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Migration and International Protection Statistics
2009**

German National Contact Point
for the European Migration Network (EMN)



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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 2009. The report is based mainly 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 for the European Migration Network (EMN) located within the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge* - BAMF) in Nuremberg.

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. Besides, the information obtained within the context of EMN should also be provided to the public.

The present statistical report for the year 2009 is the fifth of its kind. It is based on earlier statistical reports for Germany (2005, 2006, 2007 and 2008), 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 citizenship in 2009 is dealt with here. Section 4 gives an overview of illegal immigration and covers the issue of return. Section 5 deals with figures and analyses on persons refused entry at the borders and sent back when trying to enter Germany illegally. Section 6 sets out the figures relating to the development of international protection (asylum). Finally, Section 7 provides some additional data on the specific national situation with regard to migration.

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 (“Migratory 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. on the usually resident population or on the prevention of illegal entry and stay) which have to be transmitted to Eurostat in accordance with the Regulation are provided by the Federal Police and the Federal Statistical Office.

This report is nearly exclusively based on figures which were either transmitted by the EU Commission to the national EMN contact points or which were extracted by the editors responsible for this report 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 still often incomplete or incorrect. With regard to the reporting year 2008, it was 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. Therefore, this procedure was maintained for compiling the present report. In those cases where significant discrepancies were detected between national data and Eurostat statistics despite the progress achieved towards harmonisation, detailed explanations are given in the following sections.

3 Legal immigration and integration

Migration statistics regarding movements across the German borders are based on the number of cross-border changes of dwelling. Pursuant to the existing registration legislation on national and federal *Land* level, all persons are obliged to notify a change of dwelling across the German borders with the competent local registration authority. In this context, the following personal characteristics are registered: place of origin and of destination (i.e. old and new residential municipality), sex, family status, date of birth, nationality and legal affiliation/non-affiliation to a religious community.

Persons who repeatedly change their dwelling across the border during a year are counted several times, provided that they duly comply with their notification obligation. Hence, the German migration statistics are based on case data and not on personal data. For this reason, 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 fail to comply with their obligation to register or who are staying illegally in Germany.

The German migration statistics do not contain information on the actual form of migration involved in an entry/exit. For example, an immigrant from the Russian 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.

The data from the migration statistics, which are transmitted to Eurostat by the Federal Statistical Office, form the basis for the statistics to be supplied pursuant to Article 3 of the Migratory Statistics Regulation.

3.1 International migration, usually resident population and acquisition of citizenship (naturalisations)

In the last years, Germany's total population has been decreasing steadily: from over 82.5m in 2004 to approx. 81.8m in 2009 (Table 1).

Until 2007, the number of entries had been decreasing, since then, an increase has been registered. In 2009, a total of 721,014 entries were registered. By contrast, exit numbers from Germany have decreased in 2009 compared to the previous year. Overall however, the migration balance still remains negative with -12.782 persons. However, it must be noted that with regard to the exits in the years of 2008 and 2009, special factors need to be taken into consideration. The nationwide introduction of the tax identification number has led to comprehensive adjustments in the local authorities' registers, with a large number of deregistrations being carried out *ex officio*. These deregistrations were transmitted to the statistical offices which included most of them when

carrying out the exit calculations. However, it is impossible to state the extent to which the higher exit numbers in 2008 and 2009 are due to the adjustment measures.¹

Table 1: Total population, entries into and exits from Germany, 2004 - 2009†

	2004	2005	2006	2007	2008	2009
Total population	82,500,849	82,437,995	82,314,906	82,217,837	82,002,356	81,802,257
Entries	780,175	707,352	661,855	680,766	682,146	721,014*
Exits	697,632	628,399	639,064	636,854	737,889	733,796*
Balance (entries – exits)	+82,543	+78,953	+22,791	+43,912	-55,743	- 12,782*

Source: Eurostat / *Federal Statistical Office

† The information given in this table deviates from the usual Eurostat data. The values given for the total population refer to the cutoff date 31 December of each year (stock data). 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). Therefore, the value of 82,002,356 is attributed to the year 2009 in the Eurostat database. Information on entries and exits, however, are migration data. These migration data cannot be added up with stock data. Hence, the table only serves to illustrate the difference in scales.

