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Editorial Team:

Dr. Bernd Parusel
Dr. Jan Schneider

Overall responsibility:

Dr. Axel Kreienbrink (Migration Research)
Dr. Iris Schneider (EMN National Contact Point)

Source of Supply:

Bundesamt für Migration und Flüchtlinge
Frankenstraße 210
90461 Nuremberg, Germany
www.emn-germany.de
E-mail: EMN_NCP-DE@bamf.bund.de

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Contents

Tables	4
1 Introduction	5
2 Methodology	6
3 International migration, usually resident population and acquisition of citizenship	7
3.1 International migration flows	7
3.1.1 Entries into Germany	8
3.1.2 Exits out of Germany	9
3.2 Usual residence by nationality	10
3.3 Acquisition of German citizenship (naturalisations).....	13
4 Asylum applications and international protection	16
4.1 Asylum applications	16
4.2 Decisions on international protection	18
4.3 Unaccompanied minors	23
4.4 Dublin transfers.....	24
5 Prevention of illegal entry and stay	28
5.1 Refusals of entry at borders.....	28
5.2 Apprehensions of illegally present third country nationals	30
6 Residence titles issued for the first time, change of residence status and total stock figures	32
7 Returns	39
7.1 Relationship between refusals, apprehensions and returns.....	41
8 Other data on migration flows	43
8.1 The granting of residence in the framework of the 'regulations governing old cases'	43
8.2 Granting of residence in cases of hardship.....	44
8.3 Emigration by German nationals and foreigners.....	44
8.4 Voluntary return	45

Tables

Table 1: Main groups of immigrants in 2006, 2007 and 2008 (entries in absolute figures)	9
Table 2: Total population, entries and exits, 2003 - 2008.....	10
Table 3: Total population by nationality 2007 and 2008	12
Table 4: Development of annual naturalisations by nationality since 2000	14
Table 5: Development of annual asylum applications since 1995	16
Table 6: New asylum applications by country of nationality, 2008	17
Table 7: New asylum applications by age group and gender, 2008	18
Table 8: Total number of decisions 2006, 2007 and 2008	20
Table 9: Number of positive decisions by legal basis and country of origin, 2008.....	21
Table 10: Number of positive decisions by legal basis and country of origin, 2007.....	21
Table 11: Revocations and withdrawals of first instance decisions on granting protection, 2008	23
Table 12: Unaccompanied minor applicants by gender and age, 2008.....	23
Table 13: Unaccompanied minor applicants by country of origin, 2008	24
Table 14: Requests and transfers under the Dublin Procedure, 2008.....	27
Table 15: Total number of entry refusals, 2000-2008.....	28
Table 16: Persons refused entry by nationality, 2007 and 2008.....	28
Table 17: Persons refused entry by reason, 2008.....	30
Table 18: Apprehensions of illegally present third country nationals by citizenship, 2008	30
Table 19: Residence titles issued for the first time in 2006, 2007 and 2008 by reasons for stay	32
Table 20: Temporary residence permits issued for the first time in 2008: main nationalities	33
Table 21: Change of legal basis of residence titles, 2008	34
Table 22: Valid residence titles by reason and main nationality (as of end-2008).....	35
Table 23: Share of valid residence permits by duration (as of end-2008)	35
Table 24: Third-country nationals holding a permanent residence permit-EC by citizenship, 2008	36
Table 25: Total number of removals (<i>Abschiebungen</i>), 2000-2008.....	39
Table 26: Total number returns after illegal entry (<i>Zurückschiebungen</i>), 2000-2008	39
Table 27: Orders to leave the country by nationality, 2008	40
Table 28: Returns on the basis of an order to leave the country, 2008	41
Table 29: Voluntary returns under REAG/GARP, 2002-2008.....	45
Table 30: Returns under REAG/GARP, 2008	46
Table 31: Returns under REAG/GARP, 2007	47

1 Introduction

The present EMN Annual Report on Asylum and Migration Statistics provides a comprehensive overview of migration into and out of Germany for the year 2008. The report is based on data on international migration and asylum published by the Statistical Office of the European Commission (Eurostat). It was compiled by the German Contact Point of the European Migration Network (EMN) located within the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge* - BAMF) in Nuremberg.¹

Pursuant to Article 9(1) of Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network, each National Contact Point provides an annual report on migration and asylum for the respective Member State. The objective is to meet the information needs of Community institutions and of Member States' authorities and institutions "by providing up-to-date, objective, reliable and comparable information on migration and asylum" in order to support policy-making in the EU. Additionally, the information obtained within the context of EMN should also be provided to the public.

The present statistical report for the year 2008 is the fourth of its kind. It is based on earlier statistical reports for Germany (2005, 2006 and 2007), following the structure of sections observed by other EMN Contact Points in the EU when compiling their national reports. Section 2 explains the methodology behind the report. Section 3 covers immigration into and emigration out of Germany as well as changes in the population structure. Also, the acquisition of German nationality in 2008 is dealt with. Section 4 gives an overview of the development in the numbers in the area of international protection (asylum). Section 5 deals with figures and analyses on persons refused entry at the borders when trying to enter Germany illegally and on the apprehension of third country nationals illegally present in Germany. Section 6 gives the numbers of residence permits issued to third-country nationals and an analysis by reason of stay (e.g. employment, education, family reunification). Section 7 deals with the return of foreign nationals from Germany. Finally, Section 8 provides some additional data on the specific national situation with regard to migration.

¹ The editors of the report wish to thank Ms. Kathrin Fischer and Ms. Emily Nilsson for their co-operation.

2 Methodology

Pursuant to Regulation (EC) No 862/2007 on Community statistics on migration and international protection adopted by the European Parliament and the Council on 11 July 2007 ("Migration Statistics Regulation"), Member States have to supply to the Commission various data on national asylum and migration on a regular basis from 2008 onward. This Regulation aims at improving the availability of reliable and comparable data at EU level. In this context, recital 6 of the Regulation states: "Harmonised and comparable Community statistics on migration and asylum are essential for the development and monitoring of Community legislation and policies relating to immigration and asylum, and to the free movement of persons."

In Germany, there are three different 'data suppliers' who regularly provide Eurostat with the information required by the Regulation. With regard to Article 4 (Statistics on international protection) and Article 6 (Statistics on residence permits and residence of third-country nationals) of the Regulation, the Federal Office for Migration and Refugees (BAMF) provides the relevant statistical data to Eurostat. Other data on migration in Germany (e.g. usually resident population or prevention of illegal entry and stay) which are transmitted to Eurostat in accordance with the Regulation come from the Federal Police and the Federal Statistical Office.

This report is mainly based on figures extracted from the database of the European Statistical Office Eurostat. This procedure is considered appropriate within the context of EMN, since the political organs of the EU tend to satisfy their information requirements regarding statistical data increasingly by consulting the Eurostat databases rather than by taking recourse to national sources on an ad-hoc basis. Since the EMN Statistical Report also serves to provide information to policy-makers at EU level, it is important to achieve a maximum level of data consistency rather than circulating differing figures stemming partly from European databases and partly from national sources. In past years, the editors of the statistical report frequently needed to use national data as the statistics provided by Eurostat were often incomplete or incorrect. With regard to the reporting year 2008, it is to be noted for the first time that the data available at Eurostat, with a few exceptions, are nearly complete and also congruent with the data available at national level, as was verified by the editors by random comparisons of national statistics with the data available at Eurostat. In those cases where despite the progress achieved, significant discrepancies were detected between national data and Eurostat statistics, detailed explanations are given in the following sections.

3 International migration, usually resident population and acquisition of citizenship

3.1 International migration flows

The migration figures for Germany are based on the official entry and exit statistics which have been collected since 1950. Pursuant to the existing registration legislation on national and federal *Land* level, all persons are obliged to notify a change of dwelling (both within Germany and across the German borders) with the competent local registration authority.² In this context, the following personal characteristics are registered: place of origin and of destination (i.e. old and new residential municipality), gender, family status, date of birth, nationality and affiliation/non-affiliation to a religious community.³

The statistical offices of the Federal *Länder* evaluate the declarations of change of dwelling collected by the local registration authorities and transmit the results to the Federal Statistical Office (*Statistisches Bundesamt*) which, in turn, processes the data for nationwide statistics and provides the relevant data to Eurostat.

Hence, migration statistics are based on the number of cross-border changes of dwelling. Persons who repeatedly change their dwelling across the border during a year are therefore counted several times, provided that they duly comply with their notification obligation. With this type of statistics being based on case-related data rather than on person-related data, the number of migration cases is always somewhat higher than the actual number of persons who have migrated in the year of reference. On the other hand, persons who have failed to duly register their change of dwelling will not be included in the entry and exit statistics. For example, not all foreigners notify their departure when they leave the country. For this reason, outflows and return migration of foreigners out of Germany are constantly underestimated by official exit statistics. At the same time, it must be underlined that the entry statistics generally provide too low figures as they do not include (an unknown number of) persons who derogate from their obligation to register or who are staying illegally in Germany.

Since these migration statistics are mainly based on the notification of entry or exit, whatever the duration of stay, they are not 'classical' migration statistics which generally also take into account the duration of stay. In Germany, inclusion into the entry and exit statistics is not based on the residence title but rather on the move into accommodation. Hence, the concept of "immigrant" does not necessarily imply a permanent or long stay in Germany. It is often impossible to determine at the beginning whether an immigrant will stay for a short or a long time in the country; in many cases, this can only be verified *ex post facto*. A sojourn initially planned for a short period can result in permanent residence. Asylum seekers, on the other hand, are principally considered to be "immigrants", although their stay may be only of a temporary nature. It is only in cases of temporary residence for employment reasons, i.e. for contract or seasonal workers, and partly also for reasons of education (e.g. language courses) that the duration of stay is limited by law from the beginning. German migration statistics do not contain information on the nature or motives of migration when an entry or exit is registered. For example, an immigrant from the Russian

² This obligation does not apply to members of foreign armed forces stationed in Germany and to members of the diplomatic and consular representations including their family members.

³ With the act amending the legislation on population statistics of 18 July 2008 which entered into force on 1 August 2008, the following items were added: 'place of birth', 'state of birth' and, for entries from abroad, 'date of exit from Germany prior to re-entry'. Persons holding more than one passport are registered as Germans.

Federation may come to Germany as an 'ethnic German repatriate from the former USSR', as an asylum seeker, as a student or as a family member, without this being indicated in the entry statistics.

3.1.1 *Entries into Germany*

Compared to earlier periods, e.g. the 1990s, migration from and to Germany has stabilised on a lower level in the 2000s. In the period 1991-1995, more than one million people (in 1992 even approx. 1.5 million) had entered Germany annually, among them numerous ethnic German repatriates from eastern European countries, asylum seekers and civil war refugees from the former Yugoslavia. These three categories of immigrants registered a strong decline from 1996 onwards, with annual entry figures significantly below 1 million persons. Table 2 shows that this trend has continued also after 2003. In 2006, the lowest numbers were obtained (661,855 entries) since the reunification of Germany in 1990. In 2007, a slight increase (by 2.9%) was noted (680,766 entries). In 2008, the number of entries was 682.146, of which 84.1 percent were foreigners (573,815 persons). A decade earlier, in 1998, their percentage in immigration had been 75.5%. Hence, there is a significant increase in the percentage of foreign nationals in total immigration to Germany. One of the reasons for this development is the fact that immigration of ethnic German repatriates from Eastern Europe has been declining steadily for some years.⁴

In 2008, the largest group of immigrants consisted of Polish nationals (119,867 persons), followed by Germans (108,331), Romanians (48,225), Turks (26,653) and Hungarians (25,151). Hence, Turkish citizens were the largest immigrant group of third country nationals. They were followed by immigrants from the United States (17,542 persons), Russia (15,052), China (14,293) and Serbia (11,556). The next countries in the ranking of immigration from third countries are India (11,403 immigrants), Iraq (8,923), Croatia (8,732), Ukraine (6,869) and Brazil (6,290).

The following list (Table 1) gives an overview of the main categories of immigration to Germany for the reporting year 2008 and, for comparison, also for the years 2006 and 2007. This mainly serves to give an idea about the scale of immigration via the different channels; the figures are not directly comparable and should certainly not be added up to make a total, because the values are based on different data sources and collection methods.

⁴ Most ethnic German repatriates are registered as 'Germans' in the entry statistics.

Table 1: Main groups of immigrants in 2006, 2007 and 2008 (entries in absolute figures)

Groups of immigrants	2006	2007	2008
Migration within the EU by Union citizens to Germany	289,235	343,851	335,914
of which: nationals of EU-12 countries ⁵	199,447	251,917	239,952
Subsequent entry of spouses and family members ⁶ (third-country nationals)	59,640	46,908	49,642
Ethnic German repatriates from the former USSR and their family members	7,747	5,792	4,362
Jewish immigrants from the former USSR	1,079	2,502	1,436
First-time asylum applicants	21,029	19,164	21,365
Contract workers	20,001	17,964	16,576
Seasonal workers and showmen helpers	303,492	299,657	285,217
IT specialists ⁷	2,845	3,411	3,906
Students (from third countries) ⁸	25,303	31,447	29,985
Returning Germans ⁹	103,388	106,014	108,331

Sources: Federal Statistical Office, Central Register of Foreign Nationals (AZR), Federal Administration Office, BAMF, Federal Employment Agency.

Apart from these main groups there are other forms of immigration, i.e. for humanitarian and political reasons, and under instruments of international law.

