 15,509 new foreign students in the summer semester 2006, 14,086 were non-home students, corresponding to a share of 90.8%. This means that in total more than four-fifths (84.5% or in absolute figures 53,554 of 63,413) of all foreign-national students who took up their studies at a German college in 2006 were non-home students. 53.6% of these non-home students were women.

From the winter semester 1993/94 until the winter semester 2006/2007, the number of non-home students at German colleges has increased continually from roughly 87,000 to almost 190,000 (+117%). The number of new non-home students roughly doubled (from 19,358 to 39,468) in the same period. A slight drop in the number of new non-home students was however recorded here since the winter semester 2003/2004, when 42,320 non-home students took up their studies in Germany (at the same time as an increase in the total number of non-home students).

All in all, an increasing differentiation can be observed with non-home students. The largest group of non-home students who took up their studies at a German college in 2006 was formed by students with Chinese nationality (7.2% and 3,856). Their number however fell continually from 2002 to 2005; a slight increase was recorded in 2006 in comparison with the previous year. The second largest group was formed by non-home students from Poland (6.5% and 3,469), who had formed the largest group in the previous year. The further main countries of origin in 2006 were France (3,404), the USA (2,645), Spain (2,598) and the Russian Federation (2,512).

The number of new students from most Central and Eastern European states (Poland, Russian Federation, Ukraine, Bulgaria, Romania, the Czech Republic) has increased since 1999. The number of new students from Bulgaria and Romania has however been in decline for some time. By contrast, the number of new non-home students from Turkey has risen continually, from 747 in 1999 to 2,070 in 2006. A slight increase was also recorded in this period in the case of new students from the United States.

Overall, the number of non-home students graduating has more than doubled since the end of the nineties. 8,306 non-home students graduated in Germany in 1999. 20,523 non-home students successfully completed their studies in Germany in 2006 (2005: 18,302), including 10,136 women. The largest group of college graduates was made up of students from China (2,920 non-home students). There were 3,411 graduates from the old EU States and 2,252 graduates from the new EU States. There were 14,860 college graduates from third states.
5.4. Language courses and school attendance

4,620 foreigners came to Germany in 2006 to attend a language course or school, 54% more than before. 60% of the third-state nationals who entered for this purpose were women. The main countries of origin were the United States, Brazil, China and Mexico.

5.5. Migration of self employment and entrepreneurship

If there is a higher economic interest, if special regional needs exist, if the activity has a positive impact on the economy, and if funding is ensured (section 21 sub. 1 sentence 1 of the Residence Act), the possibility exists to award a residence permit for self-employment. Freelancers may also be granted a residence permit (section 21 sub. 5 of the Residence Act).

3,973 foreign self-employed persons had received a residence permit by 31 December 2006, roughly one-third of whom were women.

Roughly one-quarter (24.8%) of the self-employed were Chinese nationals, and almost one-fifth (18.3%) were from the United States.