3.1.1 International migration flows: entries and exits

Compared to earlier periods, e.g. the 1990s, migration from and to Germany has stabilised on a lower level in the 2000s. In the beginning of the 1990s, more than one million people (in 1992 even roughly 1.5 million) had entered Germany annually, among them numerous ethnic German repatriates from eastern European countries and from the independent states of the former Soviet Union, asylum seekers and civil war refugees from the former Yugoslavia. These three categories of immigrants have registered a strong decline from 1996 onwards, with annual entry figures significantly below 1 million persons.

Entries and categories of immigration

In 2006, the lowest entry numbers were registered (661,855 entries) since the reunification of Germany in 1990. Since 2007, the figures have been rising again, as can be seen from Table 1. For the reporting year 2009, entries exceeded the value for the previous year by nearly 40,000, i.e. an increase of 5.7% was registered.

In 2009, the largest groups of among entries consisted of Germans (114,700 persons), Polish nationals (112,027), Romanians (57,273), Bulgarians (29,221) Turks (27,212) and Hungarians (25,270). Turkish citizens are still the largest group among immigrants from third countries (see also Table 3). With regard to the category of third-country nationals, Turks were followed by

¹ See also Federal Statistical Office, „Wanderungen 2010: Deutlich mehr Personen nach Deutschland zugezogen“, Press release No. 180 of May 9, 2011, Wiesbaden.

immigrants from the United States, (17,706 persons), Russia (15,652), China (15,369) and Iraq (13,062).²

Table 2: Main groups of immigrants, 2006 - 2009 (entries in absolute figures)

Groups of immigrants	2006	2007	2008	2009
Internal migration within the EU by Union citizens (without German nationals)	289,235	343,851	335,914	348,909
of which nationals of EU-12 ³	199,447	251,917	239,952	250,064
Subsequent entry of spouses and family members ⁴	59,640	46,908	49,642	54,139
Ethnic German repatriates from the former Soviet Union and their family members	7,747	5,792	4,362	3,360
Jewish immigrants from the former Soviet Union	1,079	2,502	1,436	1,088
First-time asylum applicants	21,029	19,164	21,365	27,650
Contract workers	20,001	17,964	16,576	16,208
Foreign seasonal workers and fairground helpers/showmens' assistants	303,492	299,657	285,217	294,828
IT specialists ⁵	2,845	3,411	3,906	2,465
Students (from third countries) ⁶	25,303	31,447	29,985	31,345
Returning Germans ⁷	103,388	106,014	108,331	114,700

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

Table 2 gives an overview of the main categories of immigration into Germany for the reporting year 2009 and, for comparison, also for the years 2007 and 2008. Here, the basis of categorisation is not by citizenship but by different groups (e.g. students, skilled workers, ethnic German repatriates). This table mainly serves to give an idea about the scale of immigration via the different channels. It must be noted that individual values cannot be added up to make a total, because this value would contradict the total entry values given in Table 1. One reason for this is the use of different sources. Furthermore, the calculation of entries performed by the Federal Statistical Office, which is the basis for Table 1, does not necessarily include all categories of immigrants listed in Table 2. Table 2

² Data were taken from the Federal Statistical Office; see BMI/BAMF (2011): Migrationsbericht 2009 of the Federal Office for Migration and Flüchtlinge (BAMF), commissioned by the Federal Government, Berlin: BMI, p. 248-249.

³ States which acceded to the EU on 1 May 2004 and 1 January 2007.

⁴ Calculated on the number of residence permits issued in 2006, 2007, 2008 and 2009, see Table 7 (source: 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 42,756 visas were issued for reasons of subsequent entry of spouse and family members in 2009 (2008: 39,717 visas; 2007: 42,219 visas). The figures from the visa statistics are lower than that of AZR which are 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; see also Migrationsbericht 2009, p. 130.

⁵ Skilled workers pursuant to the Residence Act, Section 18 in connection with the Employment Regulation, Section 27 No. 1.

⁶ Calculated on the numbers of residence permits issued in 2006, 2007, 2008 and 2009, resp.; see Table 7 (Source: AZR).

⁷ See BMI/BAMF (2011): Migrationsbericht 2009 of the Federal Office for Migration and Refugees, commissioned by the Federal Government, p. 141.

shows that nearly half of the immigrants (348,909 persons) are EU citizens. Immigration from within the EU has increased when compared to the previous year. By far most of these persons come from the “new” Member States who acceded to the European Union in 2004 and 2007 (250,064 persons).