3.1.2 Exits out of Germany

Compared to the previous year, exits out of Germany have increased by more than 100,000 persons (2008: 737,889 persons; 2007: 636.854). In the period 1999-2007, the annual number of exits had never exceeded 700,000.¹⁰

76.3 percent of the persons who left Germany in 2008 were foreigners. The main group of emigrants were German citizens (174,759 persons), followed by Polish (119,649), Romanian (37,778), Turkish (34,843) and Italian nationals (25,846). Among the third country emigrants, the Turks were the largest group, followed by US citizens (19,019 exits), Russians (13,881), Chinese (13,647) and Croatians (11,816).

⁵ States which acceded to the EU on 1 May 2004 and on 1 January 2007.

⁶ Calculated on the number of residence permits issued in 2006, 2007 and 2008, see Table 19 (source: Central register of Foreign Nationals AZR). A further well-established source for statistical information on family reunification in Germany is the visa database of the Federal Foreign Office. According to these statistics, a total of 39,717 visas were issued for reasons of subsequent entry of spouse and family members in 2008 (2007: 42,219 visas; 2006: 50,300 visas). The figures from the visa statistics are lower than those of the AZR which is based on residence permits issued. The discrepancy is mainly due to the fact that citizens of the U.S., Canada, Japan and some other countries do not need a visa for entry into Germany.

⁷ Skilled workers pursuant to Residence Act, Section 18 in connection with Employment Regulation, Section 27 No. 1.

⁸ Calculated on the numbers of residence permits issued in 2006, 2007 and 2008, resp.; see Table 19.

⁹ See Federal Ministry of the Interior (BMI) / BAMF (2010): [Migrationsbericht 2008](#), Berlin, p. 146.

¹⁰ The increase in exits in 2008 is partly due to adjustment measures of the population registers following the nationwide introduction of a tax registration number, which has led to numerous removals from the registers by virtue of the authority.

While the number of entries has been continuously higher than the number of exits since 1985, leading to a positive net immigration into Germany for more than two decades, the reporting year 2008 stands out of this general trend: With 55,743 more exits than entries, Germany has registered a negative net migration balance for the first time since 1984. The previous year 2007 still saw a surplus of +43.912 entries. For the reporting year 2008, the migration balance is outward for Germans (-66.428 persons) and slightly inward for foreigners (+10.685 persons). However, compared to the previous year (+99.003 entries), the (still continuing) positive balance for foreign nationals has decreased significantly. For individual nationalities, in particular the group of Turkish citizens, a migration loss is recorded.¹¹ While a total of 34,843 Turkish nationals left Germany in 2008, only 26,653 Turkish citizens immigrated. With regard to German nationals, the migration loss has been continuous since 2005 (even taking into consideration the entries of ethnic German repatriates from Eastern Europe).

Table 2: Total population, entries and exits, 2003 - 2008¹²

	2003	2004	2005	2006	2007	2008
Total population¹³	82,531,671	82,500,849	82,437,995	82,314,906	82,217,837	82,002,356
Entries (immigration)	768,975	780,175	707,352	661,855	680,766	682,146
Exits (emigration)	626,330	697,632	628,399	639,064	636,854	737,889
Balance (entries - exits)	142,645	82,543	78,953	22,791	43,912	-55,743

Source: Federal Statistical Office / Eurostat

Table 2 shows a steady decline of the total population in Germany since 2004. In 2008 the figure was 82,002,356. The number of entries was higher than in the previous years of 2006 and 2007, but lower than in 2003, 2004 and 2005. The number of exits was the highest of the whole time period given in the table.

3.2 Usual residence by nationality

In contrast to the depiction of entries and exits which is based on migration statistics, the statistical description and analysis of the non-national population in Germany (stock data) is carried out on the basis of the Central Register of Foreign Nationals (*Ausländerzentralregister* AZR). The general AZR database contains information on all non-nationals staying in Germany for a period exceeding three months. Additionally, the storage of data is permissible of foreigners fulfilling certain criteria in accordance with Section 2(2) no. 1-14 of the Act on the Central Register of Foreign Nationals. A separate visa database contains information on non-nationals who have applied for a visa at a German representation abroad. The AZR mainly serves the following purposes: as a tool for the administrative authorities to fulfil their tasks in matters regarding foreigners and asylum seekers, as

¹¹ See BMI / BAMF (2010): [Migrationsbericht 2008](#), p. 19.

¹² The information given in this table deviates from the usual Eurostat data. The value of 82,002,356 refers to the total population in Germany on 31 December 2008 and is assigned to the year 2008. According to the Eurostat definition, however, total population figures refer to the population as of 1 January each year (or as of 31 December of the previous year). Accordingly, the value of 82,002,356 is attributed to the year 2009 in the Eurostat database.

¹³ Information on the total population is taken from stock data referring to 31 December of the respective year. Information on entries and exits, however, are migration data. These may not be added up with stock data. Hence, the table only serves to illustrate the difference in scales.

a supporting instrument in the area of internal security, and as a tool for planning foreigners-related policy and for the calculation of data for migration management. From the AZR data pool, different statistics are available for information purposes. In the beginning of 2006, several new items were included in the register, allowing a more differentiated depiction of migration than the entry and exit statistics.¹⁴ This concerns in particular the inclusion of the legal bases for entry and stay of non-nationals pursuant to the Residence Act.¹⁵

Another source of information on the non-national population in Germany is the 'population projection' (*Bevölkerungsfortschreibung*), where the results from the last micro census, broken down by gender, age, family status and nationality (German / not German), are continued on the municipal level using the results of statistics on natural population changes (births, deaths, marriages, divorces) and the migration statistics on entries and exits across the boundaries of the municipalities. Besides, the results of nationality changes and other stock corrections are taken into consideration. Hence, the population projection mainly serves to describe trends in the number of the total population, with the possibility of differentiating between German nationals and foreigners (without a further breakdown by different nationalities).

With regard to the stock data relevant for this section of the statistical report it must be observed that the data available at the Statistical Office of the EU (Eurostat) sometimes vary considerably from the figures used in Germany (e.g. at the Federal Statistical Office). By way of example, Eurostat data recorded 1,789,159 Turkish citizens living in Germany in 2008.¹⁶ According to AZR data, however, their number was only 1,688,370. Although the Eurostat figures are considerably higher, they do show a similar year-on-year decline: According to Eurostat, the number of Turkish nationals living in Germany decreased by 26,797 persons in the time period 31 December 2006 to 31 December 2007. According to the AZR data, their number decreased by 25,280 persons in the same period. In the following period (31 December 2007 to 31 December 2008), the decrease amounted to 40,936 (Eurostat) or respectively 25,181 persons (AZR).

Eurostat has set up a target of providing population data giving the most detailed information possible on the development of the total population, on the number of German nationals and on the number of foreigners (broken down by nationality). However, this is not possible by using only one data source, since the population projection does not give information on individual nationalities. The AZR does allow such an evaluation, but it contains no information on the number of German citizens and on the total population.

The Eurostat data on the population of Germany by nationality are based on the population projection. In order to provide information not only on the total population, the number of Germans and the number of aliens, but also on individual nationalities, Eurostat used own estimates. However, these values do not correspond to the AZR figures, since Eurostat has made an extrapolation by using the (higher) figures of the population projection.

In the present report, Eurostat data are used to facilitate comparisons at EU level, although these data do not give accurate information regarding individual nationalities of foreigners living in Germany. However, it must be noted that discrepancies between national and Eurostat data have

¹⁴ The data contained in the AZR are around one third less than the data of the migration statistics, since short stays are not registered here.

¹⁵ For methodological issues and data sources, see BMI / BAMF (2008): [Migrationsbericht 2007](#), p. 12-15.

¹⁶ Reference date: 31.12.2008.

decreased when compared to the previous year. In the EMN Annual Statistical Report for 2007, it was outlined that, according to Eurostat, the number of Turkish citizens living in Germany had significantly increased in the period 2006-2007, whereas the corresponding national data suggested a significant decrease.¹⁷ Since such contradictory trends cannot be identified any longer, it now appears justified to use Eurostat data.¹⁸

Table 3: Total population by nationality 2007 and 2008

	2007	2008
Total population	82,217,837	82,002,356
Germans	74,962,442	74,816,435
Foreigners	7,255,395	7,185,921
of which: other EU nationals (EU-26)	2,515,508	2,530,706
of which EU-10 (EE, LV, LT, PL, CZ, SK, HU, SI, CY, MT)	595,663	605,163
of which EU-2 (RO, BG)	140,896	157,984
of which: third country nationals	:	4,655,215
of which: most important third countries		
Turkey	1,830,095	1,789,159
Croatia	239,962	235,854
Russian Federation	202,850	201,919
Former Serbia and Montenegro (before 2006)	254,016	189,050
Bosnia and Herzegovina	169,040	166,413
Former Yugoslavia	:	152,376
Serbia	99,427	146,428
Ukraine	139,043	137,461
United States of America	110,368	109,710
Vietnam	90,043	89,785
of which: other third country nationals	:	1,437,060

Source: Eurostat, : = "no value available"

In the year 2008 (according to the Eurostat definition: 1 January 2009), Turkish nationals again were by far the largest group of foreigners living Germany (1,789,159 persons), accounting for roughly a quarter of the total foreign population (24.9%). Compared to the year before, however, their number has significantly decreased by approx. 40,000 persons. This decline is partly due to the number of naturalisations of Turkish citizens and partly to the general downward trend in immigration from Turkey observed in recent years. While 58,128 Turkish nationals had immigrated to Germany in 2002, their number was only 30,720 in 2006.¹⁹ In the same year (2006), as many as 32,424 Turkish citizens left Germany.²⁰ Thus, a negative migration balance (-1,704) was noted for

¹⁷ See BAMF (2009): [Annual Report on Migration and Asylum Statistics 2007](#) by the German National Contact Point for the European Migration Network (EMN), p. 16-18.

¹⁸ In the context of the figures available in the Eurostat database it must be noted that the reference date is 1 January of the respective year. According to the specifications for this report, however, the German national practice of using stock data is applied, with the reference date at the end of the respective year (31 December). Consequently, population data given for 2008 (for example, in Table 2) in this report are to be found in the Eurostat database for the year 2009. By definition, the population at 1 January of a certain year is equated to that at 31 December of the previous year.

¹⁹ See BMI / BAMF (2010): [Migrationsbericht 2008](#), p. 232.

²⁰ See BMI / BAMF (2010): [Migrationsbericht 2008](#), p. 25.

the first time since 1985. This trend continued in 2007 (-2,280). In 2008, the negative balance even increased nearly fourfold compared to the previous year (-8,190). At the same time, 24,449 Turkish nationals acquired the German citizenship in 2008.²¹

The second largest group of foreigners is formed by Italian nationals (560,364 persons, i.e. 7.8% of all non-nationals), followed by citizens from Poland (419,555 persons, i.e. 5.8%). While the number of Italian nationals decreased by roughly 10,000 persons (-1.7%) between 2007 and 2008, the number of Polish citizens living in Germany increased by approx. 6,500 persons (+1.6%). This trend is also reflected when looking at all the ten countries which acceded to the EU on 1 May 2004: the number of EU-10 nationals living in Germany increased from 595,663 (2007) to 605,163 in 2008 (+1.6%). Significant increases were also noted for Romania and Bulgaria who joined the EU in January 2007. The number of EU-2 citizens living in Germany rose from 140,896 persons (2007) to 157,984 in 2008 (+12.1%).

Among the third-country nationals, the most important nationality groups after the Turkish were citizens from Croatia (235,854) and Russia (201,919) in 2008. However, in nearly all of the major groups of third-country nationals, a slightly negative trend was observed between 2007 and 2008 (see Table 3).²² In this time period, notable increases in third-country nationals were registered only for citizens from Iraq (from 78,683 to 80,303, i.e. +2%), India (from 45,319 to 47,025, i.e. +3.8%), Nigeria (from 17,938 to 18,228, i.e. +2%) and Egypt (from 12,056 to 12,447, i.e. +3.2%). The number of Nigerian and Indian nationals had already increased significantly between 2006 and 2007.²³ These growth rates are due to positive migration balances, in the case of Iraqi citizens they are mainly in connection with the increase in persons seeking international protection (see Section 4.1).

Similar to the time period 2006-2007, notable decreases were registered for citizens from Iran (from 61,038 to 58,600, i.e. -4%), Afghanistan (from 54,362 to 52,537, i.e. -3.4%) and Sri Lanka (from 32,210 to 30,682, i.e. -4.7%). A significant decline was also noted for Kazakhs (from 59,060 to 56,945, i.e. -3.6%) and Pakistani (from 31,198 to 30,481, i.e. -2.3%). This development can be partly ascribed to naturalisations, in the case of Iran also to a negative migration balance.

3.3 Acquisition of German citizenship (naturalisations)

In 2008, a total of 94,470 naturalisations were registered.²⁴ Compared to the year before, this is a decrease by more than 16%, continuing a downward trend for more than a decade now: With the

²¹ See BMI / BAMF (2010): [Migrationsbericht 2008](#), p. 347.

²² The strongly diverging figures for nationals of former Serbia and Montenegro on the one hand and Serbia alone on the other are mainly due to the change of citizenship. The confederation of Serbia and Montenegro existed from 4 February 2003 until 3 June 2006. Since the latter date, a part of these citizens held either Serbian or Montenegrin nationality. However, after Kosovo's declaration of independence on 17 February 2008, a part of the citizens registered as Serbians in 2007 opted for Kosovan nationality.

²³ See BAMF (2009): [Annual Report on Migration and Asylum Statistics 2007](#) by the German National Contact Point for the European Migration Network (EMN), p. 16-18.

²⁴ German citizenship can be acquired through birth or naturalisation. According to the Eurostat definition, 'acquisition of citizenship' refers to the granting of citizenship to persons having their usual residence in an EU Member State and having been before citizen of a different state or stateless. Formally, ethnic German repatriates from the former Soviet Union do not have to be naturalised – after verification of their status, these persons will be considered automatically, by virtue of the German Basic Constitutional Law, to be 'German citizens' and obtain the corresponding identification documents.

exception of 2006, the number of naturalisations has decreased annually since the reform of the nationality legislation in 2000 (see Table 4).

Table 4: Development of annual naturalisations by nationality since 2000

Previous nationality	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total	186,688	178,098	154,547	140,737	127,153	117,241	124,566	113,030	94,470
Third country nationals	:	:	:	:	:	:	:	:	79,698
<i>of which</i> Turkey	82,861	76,573	64,631	56,244	44,465	32,661	33,388	28,861	24,449
Serbia	:	:	:	:	:	:	2,979	10,312	6,267
Iraq	984	1,264	1,721	2,999	3,564	4,136	3,693	4,102	4,229
Morocco	5,008	4,425	3,800	4,118	3,820	3,684	3,546	3,489	3,130
Iran	14,410	12,020	13,026	9,440	6,362	4,482	3,662	3,121	2,734
Afghanistan	4,773	5,111	4,750	4,948	4,077	3,133	3,063	2,831	2,512
Russian Federation	4,583	4,972	3,735	2,764	4,381	5,055	4,679	4,069	2,439
Israel	1,101	1,364	1,739	2,844	3,164	2,871	4,313	2,405	1,971
Ukraine	2,978	3,295	3,656	3,889	3,844	3,363	4,536	4,454	1,953
Bosnia and Herzegov.	4,002	3,791	2,357	1,770	2,103	1,907	1,862	1,797	1,878
European Union citizens	:	:	:	10,535	14,128	13,177	13,705	16,635	14,029
<i>of which</i> Poland	1,604	1,774	2,646	2,990	7,499	6,896	6,907	5,479	4,245
Romania	2,008	2,026	1,974	1,394	1,309	1,789	1,379	3,502	2,137
Greece	1,413	1,402	1,105	1,114	1,507	1,346	1,657	2,691	1,779
Italy	1,036	1,048	847	1,180	1,656	1,629	1,558	1,265	1,392
Bulgaria	614	615	649	579	404	400	409	468	802
Stateless persons	2,049	1,579	1,247	1,211	1,213	1,352	1,421	1,253	948

Source: Eurostat (for lack of data availability at Eurostat, figures in italics were taken from national sources).

Looking at the previous nationalities of the naturalised persons, more than 84% of the new Germans are from third countries, only about 15% of them held an EU passport before their naturalisation. Among the former third-country nationals, Turkish citizens formed the largest group, accounting for more than a quarter of all naturalisations (24,449, i.e. 25.6%). Other important groups were citizens from Serbia (6,267 naturalisations; 6.6%), Iraq (4,229; 4.5%), Morocco (3,130; 3.1%) and Iran (2,734; 2.9%). The major EU countries were Poland (4,245; 4.5%), Romania (2,137; 2.3%), Greece (1,779; 1.9%), Italy (1,392; 1.5%) and Bulgaria (802; 0.8%). Also, 948 stateless persons (1%) obtained German citizenship. Among the third-country nationals, Iraqis are the only group, which does not follow the pattern of general decrease: Since 2000, the number of naturalisations has slightly risen every year, with the exception of 2006.

Gender distribution and age structure

In total, the gender distribution of naturalisations in 2008 was fairly balanced, with 50.2% (47,437 persons) female and 49.8% (47,033 persons) male. However, looking at individual nationalities, the gender distribution shows some variations: More than half of the naturalised persons from the following countries were men: Turkey (54.9%), Serbia (54.4%), Iraq (61.5%), Morocco (62.6%), Iran (53.6%) and Afghanistan (53.6%). The picture is different for Middle and Eastern European countries, with more naturalisations of women (64.9%) than of men (35.1%).

This is in particular the case for former Polish and Romanian citizens, with 72.2% and 67.7% of the naturalised persons being female, respectively. Also among the Russian nationals who obtained German citizenship, women prevailed with 60.8% in 2008. These gender differences can mainly be ascribed to different migration patterns of individual national groups, e.g. marriage, education or refugee migration.²⁵

With regard to the age structure of the persons naturalised in 2008, it can be noted that all age groups are represented. Children under 5 years (1.9% of all persons naturalised) and persons over 60 years of age (2.9%) were the smallest groups, whereas juveniles and young adults were over-represented: More than 60,000 (63.5%) of the total of 94,470 persons naturalised were in the age group 15-39 years, with the average age being 29.8 years for all persons naturalised. On average, the new German citizens had been living in Germany for more than 15 years; longer previous stays were registered for persons coming from the “old” EU Member States (EU-15) and/or from the former recruitment countries, i.e. Greece (26.7 years), Italy (26.9), Portugal (24.4), Spain (29.6), and Turkey (20.2). Slightly shorter previous stays than the average of 15 years were registered for citizens from Tunisia (12.8 years) and Morocco (14.7 years). The shortest periods of stay before naturalisation were registered for citizens from Russia (9.9 years on average), Ukraine (10.2), Romania (10.5) and Bulgaria (11.7).²⁶

Retention of previous nationality

The Federal Statistical Office also registers both retainment and renunciation of previous nationalities. For 2008, statistics show that the vast majority (more than 96%) of former EU citizens make use of the possibility to retain their previous nationality (Section 12(2) of the German Nationality Act) while becoming Germans.²⁷ Third country nationals, however, must principally give up or be granted release from their previous nationality in order to obtain German citizenship. Only if the person in question is unable to give up his or her previous citizenship, or if doing so would entail particularly difficult conditions, multiple nationality is tolerated. This is the case for only 18% of the former Turkish citizens who obtained German nationality. Particular high rates of retainment, however, were registered for citizens from Iran (99.8%), Afghanistan (99.8%), Morocco (99.7%), Israel (95.6%) and Iraq (85.5%).

²⁵ Cf. Worbs, Susanne (2008): [Die Einbürgerung von Ausländern in Deutschland](#). 2., aktualisierte Auflage, Working Paper 17 der Forschungsgruppe des Bundesamtes für Migration und Flüchtlinge, Nürnberg: BAMF, S. 19.

²⁶ See Federal Statistical Office, [Fachserie 1 Reihe 2.1](#), Bevölkerung und Erwerbstätigkeit – Einbürgerungen 2009, p. 72 et seq.

²⁷ See Federal Statistical Office, [Fachserie 1 Reihe 2.1](#) 2009 (footnote 26), p. 85.

4 Asylum applications and international protection

4.1 Asylum applications

Since the mid-1990s (with the exception of 2001), the number of asylum applications in Germany has declined strongly. After an almost “historical” low level with 19,164 new asylum applications (first-time applications) in 2007, the figures slightly increased again in 2008 to 21,365 new applications.²⁸

However, looking at the total number of asylum applications, i.e. including repeat applications, a decrease is noted for 2008 compared to the previous year. Here, an increase is noted only in 2009. While a total of 30,303 persons had lodged an asylum application in 2007, the figures were 26,945 for 2008 and 33,035 for 2009.

Table 5: Development of annual asylum applications since 1995

Year	New applications	Repeat applications	Total
1995	127,937	39,014	166,951
1996	116,367	32,826	149,193
1997	104,353	47,347	151,700
1998	98,644	44,785	143,429
1999	95,113	43,206	138,319
2000	78,564	39,084	117,648
2001	88,287	30,019	118,306
2002	71,127	20,344	91,471
2003	50,563	17,285	67,848
2004	35,607	14,545	50,152
2005	28,914	13,994	42,908
2006	21,029	9,071	30,100
2007	19,164	11,139	30,303
2008	21,365	5,580	26,945
2009	27,650	5,385	33,035

Sources: 1995-2007: BAMF, 2008 and 2009: Eurostat (rounded figures)

It must be underlined that the respective values contained in the Eurostat database differ to some extent from the BAMF figures. According to BAMF statistics, 28,018 persons lodged an asylum application in Germany in 2008, of which 22,085 were new applications. The discrepancy by comparison to the Eurostat data results in part from the fact that annual figures are rounded and aggregated from monthly values at Eurostat. While the monthly extracts from the BAMF database are subsequently adjusted and corrected, Eurostat has only started to carry out subsequent corrections in 2009. In view of the stipulation that the EMN Annual Statistical Report for 2008 be based on Eurostat data, this section presents values available from the Eurostat database and not national statistics, despite a lack of accuracy.

²⁸ This upward trend has continued: In 2009, a total of 27,650 first-time asylum applications were lodged (source: Eurostat); in the first six months of 2010, national statistics have registered already 15,579 first-time applications (source: BAMF).

Table 6: New asylum applications by country of nationality, 2008

Total	21,365
Iraq	6,695
Serbia (including. Kosovo)*	1,510
Turkey	1,320
Vietnam	1,040
Iran	805
Russian Federation	770
Syria	745
Afghanistan	650
Lebanon	515
Nigeria	500
<i>other countries of origin</i>	<i>6,815</i>

Source: Eurostat (rounded figures)

* As of 1 May 2008, Kosovo is covered as a separate country of origin.

In 2008, the main countries of origin of first-time applicants (see Table 6) were Iraq (31.3% of all first-time applicants), Serbia including Kosovo (7.0%), Turkey (6.2%), Vietnam (4.9%), and Iran (3.8%). Compared to 2007, the number of Iraqi first-time applicants has risen by 54.7% (2007: 4,327 persons, 2008: 6,695 persons). Asylum seekers from Iran have increased by 29.2% (2007: 631 first-time applicants, 2008: 815). For Serbia, BAMF statistics showed a strong decline from 1,996 applications (2007) to 729 (2008). From Eurostat data, however, this is not evident, since first-time applicants from Kosovo were also registered under “Serbia” in 2008. The number of first-time applicants from Turkey has already been declining since 2001 (when 10,870 first-time applications had been lodged). This trend has continued to the reporting year (2007: 1,437 first-time applications, 2008: 1,408).

68.0% of the first-time applicants were male, 32.0% female (see Table 7). Overall, the share of women has increased slightly in recent years. Compared to the previous year, however, it has decreased a little. In 2003, the share of women had been 30.1%; in 2007 it had risen to 33.9%. However, there are considerable differences in the gender structure if the country of origin is taken into consideration. While women accounted for less than a third of Iraqi asylum seekers in 2008 (26.6%), the female percentage of Russian and Vietnamese applicants was considerably higher with 47.4% and 43.8%, respectively.²⁹

As for the age structure of asylum seekers in 2008, more than three quarters (77.7%) were under 30 years, and about one-third (33.1%) were of minor age.

²⁹ See BMI / BAMF (2010): [Migrationsbericht 2008](#), p. 115 and BAMF (2009): [Asyl in Zahlen 2008](#), p. 25-26.

Table 7: New asylum applications by age group and gender, 2008

Age groups	Male	Female	Total
Total	14,520	6,820	21.365
0-17 years	3,610	2,820	6,630
18-34	8,995	2,855	11,850
35-59	1,650	1,040	2,690
60+	65	105	165

Source: Eurostat (rounded figures)

In general, the decline in the number of asylum applications since it had reached a “historical” high level in 1992 is ascribed to the following facts: the amendment of the fundamental right of asylum in Germany in December 1992, the stabilisation process in the Eastern European states, the end of war in former Yugoslavia, political reforms in Turkey and the overthrow of both the Taliban regime in Afghanistan and of the totalitarian regime in Iraq.³⁰ The slight rise in first-time applications in 2008 compared to the previous year is too small to signal a trend reversal with clearly identifiable causes. However, taking into consideration also the figures for 2009, an upward tendency can indeed be detected. Since a large part of asylum seekers in 2008 and 2009 came from Iraq and Afghanistan, it can be assumed that the political situation and the military operations in these countries have led to an increase of refugee flows to safer parts of the world, including Germany.

The following factors can, in principle, be considered responsible for the scale of influx of asylum seekers to Germany:

- the ruling (recognition) practice of the courts,
- further options to remain in Germany,
- the ruling practice of other (European) destination countries,
- (legal or illegal) work opportunities in Germany and other destination countries,
- existing migration chains and social networks, and
- the situation in the respective countries of origin (inter-ethnic tensions and displacement, political and religious persecution, (civil) war, environmental degradation and natural disasters as well as economic crises.

However, it is impossible to determine a precise casual link between certain migration-triggering factors and the development of the number of asylum seekers in Germany.

By the end of 2008, there were 18,280 cases pending at the BAMF, i.e. the respective decisions on granting protection were not yet taken. 1,565 asylum applications were withdrawn during 2008.

4.2 Decisions on international protection

First-instance decisions

According to Eurostat, a total of 19,335 asylum applications reached a first-instance decision during the reporting year. 7,870 cases (40.7% of all first-instance decisions) received a positive decision, i.e. the applicants were granted either refugee status or subsidiary protection. 11,465

³⁰ See BMI / BAMF (2008): [Migrationsbericht 2007](#), p. 100.

cases (59.3%) received a negative decision, i.e. the applications were either rejected or closed by formal decision (see Table 8).³¹ It must be noted that BAMF values are slightly higher than figures available at Eurostat. As with asylum applications statistics, this is mainly due to the fact that BAMF carries out adjustments and amendments of the lists for the previous month, while Eurostat did not make any subsequent corrections in 2008. Besides, figures are routinely rounded to 5 at Eurostat.

With regard to BAMF decisions in the asylum procedures, the most notable difference between 2007 and 2008 lies in the new increase of the total protection rate, i.e. the percentage of asylum seekers who were recognized as persons entitled either to asylum in accordance with Art. 16a of the German Basic Constitutional Law or to refugee status pursuant to Section 60(1) of the Residence Act or to subsidiary protection (prohibitions on removal pursuant to Section 60(2-7) Residence Act). The trend has clearly been upward, from a recognition rate of 6.3% (2006) to 27.5% (2007) and then to 40.7% in 2008.³²

In general, the development of the protection rate depends on the following factors:

- In the first place, consideration must be given to the actual number of cases in which the Federal Office was able to make a decision in the reference period. Often, the suspension of decisions has immediate consequences on the development of the protection rate. By way of example, in 2003 there was a general suspension of cases concerning Afghan asylum seekers in the time period January-May, and in 2006 applications lodged by Iraqi nationals were suspended from March until September. The suspension of decisions is a reaction to the situation in the respective country of origin rather than a control instrument in the competence of the Federal Office.
- Secondly, the development of the protection rate is also influenced by decrees of the Federal *Länder* regarding Section 60a(1) 1st sentence of the Residence Act, or by other decrees in the sphere of legislation relating to foreign nationals which grant effective protection from being removed, because in these cases, prohibitions on removal pursuant to Section 60(7) 1st sentence of the Residence Act are not applicable in a general situation of danger due to the restrictive effect of Residence Act Section 60(7) 3rd sentence.
- Besides, societal changes in the country of origin have an influence on the protection rate, e.g. a gradual improvement of medical care or the collapse of state power.
- New information from external organs (Foreign Office, UNHCR etc.) can also lead to changes in the decision practice and hence the protection rate.³³

³¹ Formal decisions are mainly taken in the following contexts: 'Dublin Procedure' (competence of another Member State), termination of the procedure after withdrawal of the application by the asylum seeker, or decision on a subsequent asylum application that no further asylum procedure will be initiated. Eurostat does not differentiate between rejections and formal decisions, both types of decisions are classified as 'rejection'.

³² The rates for 2006 and 2007 were calculated on the basis of BAMF statistics, the rate for 2008 on the basis of Eurostat data. The protection rate on the basis of BAMF data for 2008 is somewhat lower than the rate calculated by Eurostat (37.7% vs. 40.7%). The discrepancy is partly due to the fact that the number of closed proceedings following withdrawal of the application by the asylum seeker was not notified to Eurostat for the year 2008. Hence, Eurostat figures show a lower total number of decisions than the national statistics do (19,335 vs. 20,817). Besides, the closure of a procedure due to withdrawal of the application (2008: 1,565 closures) is registered in BAMF statistics as 'formal decision', which may be classified as 'negative decision'. Consequently, the protection rate is slightly lower according to national calculations.

³³ See BAMF (2008): [Asyl in Zahlen 2007](#), p. 42

Table 8: Total number of decisions 2006, 2007 and 2008

	2006	2007	2008
Total	30,759	28,572	19,335
positive decisions	1,951	7,870	7,870
negative decisions*	17,781	12,749	11,465

Source: 2006 and 2007: BAMF, 2008: Eurostat

* With regard to negative decisions it must be noted that the figures for 2006 and 2007 do not include formal decisions (e.g. decisions within the framework of the Dublin Procedure, because a different EU Member State is responsible for examining the asylum application, or decisions on repeat applications that no further asylum procedure will be initiated), whereas the figure for 2008 does include formal decisions.

Table 9 shows the five countries of origin with the most positive decisions in absolute figures for 2008. The major part of positive decisions was given to applicants from Iraq. By way of further explanation it should be added that 79.2 percent of the Iraqi asylum seekers whose applications were decided in 2008 were granted asylum or refugee protection pursuant to Residence Act Section 60(1), and 0.9% were granted subsidiary protection. In 2007, the respective values had been 74.0% and 0.4%, respectively. The rejection rate was only 19.9% in 2008 (2007: 25.5%). In 2006, nearly 92% of the Iraqi asylum seekers had received a negative decision.

Of the applicants from Afghanistan, 21.3% were granted asylum or refugee protection in 2008 (2007: 10%), another 25.3 percent were granted subsidiary protection (2007: 17.7%). Thus, the overall protection rate for Afghan asylum seekers rose from 16.2% (2006) to 27.7% in 2007 and finally to 46.7% in 2008. High protection rates were also registered in 2008 for asylum seekers from Iran (39.2%) and the Russian Federation (23.3%) (2007: 29.2% and 18.5%, resp.). For applicants from Turkey (10.8%), Serbia (2.9%) and Vietnam (0.5%), the recognition rate was significantly lower (2007: 5.5%, 1.8% and 0.8%, resp.).³⁴

The upward trend regarding protection granted to Iraqi asylum seekers is partly due to the fact that in view of the information available, BAMF officers have since mid-May 2007 assumed group persecution of religious minorities (e.g. Christians) in central Iraq, unless the persons concerned could be referred to internal protection alternatives. Also, the general significant improvement of protection rates in 2007 and 2008 compared to the years before is caused by the fact that non-state and gender-related persecution is increasingly taken into consideration when examining the conditions for granting refugee status; this also applies to protection for whole families.³⁵ These developments in turn can be explained by the new immigration legislation which entered into force in 2005 (Immigration Act – *Zuwanderungsgesetz*) and by the Act on Implementation of the Directives of the European Union on the Right of Residence and Asylum of 19. August 2007 (*Richtlinienumsetzungsgesetz*).

As in previous years, no decisions were made in 2008 with regard to ‘temporary protection’ pursuant to Council Directive No. 2001/55/EC³⁶. Protection for ‘humanitarian reasons’³⁷ was not

³⁴ Calculation based on Eurostat data. The analysis of decision statistics using BAMF figures yields slightly lower protection rates.

³⁵ Cf. [Bundestag Printed Paper No. 16/7687](#), p. 14.

³⁶ Council Directive [2001/55/EC](#) of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

³⁷ See Art. 4(2)(e) of Regulation (EC) No [862/2007](#).

included in the statistics for 2008; it was only in 2009 that BAMF started to distinguish statistically between subsidiary protection granted on the basis of EU law and subsidiary protection on the basis of national law, i.e. to statistically evaluate decisions pertaining to prohibitions on removal pursuant to Section 60(2), (3), (5) and (7) of the Residence Act separately: Whereas decisions in accordance with Section 60(2), (3) and (7) 2nd sentence of the Residence Act are classified as 'subsidiary protection' on the basis of EU legislation, decisions pursuant to Section 60(5) and (7) 1st sentence of the Residence Act are classified as subsidiary protection on the basis of national legislation. In the EU context, these latter decisions are interpreted as authorisation to stay 'for humanitarian reasons'. The corresponding figures will be notified to Eurostat pursuant to Art. 4(2)(e) of the Regulation on Migration Statistics, but only from 2009 onwards.³⁸

Table 9: Number of positive decisions by legal basis and country of origin, 2008³⁹

	Total	Recognition as person entitled to asylum (Art. 16(a) Basic Law) and refugee protection (Section 60(1) Residence Act)	Subsidiary protection (prohibitions on removal pursuant to Section 60(2), (3),(5) or (7) Residence Act)
Total	7,870	7,310	565
Iraq	5,815	5,750	65
Iran	325	305	20
Sri Lanka	230	125	105
Eritrea	205	170	35
Afghanistan	180	80	95
Other countries of origin	1,115	880	245

Source: Eurostat

Table 10: Number of positive decisions by legal basis and country of origin, 2007⁴⁰

	Total	Recognition as person entitled to asylum (Art. 16(a) Basic Law) and refugee protection (Section 60(1) Residence Act)	Subsidiary protection (prohibitions on removal pursuant to Section 60(2), (3),(5) or (7) Residence Act)
Total	7,870	7,197	673
Iraq	5,794	5,760	34
Iran	380	282	98
Eritrea	251	157	94
Russian Federation	225	199	26
Afghanistan	199	72	127
Other countries of origin	1,021	727	294

Source: BAMF / Eurostat

For the purposes of comparison, Table 10 shows the figures for positive decisions taken in 2007. It is by coincidence that the total number of positive decisions taken in 2008 (7,870 cases) equals that of 2007, with the value for 2008 taken from the Eurostat database (rounded figure), whereas the value for 2007 was taken from BAMF statistics.

³⁸ For a differentiation between subsidiary protection granted on the basis of EU legislation and national provisions regarding prohibitions on removal, see Parusel, Bernd (2009): [The Granting of Non-EU Harmonised Protection Statuses in Germany](#), Research Study II/2009 in the framework of the European Migration Network), Working Paper 30 by the Research Section of the Federal Office, Nuremberg: BAMF, p. 21 et seq., p. 30 et seq. and p. 44-47.

³⁹ Breakdown by countries of origin with the highest numbers of positive decisions.

⁴⁰ Breakdown by countries of origin with the highest numbers of positive decisions.

Court judgments

In case of a negative (first-instance) decision of BAMF, the applicant may lodge an appeal before an Administrative Court. In 2008, 41.7% of the negative first-instance decisions (rejections) were appealed. Thus, the appeal rate has decreased compared to 2007 (48.6%).⁴¹

Apart from statistics on asylum applications and first-instance decisions, Eurostat also collects statistics on decisions which have become final, i.e. incontestable. Contrary to the national "incontestability statistics" produced by BAMF, Eurostat produces only data on final decisions made by authorities or courts in appeal procedures in the framework of this data set named "final decisions". Hence, Eurostat figures on final decisions differ fundamentally from the national incontestability statistics, which also include first-instance decisions made by BAMF which have become final or remained unappealed.

According to Eurostat, a total of 11,070 final decisions were made in Germany in 2008⁴², of which 74.9% were rejections. In 14.7% of the decisions, refugee protection was granted, in 10.4% subsidiary protection. In total, 25.0% of all cases received a positive decision. While most of the first-instance decisions made in 2008 concerned persons coming from Iraq (7,260 decisions), Serbia (1,390) and Turkey (1,205), the major part of the final decisions referred to applicants from Turkey (1,340), Serbia (1,165) and Iraq (1,020).

Revocations and withdrawals

Pursuant to Section 73(1) and (3) of the German Asylum Procedure Act (*Asylverfahrensgesetz*), the BAMF is obliged to revoke the recognition of entitlement to asylum or refugee status or the granting of subsidiary protection by way of administrative procedure, if the conditions on which such recognition is based have ceased to exist and if no new grounds of persecution have arisen which pose serious obstacles to return to the country of origin. The entitlement to asylum, refugee status or subsidiary protection must be withdrawn if it was granted on the basis of incorrect information or withholding of essential facts and if such recognition could not be based on any other grounds (Section 73(2) of the Asylum Procedure Act).

According to Eurostat, a total of 6,345 *first-instance* decisions on entitlement to protection were revoked or withdrawn in 2008, this being by far the highest value in the EU. 6,105 cases concerned the revocation of entitlement to asylum or refugee status, 240 cases the revocation of entitlement to subsidiary protection.

⁴¹ See BAMF (2009): [Asyl in Zahlen 2008](#), p. 57.

⁴² See Art 4 (3)(b-f) of the Migration Statistics Regulation (862/2007/EC).

Table 11: Revocations and withdrawals of first instance decisions on granting protection, 2008

Country of origin	Revocations / withdrawals of entitlement to asylum and to refugee protection	Revocations / withdrawals of entitlement to subsidiary protection	Total number of revocations / withdrawals
Total	6,105	240	6,345
Turkey	3,375	50	3,430
Iraq	895	0	895
Togo	545	0	545
Serbia	295	35	330
Iran	240	0	245
Afghanistan	155	50	210
Russian Federation	50	5	55
Vietnam	45	5	50
D. R. Congo	45	5	50
Armenia	25	10	35
<i>Other countries of origin</i>	435	80	500

Source: Eurostat

As shown in Table 11, by far the most revocations and withdrawals were made in connection with decisions on entitlement to asylum or refugee protection (96.2%). With regard to the countries of origin, most applicants came from Turkey (55.3%), far ahead of the next countries Iraq (14.1%) and Togo (8.6%). However, it must be underlined that the total of 6,433 revocations/withdrawals only accounted for 17 percent of all appeal decisions made in 2008. In 83% of all appeal cases, the protection status was not revoked.

4.3 Unaccompanied minors

In the reporting year, 763 asylum applications were lodged by unaccompanied minors (UM), i.e. by children and juveniles under the age of 18 who came to Germany without their parents or legal guardians.⁴³ Eurostat gives the rounded figure of 765 (Table 12).

Table 12: Unaccompanied minor applicants by gender and age, 2008

Age group	Male	Female	Total
Total	570	195	765
0-13 years	55	30	85
14-15 years	175	60	235
16-17 years	340	100	440

Source: Eurostat (rounded figures)

⁴³ Cf. Parusel, Bernd (2009): [Unaccompanied Minors in Germany: Reception, Return and Integration Arrangements](#), Working Paper 26 by the Research Section of the Federal Office, Nuremberg: BAMF, p. 13-14 and 44.

Table 13: Unaccompanied minor applicants by country of origin, 2008

Country of origin	
Total	765
Iraq	230
Vietnam	70
Afghanistan	60
Guinea	50
Ethiopia	35
Eritrea	25
India	20
Nigeria	20
Russian Federation	20
Somalia	20
<i>Other countries of origin</i>	<i>215</i>

Source: Eurostat (rounded figures)

The figures for the year 2008 are not comparable to the values for previous years, since, until 2007, BAMF recorded only minors below the age of 16 as “UM”. According to this definition, 180 unaccompanied minors applied for asylum in Germany in 2007. In 2008, the number of applications lodged by minors of this age category was 320. This suggests an increase in applications for the total group of UMs, i.e. also for juveniles aged 16 and 17 years. The most important countries of origin for UMs in 2008 were Iraq, Vietnam and Afghanistan. In 2009, a total of 1,305 UMs applied for asylum in Germany.⁴⁴

4.4 Dublin transfers

In the framework of the so-called “Dublin Procedure”, the Member State responsible for examining an asylum application is established. Pursuant to the provisions of the “Dublin II Regulation”⁴⁵ every asylum application lodged in one of the Member States (MS) shall be processed by only one MS. The idea is to exclude the possibility of lodging multiple applications in different MS and to reduce secondary movements of asylum seekers within the EU. The MS have to assess if another MS is responsible for examining an asylum application lodged on their territory on the basis of the hierarchical criteria set down in the regulation. When another MS is designated responsible, that State is approached to take over the asylum seeker (‘take-back request’ or ‘take-charge request’). If the MS thus approached considers the request justified, it accepts its responsibility within a set deadline. The applicant is informed about the first Member State’s decision not to examine the asylum application and to transfer the applicant to the responsible MS. The Dublin II Regulation is directly applicable in all EU Member States and, by virtue of a parallel agreement, also in Norway and Iceland. Since 12 December 2008, Switzerland has also been applying the Dublin Regulation.

⁴⁴ For information on problems related to wrong statements of young asylum seekers concerning their age and the difficulties of age assessment, see Parusel, Bernd (2009): [Unaccompanied Minors in Germany: Reception, Return and Integration Arrangements](#), Working Paper 26 by the Research Section of the Federal Office, Nuremberg: BAMF, p. 24.

⁴⁵ Council Regulation (EC) No. [343/2003](#) of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

Requests and respective transfers from Germany to other Member States

As shown in Table 14, Germany addressed a total of 5,857 requests to other Member States, of which 4,182 (71.4%) were accepted. On this basis, 2,122 transfers were actually carried out. Thus, 36.2% of all requests resulted in transfers.

Most of the requests were addressed to Greece (743), France (738), Italy (705), Poland (688) and Sweden (547). However, there is a considerable difference in the figures when looking at the actual transfers carried out to these Member States: 58.1% of all requests to Poland resulted in a transfer, the rate for Sweden was 50.3%, for Italy 33.5%, for France 29.9% and for Greece only 16.0%. Hence, among the top five countries approached by Germany, Poland ranks first (400 transfers), Greece last (119 transfers). The low figures for Greece may be explained partly by the fact that, in 2008, several German Administrative Courts considered the question whether transfers to Greece under the Dublin Procedure were admissible at all. Some courts granted temporary suspension of removal orders, pointing out that asylum seekers could not rely on having access to a fair and effective asylum procedure in Greece.⁴⁶

Reasons for requests to other Member States

In most requests (2,964), Germany asked other Member States to take back applicants who were illegally present in Germany and/or had lodged an asylum application in Germany while their first application was already being examined elsewhere. The obligation of the MS to take back such asylum seekers is set forth in Art. 16(1)(c) of the Dublin II Regulation. Roughly half as many cases (1,486) referred to asylum seekers illegally present in Germany after their application had been rejected elsewhere in the EU. Also in these cases, the MS responsible for examining the asylum application must take back the applicant (Art. 16(1)(e) of the Regulation). Another 1,343 requests referred either to persons in possession of a residence permit or a visa issued by the respective MS approached or to applicants having entered the territory of the EU via that MS (Art. 9, 10, 11 and 12 of the Regulation). Other reasons, e.g. of a familiar or humanitarian nature, were of marginal statistical relevance.

Requests and respective transfers addressed to Germany

In 2008, a total of 3,062 requests to take back or take charge of asylum seekers were addressed to Germany by other Member States. In 2,356 cases (76.9%) Germany accepted the request. 1,270 transfers were carried out (41.5% of the total number of requests).

Most requests came from France (660), Sweden (648), Belgium (300), the Netherlands (291) and Norway (273). The respective transfer rates were 29.2% (France), 39.2% (Norway), 42.1% (Sweden), 43.7% (Belgium) and 64.3% (Netherlands). In absolute figures, the highest number of transfers to Germany was carried out by Sweden (273), followed by France (193), the Netherlands (187), the United Kingdom (136) and Belgium (131).

Reasons for requests from other Member States

In most of the requests from other Member States (1,622), Germany was asked to take back asylum seekers illegally present in the territory of the respective MS while their applications were being examined in Germany (Art. 16 (1) (c) of the Dublin II Regulation). Roughly half as many cases (803) referred to Art. 16(1)(e), i.e. to persons illegally present in the respective MS after their asylum application had been rejected by Germany. 493 requests were made in connection with

⁴⁶ Schneider, Jan / Parusel, Bernd (2009): Annual [Policy Report 2008](#) of the National Contact Point for Germany in the European Migration Network (EMN), Nuremberg: BAMF, p. 16.

Art. 9, 10, 11 or 12, i.e. in order to determine the responsible MS on the basis of residence documents/visas or place of entry into the EU. 81 requests referred to cases of family reunification (Art. 6, 7, 8 or 14). These provisions determine inter alia that the responsibility for an unaccompanied minor applicant must be assumed by the MS where a family member (having custody) of the applicant is legally present. Other types of requests addressed to Germany (e.g. for humanitarian reasons) were less important or even marginal.

Quantitative relation between requests made by Germany and requests addressed to Germany

Table 14 shows that in 2008, Germany transferred a total of 2,122 persons to other Dublin MS and took back/charge of 1,270 applicants. With regard to the individual partner countries, the figures are unevenly spread. With regard to 15 MS, Germany transferred more applicants to them than it took over from them.⁴⁷ The most significant imbalances were noted in relation to Italy, Greece and Poland. Germany transferred 236 persons to Italy, but took over only 7 applicants. 119 applicants were transferred to Greece, 4 were taken over. To Poland, Germany transferred 400 asylum seekers and took over only 13. For eight Dublin States (Belgium, Estonia, Ireland, Iceland, Latvia, Portugal, Sweden, Switzerland), the transfer frequency was fairly balanced. For example, Germany took over 273 applicants from Sweden and transferred 275. Between Estonia-Germany and Switzerland-Germany, no transfers were carried out at all. Six countries transferred more applicants to Germany than they took over. Denmark, Finland, Luxembourg, the Netherlands and the UK transferred more than twice as many applicants than they took over from Germany.

Information requests

The Dublin Procedure also provides for mutual information exchange among the MS. Pursuant to Art. 21 of the Dublin II Regulation, each Member State communicates to any requesting Member State personal data concerning the asylum seeker as is appropriate, relevant and non-excessive. The information to be provided serves the following purposes: to determine the MS responsible for examining an application, to carry out the examination and to implement other obligations arising from the regulation. In the reporting year 2008, Germany addressed 490 such information requests to other MS, of which 70 each to France and Italy, 57 to Greece, 47 to Austria and 41 to Poland. In the same time period, Germany received 3,686 information requests from other Dublin States, most of them from the authorities in Sweden (1,472), the Netherlands (673), Belgium (432), Austria (341) and the UK (207).

⁴⁷ These were Bulgaria, France, Greece, Italy, Lithuania, Malta, Austria, Poland, Romania, Slovakia, Slovenia, Spain, Czech Republic, Hungary and Cyprus.

Table 14: Requests and transfers under the Dublin Procedure, 2008

Country	Requests from Germany to Member States	of which: accepted cases	of which: transfers	Requests from Member States to Germany	of which: accepted cases	of which: transfers
Total	5,857	4,182	2,122	3,062	2,356	1,270
Belgium	333	232	141	300	223	131
Bulgaria	20	17	7	3	1	1
Denmark	54	37	19	69	63	44
Germany	0	0	0	0	0	0
Estonia	2	2	0	0	0	0
Finland	35	19	10	96	76	53
France	738	504	221	660	421	193
Greece	743	527	119	5	4	4
Ireland	17	10	5	19	13	7
Iceland	1	0	0	5	4	3
Italy	705	535	236	99	54	7
Latvia	4	3	1	0	0	0
Lithuania	14	9	8	1	1	0
Luxembourg	9	4	4	42	38	29
Malta	20	17	6	0	0	0
Netherlands	222	137	88	291	260	187
Norway	173	109	79	273	224	107
Austria	417	210	122	169	97	47
Poland	688	624	400	25	16	13
Portugal	11	6	5	8	8	5
Romania	73	61	21	6	4	1
Sweden	547	415	275	648	583	273
Switzerland	0	0	0	0	0	0
Slovakia	147	82	49	10	5	3
Slovenia	78	63	44	6	2	1
Spain	168	98	39	20	18	2
Czech Rep.	219	153	74	29	21	20
Hungary	249	218	89	27	7	3
UK	157	84	55	251	213	136
Cyprus	13	6	5	0	0	0

Source: Eurostat

5 Prevention of illegal entry and stay

5.1 Refusals of entry at borders

The number of persons who were refused entry at the German borders has steadily been decreasing since 1997 (see Table 15 for the years 2000 to 2008) from 52,257 persons in 2000 to 11,840 in 2007 and further down to 7,215 in 2008. Only the year 2006 represents an “outlier”, when more persons were refused entry than in the year before. Entry refusal is defined in Section 15 of the Residence Act: a foreigner wishing to enter the Federal territory unlawfully shall be rejected at the border. The corresponding data are collected by the Federal Police.

Table 15: Total number of entry refusals, 2000-2008

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Persons refused entry	52,257	51,054	47,286	43,957	30,785	15,043	20,329	11,840	7,215

Sources: 2000-2007: Federal Police / CIREFI, 2008: Eurostat (rounded figures)

Most persons who were refused entry in 2008 at the German borders were citizens of Serbia (20.1% of all refusals), Turkey (13.6%) and Macedonia (7.3%) (see Table 16). The percentages of other nationals over the total number are significantly lower.

Table 16: Persons refused entry by nationality, 2007 and 2008

	2007	2008
Total	11,840	7,215
Serbia	2,572	1,450
Turkey	1,399	980
Macedonia	900	530
China	522	405
Russian Federation	683	295
Nigeria	193	235
Bosnia and Herzegovina	406	205
Sri Lanka	172	170
Brazil	211	165
Dominican Republic	129	135
<i>other nationalities</i>	4,653	2,645

Sources: 2007: Federal Police / CIREFI, 2008: Eurostat (rounded figures)

(Selection of top ten citizenships based on 2008 data.)

A comparison between the data for 2008 and those for the year before shows that figures have registered a – partly significant – decrease for all of the “top ten” countries with the exception of Nigeria and the Dominican Republic. The number of rejected Russians has more than halved. For Nigerians, a significant increase is noted, for citizens of the Dominican Republic the rise is only marginal. Sri Lanka and the Dominican Republic had not been on the top ten list of persons refused entry at the German borders in 2007. Instead, Ukrainians and Vietnamese had been

among the most important nationality groups in the previous year, but they appeared no longer in this list for 2008.

The decline observed for several years can be seen in connection with the continuing decrease of asylum seekers. Other probable reasons are the EU enlargement, the enlargement of the Schengen area, inter alia to Poland and the Czech Republic, and the ensuing abolition of border controls, the improvement of border management by Germany's eastern neighbours and the intensification of control and monitoring by the Federal Police and by the police forces of the neighbouring countries.

Four of the countries in the "top ten" list of nationalities regarding entry refusal were simultaneously among the top ten countries of origin of first-time asylum applicants: Serbia, Turkey, the Russian Federation and Nigeria.

Since 2008, the statistics available at Eurostat allow statements on the scale of illegal entries registered at Germany's land, sea and air borders (airports). In the reporting year, 4,080 illegal entries were registered at the land borders (56.5%), 3,095 at airports (42.9%) and 40 at the sea borders (0.6%), i.e. in ports. Serbian citizens, the largest nationality group of persons rejected in 2008, mainly tried to enter Germany by land route (1,360 refusals), the number of attempts by air (80) and sea (5) was negligible. About two thirds of the Turkish citizens tried to enter Germany via land route, one third via airports. For Nigerians, however, nearly all entry refusals took place at airports (93.6%).

The Eurostat data for 2008 also show the reasons for refusing entry at the German borders (see Table 17). The reasons were taken from the "Schengen Borders Code".⁴⁸ When refusing entry, the border control officers must state in each individual case the reason for refusal on a standardised form. The table shows that most entry refusals at the German borders occurred because the persons in question had no valid visa or residence permit.

⁴⁸ Regulation (EC) No [562/2006](#) of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), Annex V, Part B.

Table 17: Persons refused entry by reason, 2008

	Number of persons
Total	7,215
Has no valid travel document(s)	405
Has a false/counterfeit/forged travel document	325
Has no valid visa or residence permit	4,700
Has a false/counterfeit/forged visa or residence permit	240
Has no appropriate documentation justifying the purpose and conditions of stay	960
Has already stayed for three months during a six-month period on the territory of the Member States of the European Union	0
Does not have sufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit	70
Is a person for whom an alert has been issued for the purposes of refusing entry in the SIS or in the national register	410
Is considered to be a threat to public policy, internal security, public health or the international relations of one or more of the Member States of the European Union	105

Source: Eurostat (rounded figures)

5.2 Apprehensions of illegally present third country nationals

According to the Eurostat database, 53,695 persons illegally staying in Germany were apprehended in 2008. Table 18 shows that most of these persons were citizens of Turkey (12.4%), Serbia (11.0%) and Iraq (8.8%).

Table 18: Apprehensions of illegally present third country nationals by citizenship, 2008

Total	53,695
Turkey	6,675
Serbia	5,920
Iraq	4,715
Vietnam	3,010
China	2,565
Russian Federation	2,415
India	1,420
Ukraine	1,325
Macedonia	1,225
Bosnia and Herzegovina	1,115
<i>Other nationalities</i>	<i>23,310</i>

Source: Eurostat (rounded figures)

The data available at Eurostat refer to persons found to be “illegally present” by the authorities of the Member States on the basis of national immigration legislation. They have either entered the

respective territory illegally (e.g. by evading border controls) or they have entered the country legally but lost their right of sojourn afterwards, e.g. by “overstaying”.

Data on the apprehensions of persons illegally resident in the MS for earlier years are not available at Eurostat. Hence, longer-term trends can only be discerned on the basis of national statistics on illegal entry and stay, which are collected by the Federal Criminal Police Office in their Police Crime Statistics (PKS). However, due to differences regarding the collection criteria, the PKS data cannot be directly compared with the Eurostat data for 2008. The relevant national statistics do not only contain the number of apprehended persons who have illegally entered or are illegally present in Germany, but also information on persons who are accomplices, instigators or aides in the offences, i.e. also information on German and EU citizens.

According to PKS data, 30,026 persons committed an offence connected with the illegal presence of foreigners in Germany in 2008. This amounts to a 12.9% decrease compared to the previous year (34,469 cases). Already in the period 2006-2007, the number of this type of offence had decreased by 14.7%. The main nationalities in 2008 were Turkey, Iraq and Vietnam. The criminal offence of illegal entry was registered in 25,459 cases in 2008, which is a 10.1% decrease compared to 2007 (28,311 cases). Between 2006 and 2007, however, an increase of 5.2% had been registered. With regard to illegal entry, the main nationalities were Serbia (including Kosovo), Turkey and Iraq in 2008.⁴⁹

Similar to the cases of rejection at German borders, also the development in the number of apprehensions can be partly explained by the general decrease of asylum seekers coming to Germany. Further reasons are the EU enlargement, the improvement of border management and the modernisation and intensification of control and monitoring measures. Also the economic situation and labour market developments in Germany in the reporting period may have played a role, with slower growth than elsewhere in the EU encouraging potential migrants to take up (legal or illegal) work in other EU Member States.

On 21 December 2007, border checkpoints were closed between Germany, Poland, the Czech Republic and other EU Member States. Early 2008 saw a sudden increase in attempts to illegally enter Germany, mainly because people tried to enter the Schengen area with visas which were only valid for Poland or the Czech Republic. In the further course of 2008, however, the numbers declined again.

⁴⁹ See BMI / BAMF (2010): [Migrationsbericht 2008](#), p. 185-188.

6 Residence titles issued for the first time, change of residence status and total stock figures

Regarding immigration by purpose of residence and issue of residence titles by the German Foreigners' Authorities, Eurostat has started for the first time in 2010 to provide respective data, beginning with the reporting year 2008. These data allow differentiated statements on residence titles granted for the first time, on changes of residence status and on long-term residents in possession of the "long-term resident's EC residence permit" (*Erlaubnis zum Daueraufenthalt – EG*). Within the meaning of the Migration Statistics Regulation, the term "residence permit" not only covers temporary residence titles (residence permit – *Aufenthaltserlaubnis*), but also long-term residence titles with unlimited validity ("settlement permit" - *Niederlassungserlaubnis*).⁵⁰ With the entry into force of the Immigration Act and the subsequent inclusion of new items to be stored in the Central Register of Foreign Nationals (AZR), it was possible for the first time to break down immigration data by reasons for stay for the years 2006 and 2007. The AZR database also contains information on the legal basis for entry and stay of third country nationals. Thus, the data for the present annual statistical report are based on both AZR evaluations and Eurostat data.

Table 19: Residence titles issued for the first time in 2006, 2007 and 2008 by reasons for stay⁵¹

	2006	2007	2008
Total	133,558	108,609	114,289
Family reasons	59,640	46,908	49,642
Education (e.g. university studies, language course, school attendance)	25,303	31,447	29,985
Employment	32,035	23,365	20,297
Other reasons (e.g. humanitarian reasons)	16,580	6,889	14,365

Sources: AZR/ BAMF "Migration Monitoring" for 2006 and 2007; Eurostat for 2008

Residence titles issued for the first time by reasons for stay

Overall, the AZR database registered 394,596 non-nationals who entered Germany in 2008, among them 190,353 third-country nationals. This is a slight increase compared to the previous year (393,885 entries, of which 185,735 third-country nationals).⁵² This rise is also reflected in the residence titles issued for the first time in 2008, when compared to the previous year: While in 2007, a total of 108,609 persons had been issued a residence or settlement permit for family, educational, professional or other reasons, this figure increased to 114,289 in 2008 (see Table 19). The difference between the number of persons who were issued a residence/settlement permit and the total number of third-country nationals registered in the AZR is due to the fact that a certain

⁵⁰ Initially, a "residence permit" (*Aufenthaltserlaubnis*) is of temporary nature only, as opposed to a long-term "settlement permit" (*Niederlassungserlaubnis*). It is only on certain conditions, e.g. in the case of highly qualified employees, that the latter residence title can be issued immediately after entry.

⁵¹ When comparing the annual data shown in this table, it must be borne in mind that there are differences regarding the bases on which the information is collected by the different sources (AZR/BAMF Migration Monitoring vs. Eurostat). Within the frame of Migration Monitoring conducted by BAMF, AZR data are evaluated on a monthly basis taking into consideration the date of first entry. At the end of the year, the monthly values are then added up. It is therefore possible that a person is counted several times, maybe even with different residence titles. Hence the term "issued for the first time" is somewhat misleading, even if the first entry actually occurred in the same year. By contrast, transmission of data to Eurostat pursuant to Art. 6 of the Migration Statistics Regulation is carried out in application of the rule "no entry in the history of residence titles".

⁵² See BMI / BAMF (2010): [Migrationsbericht 2008](#), p. 34.

number of third country nationals obtain other types of residence titles, for example a residence title for asylum seekers (*Aufenthaltsgestattung*), an interim certification (*Fiktionsbescheinigung*)⁵³, a temporary suspension of removal (exceptional leave to remain - *Duldung*) or a residence status for family members of EU citizens. Moreover, third country nationals who obtain a residence permit, but who had stayed in Germany before, are not included in the above statistics. It should also be noted that the AZR figures are about one third lower than the figures given in the migration statistics of the Statistical Federal Office. One of the reasons is the fact that persons staying for a short time are not registered in the AZR; they are only recorded in this database when their stay exceeds three months. Also, the AZR data are based on the individual person, i.e. a person entering and leaving the country several times a year is entered only once in the register.⁵⁴ Lastly, it should be observed when analysing these data that most persons in possession of a (long-term) settlement permit are registered under “others”. This is because it is not always possible to register the purpose of residence when issuing a settlement permit.

Similar to previous years, the majority of persons (43.4%) registered in 2008 obtained a residence permit for family reasons. The share of newly arrived foreigners who were given a permit for educational training reasons (26.2%) decreased slightly compared to 2007 (29%). The permits issued for gainful employment decreased considerably (17.7% in 2008 vs. 22% in 2007). Residence titles under the category ‘other reasons’ (12.6%) were mainly issued due to humanitarian and political reasons and instruments under international law, but also to persons returning to Germany and to former German citizens. Besides, this category also comprises persons who were issued a (long-term) settlement permit.

Permits for family reasons were mainly issued to citizens of Turkey (8,488), Kosovo (3,043) and Russia (2,976) (see Table 20). Educational training purposes were the main reasons why citizens from China (5,924), the U.S. (3,437) and Russia (1,792) came to Germany, while permits for reasons of employment were predominantly issued to people from India (2,716), the U.S. (2,666) and China (1,933). The classification ‘other reasons’ mainly concerned citizens from Iraq (3,874), Serbia (837) and Afghanistan (756); this implies mainly the issue of residence titles to asylum seekers for humanitarian reasons.

Table 20: Temporary residence permits issued for the first time in 2008: main nationalities

	Nationality position 1	Nationality position 2	Nationality position 3	Nationality position 4	Nationality position 5	Total
Family reasons	Turkey (8,488)	Kosovo (3,043)	Russia (2,976)	USA (2,264)	India (2,006)	49,642
Education (e.g. university studies, language course)	China (5,924)	USA (3,437)	Russia (1,792)	Turkey (1,571)	Brazil (1,499)	29,985
Employment	India (2,716)	USA (2,666)	China (1,933)	Japan (1,355)	Russia (1,336)	20,297
other reasons (e.g. humanitarian reasons)	Iraq (3,874)	Serbia (837)	Afghanistan (756)	Turkey (738)	Russia (736)	14,365

Source: Eurostat

⁵³ Interim certification: If a foreigner who is legally resident in the Federal territory, but does not possess a residence title, applies for the issue of such, his or her residence is deemed to be permitted up to the time of the decision by the Foreigners' Authority (Residence Act, Section 81(3)). The foreigner is issued a certificate confirming the effect of his or her application (provisional residence document - Residence Act, Section 81(5)).

⁵⁴ However, the AZR database contains information on whether a person has entered Germany only once or several times.

Change of reason for stay

For the reference year 2008, Eurostat has started to record statistics also on the issue of residence titles following a change of immigration status, broken down by reason for stay and nationality. Table 21 shows the reasons for changes in residence titles, i.e. immigrants switching from one residence title to another, for the year 2008.

Table 21: Change of legal basis of residence titles, 2008

		Previous reason for stay				Total (new reason)
		Family reasons	Education	Employment	other reasons	
New reason for stay	Family reasons		4,800	1,346	6,844	12,990
	Education	148		2,025	98	2,271
	Employment	153	4,672		261	5,086
	other reasons	10,091	711	289		11,091
Total (previous reason)		10,392	10,183	3,660	7,203	31,438

Source: Eurostat

In the reporting year, a total of 31,438 persons changed their immigration status due to a new reason for staying in Germany. It is interesting to note that out of the 10,183 persons who previously had held a residence title for educational purposes, 4,672 persons obtained a residence title for employment reasons in 2008 (implying a transition from studies/vocational training to taking up work in Germany), and 4,800 persons obtained a residence title due to family reasons. A total of 6,844 persons with a residence title for 'other' (e.g. humanitarian) reasons changed to family reasons instead. A comparatively large number of persons had held a residence title for family reasons until 2008 and then changed to the category 'other reasons' (10,091): this mainly concerned citizens from Turkey (3,721 persons) and Serbia (1,086), most of whom can be assumed to have changed from residence permit to settlement permit, with no further registration of the reason for stay.

Total stock of valid residence and settlement permits

Another figure of importance for the present statistical report is the total number of persons who were in possession of a valid residence/settlement permit at the end of 2008. The Eurostat data available on this issue are additionally broken down by legal basis of the residence title and by nationality.

In 2008 a total of 3.64 million non-nationals were in possession of a valid residence title in Germany, most of them for 'other', e.g. humanitarian, (2.26 million) and for family reasons (1.2 million). A further 117,234 persons held a residence title for educational purposes, and 70,207 for reasons of employment (see Table 22). The largest nationality group holding a residence/settlement permit for family and 'other' reasons were Turkish citizens. With regard to residence titles for educational or employment purposes, Chinese citizens formed the largest group.

Table 22: Valid residence titles by reason and main nationality (as of end-2008)

	Nationality position 1	Nationality position 2	Nationality position 3	Nationality position 4	Nationality position 5	Total
Family reasons	Turkey (396,491)	Serbia (103,017)	Russia (83,175)	Bosnia/Herzegov. (46,431)	Croatia (45,346)	1,199,985
Education	China (26,875)	Russia (6,705)	South Korea (6,098)	Turkey (5,312)	Cameroon (4,500)	117,234
Employment	China (10,098)	USA (8,049)	India (7,568)	Japan (6,035)	Turkey (4,356)	70,207
Other reasons (e.g. humanitarian)	Turkey (1,056,586)	Serbia (243,216)	Croatia (161,372)	Bosnia/Herzegov. (94,876)	Ukraine (77,269)	2,256,251
Total						3,643,677

Source: Eurostat

Also, the duration of all residence titles which are valid at the end of each year in the Member States are recorded at Eurostat (see Table 23). Strikingly, residence titles of medium and long duration are predominant in Germany. Only a very small proportion of residence titles – irrespective of the reason for stay – are issued for a short stay of three to five months. Roughly a third of the permits issued for educational and employment reasons are valid for three to six months, while the majority of these titles (60.3% and 61.0%, respectively) were issued for the duration of one year or longer. Nearly all residence titles issued for family (94.2%) and for ‘other’, e.g. humanitarian reasons (98.2%) are valid for twelve months and longer. The latter category also comprises the number of (permanent) settlement permits issued.

Table 23: Share of valid residence permits by duration (as of end-2008)

	3 to 5 months	6 to 11 months	12 months and longer
Family reasons	0.3%	5.5%	94.2%
Education	6.2%	33.6%	60.3%
Employment	5.2%	33.8%	61.0%
Other reasons	0.1%	1.7%	98.2%

Source: Eurostat

Permanent residence permit-EC

Apart from visas and residence/settlement permits, another type of residence title was introduced in Germany on 28 August 2007 with the Act on Implementation of the Directives of the European Union on the Right of Residence and Asylum, which transposed into national law, among other EU legislation, the “Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents”. The ‘Permanent Residence Permit-EC’ (Section 9(a) of the Residence Act) confers a residence status similar to that of holders of a settlement permit and allows freedom of movement in all but a few EU Member States.⁵⁵ In 2008,

⁵⁵ The idea behind the Permanent Residence Permit-EC is to bring advanced European integration to the fore by giving its holder the possibility to move and settle without any restrictions in nearly all EU Member States (with the exception of

a total of 998 persons resident in Germany were in possession of this permit, mostly citizens of Turkey (182 persons), Russia (114) and China (95) (see Table 24).

It must be noted that the issue of a permanent residence permit-EC is handled differently in the individual EU Member States. For example, Eurostat recorded for 2008 that 191,425 persons living in Estonia held this new permit, but only 12 persons in Finland.⁵⁶ Also the figures for Germany are comparatively low. One reason for this is the fact that the 'settlement permit' still exists parallel to the new residence title. It confers similar rights.

Table 24: Third-country nationals holding a permanent residence permit-EC by citizenship, 2008

	2008
Total	998
Turkey	182
Russia	114
China	95
Croatia	69
Serbia	66
Ukraine	59
India	57
Bosnia and Herzegovina	48
USA	38
Vietnam	16
<i>other</i>	<i>254</i>

Source: Eurostat

Legal, political and international factors influencing migration

With the entry into force of the new Immigration Act (*Zuwanderungsgesetz*) on 1 January 2005, Germany changed to a more pro-active approach of migration management, taking into account the economic, societal and political interests of the country. The rationale behind the new law was the opinion that Germany, while having developed into an immigration country in the last decades, had no sufficient legal instruments in place to manage migration. Simultaneously, certain aspects of immigration policy were communitarised at EU level through directives and regulations, which needed to be implemented in Germany. Since the entry into force of the Immigration Act, the core constituent of the German legislation on immigration has been the new Residence Act (*Aufenthaltsgesetz*), which replaced the former Aliens Act (*Ausländergesetz*).

With regard to immigration management, the Residence Act is geared inter alia to the requirements of the German economy, according due consideration to the situation on the labour market and the need to combat unemployment effectively (Residence Act Section 18). While the ban on recruitment for employment of non-nationals (*Anwerbestopp*) introduced in 1973 has been

Denmark, the United Kingdom and Ireland) and to take up all kinds of gainful employment. Also, this permit entitles its holder to the same treatment as nationals (possibly with restrictions), to reinforced protection from expulsion and to move on to other EU countries. Family members are entitled to join the permit holder or can accompany him or her into other Member States (cf.: *Ausländerrecht – Aufenthaltsg, AufenthaltsVO, FreizügigkeitsG/EU, BeschäftigungsVO* (2009), Munich: Deutscher Taschenbuchverlag, p. XXI et seq., p. 11 et seq., and p. 35.)

⁵⁶ Source: Eurostat database.

broadly retained (in particular for non-skilled and low-skilled persons), access to the labour market has been facilitated for high-skilled immigrants and researchers. Besides, the Residence Act for the first time explicitly governs the immigration of self-employed persons.

As for foreign students, the Federal Government strives to make university education in Germany more attractive for this group, both in the context of internationalisation and in the light of global competition for the “best and brightest”. Since the Immigration Act entered into force, students from third countries can remain in Germany also after having completed their academic education in order to seek a job commensurate with their qualification.

Further elements to improve immigration management were implemented in 2008 and 2009. With the Action Programme “Contribution of Economic Migration for Securing an Adequate Supply of Skilled Workers in Germany” (*Beitrag der Arbeitsmigration zur Sicherung der Fachkräftebasis in Deutschland*) of 16 July 2008, a package of measures was adopted and entered into force on 1 January 2009 in form of the Labour Migration Control Act. This legislative package includes facilitation of immigration for highly-qualified university graduates from EU accession and third countries and for graduates from German International Schools, facilitation of access to the labour market for family members of highly qualified persons and the right to stay for persons holding the residence title of temporary suspension of removal (exceptional leave to remain - *Duldung*) who have acquired a professional qualification and are integrated into the labour market.⁵⁷

A closer monitoring of migration is also attempted in the area of family reunification. Since September 2007, foreign spouses of third country nationals living in Germany can only obtain a residence permit if they prove basic knowledge of the German language prior to entering the country. This measure aims at facilitating integration in Germany. An exemption of the requirement is provided for spouses from countries for which the visa requirement is waived, such as Australia, Japan or the USA. After the introduction of this requirement, the number of persons entering Germany for family reunification dropped for some time, but has then begun to rise again. Besides, the subsequent immigration of spouses to join German or foreign nationals is now only possible if both spouses have reached the age of 18.⁵⁸

It is difficult to assess to what extent these and other legal changes have already influenced migration movements. Migration movements are generally longer-term trends, and clear tendencies are often visible only after several years. Moreover, the economic and financial crisis of 2009 is highly likely to influence international migration flows. In this context, there are not yet any clear trends apparent for Germany.

Obviously, the EU enlargement has had influence on migration. Since 1 May 2004, the nationals of the ten new EU Member States principally enjoy freedom of movement. However, Germany makes use of transitional arrangements regarding the freedom of movement for EU nationals from countries which joined the EU in 2004 and in 2007 – except for Malta and Cyprus. This implies a restriction of the free movement of employees and partly also affects the posting of employees in

⁵⁷ See BAMF (2010): Annual [Policy Report 2009](#) by the German National Contact Point for the European Migration Network (EMN), Nuremberg, p. 25-27; see also Parusel, Bernd / Schneider, Jan: Deckung des Arbeitskräftebedarfs durch Zuwanderung. Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN), Nuremberg.

⁵⁸ See BAMF (2010): Annual [Policy Report 2009](#), p. 28 et seq.

the context of service provision.⁵⁹ The so-called “2+3+2 transition formula” covers a time period of up to 7 years.⁶⁰ For Romania and Bulgaria, which acceded the EU on 1 January 2007, the same regulations were applied.

In 2008 a total of 335,914 entries of Union citizens into Germany were registered. Nearly three quarters of them (71.4%) were nationals of the twelve new EU Member States (239,952 entries). The number of exits of Union citizens amounted to 326,399 persons in that year. Overall, a slightly positive net migration balance between Germany and the other 26 EU Member States was registered (+9,515), a significant decrease compared to the migration balance in 2007 (+65,423). The balance for the old Member States was negative in 2008 (-11,867), while the balance for the new Member States (+21,382) was significantly positive. For the Member States which acceded on 1 May 2004 (EU-10), the positive balance has shrunk to merely +2,832 (2007: +35,767), while the Member States which acceded on 1 January 2007 (EU-2) still recorded a considerable surplus of +18,550 (2007: +31,596).⁶¹

⁵⁹ The temporary restrictions on the freedom to provide cross-border services apply only to Germany and Austria. In Germany, the transitory period applies only to construction and related branches, interior decorating and industrial cleaning.

⁶⁰ See BMI / BAMF (2010): [Migrationsbericht 2008](#), p. 73 et seq.

⁶¹ See BMI / BAMF (2010): [Migrationsbericht 2008](#), p. 46 et seq.

7 Returns

Pursuant to Art. 7 of the Migration Statistics Regulation, the Member States supply to the EU Commission statistics relating to:

- the number of third-country nationals found to be illegally present in the territory of the Member State who are subject to an administrative or judicial decision or act stating or declaring that their stay is illegal and imposing an obligation to leave the territory of the Member State, disaggregated by citizenship of the persons concerned;
- the number of third-country nationals who have in fact left the territory of the Member State, following an administrative or judicial decision or act, also disaggregated by the citizenship of the persons returned.

The submission of data does not comprise third-country nationals transferred to another Member State under the Dublin Regulation (see Section 4.4).

Statistics pursuant to Art. 7 of the Migration Statistics Regulation are available in the Eurostat database from the reporting year 2008 onwards. Hence, trends over several years can only be discerned by consulting national statistical sources. Comparisons between national data and those collected by Eurostat are only possible to a limited extent, since the Federal Police makes inter alia a differentiation between 'removal' (*Abschiebung*) on the one hand, and return after illegal entry (*Zurückschiebung*) on the other (see Tables 25 and 26), whereas in the frame of the Migration Statistics Regulation, both forms of return are subsumed in one category only.⁶² Besides, the respective Eurostat statistics neither include cases of returned EU citizens nor transfers under the Dublin Regulation. Conversely, persons who received an order to leave and voluntarily left the country (i.e. who were neither removed nor forcibly returned) are registered with Eurostat, but not in the national statistics.

Table 25: Total number of removals (*Abschiebungen*), 2000-2008

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Removals	35,444	27,902	29,036	26,487	23,334	17,773	13,894	9,617	8,394

Source: Federal Police, BMI / BAMF 2008: 169.

Table 26: Total number returns after illegal entry (*Zurückschiebungen*), 2000-2008

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Returns after illegal entry	20,369	16,048	11,138	9,729	8,455	5,924	4,729	3,818	5,745

Source: Federal Police, BMI / BAMF 2008: 278.

These national data show that the number of persons subject to removal (*Abschiebung*) from Germany has steadily declined, with a total of only 8,394 persons in 2008, i.e. less than a quarter (23.7%) of the value for 2000 (35,444 persons). Also the figures for returns after illegal entry

⁶² The two facts have different causes: removal (*Abschiebung*) is the enforcement of a third-country national's obligation staying in Germany to leave the country (Residence Act, Section 58). The reasons for such an obligation to arise can be manifold and include e.g. a threat to public security or the expiry of a residence title. In contrast, return after illegal entry (*Zurückschiebung*) refers to a measure leading to the removal of a person who has entered Germany without authorisation within six months after entry (Residence Act, Section 57), i.e. it is directly linked to an illegal entry. In the EU context, both forms of forced return are subsumed in one category.

(*Zurückschiebung*) indicate a declining trend, from 20,369 persons in 2000 down to 3,818 persons in 2007. In 2008, however, the number rose again to 5,745 persons. Still, the value for 2008 amounts to only 28.2% of that for 2000.

According to Eurostat, a total 11,985 third-country nationals were served an order to leave the country in 2008.⁶³ The total number of persons who actually left Germany on the basis of such an order in 2008, however, amounts to 14,295. This discrepancy may be explained by the fact that a part of these persons had received the order already in the previous year.

Table 27: Orders to leave the country by nationality, 2008

Total	11,985
Serbia	1,465
Turkey	1,350
Vietnam	995
Iraq	670
unknown	615
Russian Federation	430
Lebanon	370
India	345
Algeria	335
Morocco	320
<i>Other nationalities</i>	<i>5,090</i>

Source: Eurostat

In 2008, the three main nationality groups affected by an order to leave the country (see Table 27) were citizens from Serbia (12.2%), Turkey (11.3%) and Vietnam (8.3%).

As shown in Table 28, a total of 14,295 third-country nationals left Germany on the basis of an order to leave in 2008. This figure of actual returns includes removals, returns after illegal entry and also statistically verified voluntary returns. As with the figures for orders to leave, the main nationality groups were again citizens of Serbia (15.0%), Turkey (10.5%) and Vietnam (10.4%). Already in 2007 and 2006, nationals of these three countries had formed the main groups of persons who returned to other countries.

⁶³ This “order to leave” refers to Art. 7(1)(a) of the Migration Statistics Regulation, i.e. to “an administrative or judicial decision or act” stating or declaring that a person’s stay is illegal and imposing an obligation to leave the territory of the Member State. In the German language version of the Eurostat database, this term is rendered not quite accurately with “Ausweisung” (*expulsion*). In the German foreigners’ legislation, “Ausweisung” refers to a separate fact, leading in most cases to the termination of an existing residence title, the possession of which, however, is not a precondition for the “Ausweisung”. An “Ausweisung” is aimed at preventing future disturbances of public order and security or of other vital interests of the Federal Republic of Germany due to the presence of a foreigner. This may be the case, e.g. if the person in question has committed serious crimes (mandatory expulsion), but principally also in the case of minor offences, e.g. acts of an anti-integrationist nature (discretionary expulsion); in this context, see also Storr et al. (2008): Kommentar zum Zuwanderungsrecht. Aufenthaltsgesetz und Freizügigkeitsgesetz/EU, 2nd edition, Stuttgart u.a.: Boorberg, p. 409 et seq.

Table 28: Returns on the basis of an order to leave the country, 2008

Total	14,295
Serbia	2,150
Turkey	1,505
Vietnam	1,495
Iraq	655
Russian Federation	585
unknown	550
Algeria	490
India	430
Nigeria	430
Armenia	370
<i>Other nationalities</i>	<i>5,635</i>

Source: Eurostat

7.1 Relationship between refusals, apprehensions and returns

Entry into Germany of foreign citizens and their stay are controlled by several state measures. This system of migration management includes external controls (e.g. by means of the visa system and external border control) and a system of internal control of residence permits. Furthermore, control mechanisms are in place via data exchange, workplace inspections, close co-operation between authorities and notification obligations of public bodies.

It is not possible to establish clear causal links between legal, political and international developments and statistically verifiable trends in entry refusals, apprehensions of illegal immigrants and forced returns. Overall, the most probable reason for the substantial decrease in these three categories (with a few exceptions) is the general decline of migration to Germany. As was already mentioned, 2006 saw the lowest immigration figure (661,855 entries) since the reunification of the two German states in 1990. The statistics for 2007 recorded a slight increase with 680,766 entries, in 2008 the figure was 682,146. However, it should be borne in mind that in the mid 1990s, the figures were well over one million annually. It can be assumed that not only legal and statistically measurable immigration has decreased, but also irregular immigration to Germany.

Another influencing factor might be the process of EU enlargement in 2004 and 2007. Now, all citizens of the eastern neighbouring countries of Germany principally enjoy freedom of movement, i.e. under normal circumstances it is no longer possible to refuse entry to them, to apprehend them as "illegal" or to remove them. Besides, the management of external border security has improved in the context of EU enlargement. Also, it can be assumed that the improvement of methods and techniques for external border control have contributed to making illegal entries into the EU more difficult. After the lift of border controls between Germany, Poland, the Czech Republic and other EU Member States on 21 December 2007, attempts to illegally enter Germany increased in early 2008; however, in the further course of the year the numbers declined again.

The hypothesis that the decline in removals is linked to the general decrease in immigration is also supported by a significant decrease not only of forced returns, but also of voluntary returns of foreign nationals to their countries of origin within the REAG/GARP Programmes⁶⁴ since 2001 (see also Section 8.4). Moreover, in this context, a decline is also registered in the number of persons subject to an order to leave the country who were present in the Federal Republic at a given date. It is this number of persons which ultimately determines the size of the potential group of people eligible for (forced) return. Here, further causal links can be hypothesized, e.g. the significant decrease in asylum applications until 2007, the recent increase of the percentage of asylum seekers being granted protection or the numbers of persons who could regularise their stay on the basis of the regulations governing old cases ("grandfather clause", see Section 8.3).

With regard to individual nationalities, citizens of Turkey, Serbia and Russia were among the top ten groups in all three categories of entry refusals, apprehensions and returns. The most likely explanation of this fact is that these nationalities are among the most important immigrant groups in Germany. The overwhelming majority of immigrants from Turkey, Serbia and Russia are living legally in Germany. However, in the context of migration between these countries of origin and the destination country Germany, the strong network effects occasionally lead to illegal border crossings or to the loss of the right of residence in Germany. Hence, these nationality groups constitute large numbers not only in terms of legal residence but also in the statistics on entry refusals, apprehensions and forced return.

Apart from these three nationality groups, also citizens from China, Macedonia and Bosnia-Herzegovina are among the top ten in both categories of entry refusals and apprehensions in the context of illegal stay, but not in the category of returns. It should be noted that Iraqi, Vietnamese and Indian citizens do not appear among the ten main nationality groups in the category of entry refusals, but in the other two categories of apprehensions and returns.

⁶⁴ REAG/GARP: Reintegration and Emigration Programme for Asylum-Seekers in Germany / Government Assisted Repatriation Programme.

8 Other data on migration flows

8.1 The granting of residence in the framework of the 'regulations governing old cases'

In November 2006, the Standing Conference of the Ministers and Senators of the Interior of the German *Länder* approached the issue of the large group of foreign nationals who had been living in Germany for many years with the status of 'temporary suspension of expulsion' (exceptional leave to remain - *Duldung*). They adopted a regulation to grant a residence permit to those persons of this group who ensure their subsistence independently by means of an economic activity (Section 23(1) of the Residence Act). In the context of the Act on Implementation of Residence- and Asylum-Related Directives of the European Union which entered into force on 28 August 2007, these rules on granting a right of stay were supplemented by the so-called 'grandfather clause' (or 'regulations governing old cases', Residence Act, Section 104a-b). According to these provisions, persons in possession of a *Duldung* were granted a residence permit and equal access to the labour market if they had been continuously resident in the Federal territory for at least eight years on 1 July 2007 (or for six years, if living together with one or several minor children as a family unit), if they had demonstrated a minimum of willingness to integrate themselves, and if they had not wilfully deceived the Foreigners' Authorities. These transitory provisions were applicable until 31 December 2009.⁶⁵

In 2007, a total of 11,505 persons had obtained a residence permit on the basis of these regulations governing old cases. In 2008, the number of these permits issued increased to 25,382. On 31 December 2008, a total of 33,669 persons were staying in Germany with a residence permit pursuant to these regulations.

In total, there are five legal bases for the issue of a residence permit in the context of the grandfather clause: (1) A temporary residence permit pursuant to the Residence Act, Section 104a(1), 1st sentence, which is granted for persons not (yet) able to secure their subsistence independently, was issued to 20,685 persons in 2008 (stock as of 31 December: 27,449 persons). Nearly 40% of them were children under the age of 16, which indicates that this type of residence permit was mainly issued to families with children. (2) A residence permit for persons able to secure their subsistence independently (Residence Act, Section 104a(1), 2nd sentence) was issued to 3,629 persons (stock: 4,814). (3) Under the grandfather clause for adult unmarried children of foreigners in possession of a *Duldung* (Residence Act, Section 104a(2), 1st sentence), 816 persons were eligible for a residence permit (stock: 1,073). (4) For unaccompanied minors (Residence Act, Section 104a(2), 2nd sentence), the figure was 139 (stock: 181). (5) Lastly, 113 integrated children of foreigners in possession of a *Duldung* (stock: 152) also obtained a permit (Residence Act, Section 104b). Overall, mainly citizens from Serbia, the former Yugoslavia and Turkey benefited from the regulations governing old cases.

⁶⁵ The Federal Government has pointed out that the regulations governing old cases, originally scheduled to expire on 31 December 2009, were not intended to facilitate the registration of persons who had absconded, i.e. they were not to be considered as an amnesty or a 'legalisation instrument'. On December 2009, the Standing Conference of the Ministers and Senators of the Interior of the Federal *Länder* agreed on a follow-up regulation, essentially extending the existing regulations governing old cases for two more years.

8.2 Granting of residence in cases of hardship

In accordance with the hardship clauses pursuant to Residence Act, Section 23a, foreigners who are enforceably required to leave the Federal territory and who are not eligible for the issuance or extension of a residence permit for other reasons, may be granted a residence permit, if this is justified by urgent humanitarian or personal grounds. Originally, this provision was scheduled to expire on 31 December 2009. Following an amendment of the Immigration Act of 20 December 2008, however, this time limit was removed.

The Hardship Commissions established by the individual *Länder* governments (presently, such bodies are in place in all 16 of the Federal *Länder*) have the task of verifying the presence of urgent humanitarian and/or personal grounds and the compliance with other conditions (including length of residence in Germany and economic/societal integration of the person concerned). The procedures related to the granting of residence in cases of hardship are not open to judicial review, but rather designed to find humanitarian solutions based on the individual case.

In 2008 the number of residence permits granted pursuant to the hardship clause increased slightly compared to the previous year (2,678 persons vs. 2,450 persons in 2007). Looking at the age distribution, the groups of 0-16, 18-25 and 35-46 years were statistically over-represented, implying that mainly families with minor children were granted this permit under the hardship provisions. The main nationalities concerned were citizens from Serbia, Turkey, former Yugoslavia, Bosnia and Herzegovina and the Republic of Kosovo. Overall, the AZR database recorded 4,567 persons living in Germany with this kind of residence title (as of 31 December 2008).

8.3 Emigration by German nationals and foreigners

In 2008, a total of 737,889 exits were registered from Germany (2007: 636,854), among them 563,130 exits by foreigners (2007: 475,749). In view of the fact that, in the same year, only 682,146 persons entered Germany (of whom 573,815 were foreigners), a negative total migration balance (-55,743) was recorded for the first time since 1984. In 2007, the balance had been clearly positive (+43,912).⁶⁶

As for remigration to the countries from which Germany had recruited the so-called 'guest workers' until 1973, it can be noted that in the context of a comparatively high overall migration volume, a positive migration balance had been recorded for all recruitment countries from 1960 until the recruitment stop of 1973. In this period, the number of foreigners coming to Germany from Turkey, Portugal and Tunisia had been about three times higher than the number of persons returning to these countries. In a second phase, from the recruitment halt in 1973 to the end of the 1980s, more foreigners returned to their recruitment countries than persons entered Germany from there, with the exception of Turkey and Morocco. As for Spain, about three times as many foreigners returned home than came from there to Germany (remigration rate: 3.14).⁶⁷ For Portugal, the remigration rate was 2.03, for Greece 1.77. Also for Italy, Yugoslavia and Tunisia, exits outnumbered entries. In the then following time period 1989-2006, more foreigners from the former recruitment countries entered Germany than left for their home country. However, this was mainly due to the migration

⁶⁶ See BMI / BAMF (2010): [Migrationsbericht 2008](#), p. 151.

⁶⁷ The remigration rate is the relationship between exits to the country of origin and entries from the country of origin in a given year.

surplus of foreigners from Turkey and the Yugoslav successor states. In particular for Italy (remigration rate: 1.04) and Spain (1.14), more returners were registered than persons newly arriving or re-entering Germany in the time after 1989. The figures also show that, especially since the mid-1990s, working migrants who reached retirement age have increasingly returned to their countries of origin after many years' residence in Germany.⁶⁸

8.4 Voluntary return

For persons who do not or no longer fulfil the conditions for a legal stay, voluntary return – as opposed to removal/forced return – is considered to be a more humane and cost-effective form of return. The data available in Germany on supported return refer to the REAG/GARP Programme (Reintegration and Emigration Programme for Asylum-Seekers in Germany/Government Assisted Repatriation Programme). These data mainly concern asylum applicants and/or persons who sought protection in Germany and who are no longer entitled to stay in the country. Persons who returned on a voluntary basis with the support of this programme are recorded in the Eurostat database pursuant to the Migration Statistics Regulation provided that they were obliged to leave the country (see Section 7). Presently, reliable and comparable information on how many foreigners in Germany have made use of return support are only available by consulting the REAG/GARP data. According to these statistics, more than 530,000 foreigners left the Federal Republic with REAG/GARP support (as of end 2008) since the launch of the programme. After a considerable expansion of the return support schemes particularly at the end of the 1990s (mainly due to the high influx of temporary civil war refugees from the former Yugoslavia), the numbers have been declining again in recent years.⁶⁹

Table 29: Voluntary returns under REAG/GARP, 2002-2008

Year	2002	2003	2004	2005	2006	2007	2008
Persons who left Germany	11,915	11,835	9,893	7,448	5,757	3,437	2,799

Source: International Organisation for Migration (IOM) / BAMF

The reasons for this decrease are similar to those given for the declining number of apprehensions and (forced) returns (see Section 7.1): One factor of major importance is the steady decline in the number of persons obliged to leave the country (from 453,306 in 2003 to 142,124 in 2008)⁷⁰ amounting to a decrease by roughly 70% within five years. This decline can be partly attributed to the general decrease in the number of asylum seekers (from more than 50,000 first-time applicants in 2003 to less than 20,000 in 2007, see also Section 4.1). At the same time, the total protection rate has increased: in 2007 and 2008, considerably more asylum seekers, whose procedure had reached the final decision stage, were granted a form of protection entitling them at least to temporary residence in Germany (see Section 4.2) than in the years before. While in 2005 and 2006 the protection rate had been only around 6.5%, it reached 27.5% in 2007 and approx. 40.7% in 2008. A third reason for the decrease in exits may have been the 'grandfather clause' for long-time resident migrants in possession of a temporary suspension of removal (*Duldung*), which was introduced in August 2007 (see Section 8.1).

⁶⁸ See BMI / BAMF (2010): [Migrationsbericht 2008](#), p. 152.

⁶⁹ In 2009, the number of exits under REAG/GARP has risen again for the first time, with a total of 3,107 persons.

⁷⁰ Both figures as of 31 December; source: AZR.

The five main nationality groups of voluntary returners in 2008 were:

- Iraqi citizens (10.8% of all returners),
- Russian citizens (10.2%),
- Turkish citizens (7.9%),
- citizens of the Republic of Kosovo (6.9%)⁷¹ and
- Armenian citizens (4.9%).

Compared to the year before (see Tables 30 and 31), there is little change in the top ten country groups. Returners from Serbia and Kosovo together constitute the largest group, subject to the observation that the statistics for 2008 record Kosovan citizens separately following the independence of the country. For most nationalities among the top ten, the number of returners has declined in 2008 compared to the previous year. A significant exception must be noted for Iraqi nationals, with an increase of returners by 58 percent from 191 persons (2007) to 302 (2008). Also, the number of Armenians who returned to their country of origin recorded a considerable increase (from 100 persons in 2007 to 138 in 2008).

Table 30: Returns under REAG/GARP, 2008

Nationality	Persons	of whom rejected asylum seekers	
		absolute	in %
Iraq	302	187	61.9
Russia	286	185	64.7
Turkey	220	128	58.2
Kosovo	194	116	59.8
Armenia	138	122	88.4
Vietnam	135	110	81.5
Azerbaijan	122	106	86.9
Iran	116	78	67.2
Serbia	95	86	90.5
China	93	85	91.4
<i>others</i>	<i>1,098</i>	<i>560</i>	<i>51.0</i>
Total	2,799	1,763	63.0

Source: International Organisation for Migration (IOM) / BAMF

⁷¹ Citizens of the Republic of Kosovo have been registered separately since the declaration of independence of 17 February 2008.

Table 31: Returns under REAG/GARP, 2007

Nationality	Persons	of whom rejected asylum seekers	
		absolute	in %
Serbia	505	344	68.1
Russia	365	241	66.0
Turkey	313	236	75.4
Vietnam	202	163	80.7
Iraq	191	133	69.6
Iran	183	105	57.4
Azerbaijan	167	145	86.8
Yemen	154	147	95.5
China	113	103	91.2
Armenia	100	70	70.0
<i>others</i>	<i>1,144</i>	<i>617</i>	<i>53.9</i>
Total	3,437	2,304	67.0

Source: International Organisation for Migration (IOM) / BAMF