As in the previous years, the number of ethnic German repatriates from the former Soviet Union is declining. Seasonal workers remained by far the largest immigrant group (294,828 persons) in the reporting year, bearing in mind that they are admitted to Germany only for a temporary stay. The number of first-time asylum applicants has further increased, which is partly due to the continuing armed conflicts in Afghanistan and Iraq (see also Section 6). Also, the number of returning Germans has increased in the reporting year. Compared to 2006 (103,388 persons), their number has continuously risen to 114,700 in 2009.

Exits and migration balance

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 year 2008 saw more exits than entries (737,889 vs. 682,146) and hence a negative migration balance for the first time since 1984. For the reporting year 2009, Table 1 shows that exits have remained more or less constant compared to the previous year (733,796). It was in particular between 2007 and 2008 that exits increased noticeably; however, this is partly due to comprehensive adjustment measures made in 2008 in connection with the nationwide introduction of the personal tax identification number.⁸

Table 3: Entries and exits by citizenship (top 10 third countries), 2009

Country of citizenship	entries	exits	balance
Turkey	27,212	35,410	-8,198
United States of America	17,706	20,774	-3,068
Russian Federation	15,652	13,267	2,385
China	15,369	14,762	607
Iraq	13,062	3,705	9,357
India	12,009	10,374	1,635
Serbia	7,024	7,730	-706
Ukraine	6,947	5,679	1,268
Brazil	6,390	5,238	1,152
Kosovo	6,168	1,843	4,325

Source: Federal Statistical Office

⁸ Cf. above Section 3.1.

In 2009, however, the migration balance remained slightly outward (-12.782). This is mainly due to the high number of German citizens who emigrated abroad: Whereas 114,700 German nationals entered Germany from abroad (just under 16% of all entries), 154,988 Germans left their home country (about 21% of all exits), with a migration balance of -40.288 persons. The remaining exits in the reporting year (578,808 persons, i.e. nearly 79%) concerned foreigners. Although the number of foreigners emigrating from Germany exceeded again that of the previous years, the migration balance still remained positive (+27.506), due to the higher number of entries (see above). The main foreign emigrant groups were citizens from Poland (111,376), Romania (44,305), Turkey (35,410) and Italy (26,146). Among the third-country emigrants, the Turks formed the largest group, followed by citizens from the U.S. (20,774 emigrants), Russia (13,267), China (14,762) and Croatia (12,063).

Immigration and Emigration

Pursuant to the EU Statistics Regulation, beginning in the reporting year 2009, EU Member States are obliged to report data on immigrants and emigrants to Eurostat, according to certain definitions. Thus, “immigration” refers to “the action by which a person establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another Member State or a third country”. Analogously, “emigration” means the action by which a person, having previously been usually resident in the territory of a Member State, ceases to have his or her usual residence in that Member State for a period that is, or is expected to be, of at least 12 months.”⁹

Consequently, immigration and emigration by this definition is not tantamount to the prevailing definition for entries and exits in German migration statistics. The latter is based on the number of cross-border movements, which result from the obligatory declarations of change of dwelling collected by the local registration authorities.¹⁰ These registrations (and notifications of departure, respectively) mark the core criterion of the present migration statistics, irrespective of the duration of stay, which is why they cannot be seen as ‘classical’ migration statistics, which generally also take into account the duration of stay. The term “immigrant” used for a person who simply moves to, and takes residence in Germany does not imply a longer or permanent stay. Persons who repeatedly change their dwelling across the border during a year may therefore be counted several times in the statistics.

In line with the requirements of the EU Statistics Regulation, the German Federal Statistical Office has for the first time delivered data on immigration and emigration while considering the criterion of a minimum time of stay (or absence) to Eurostat for the year 2009. The figures have been calculated using estimates and taking into account data from the Central Register of Foreign Nationals (AZR; see Section 3.1.2). Therefore, they are much lower than the plain entry-exit-figures. As a consequence, time-series analyses, comparing 2009 data to the data from former years in the Eurostat database, are no longer possible.

Thus, in 2009, a total of 338,294 persons immigrated while 300,295 persons emigrated. Contrary to the entry-exit statistics (see above), this results in a positive net balance of roughly 38,000 persons (Table 4). The positive migration balance can mainly be attributed to the surplus among foreign

⁹ Art. 2, para 1 b) and c) Regulation (EC) No 862/2007.

¹⁰ See also BAMF (2010): [Annual Report on Migration and International Protection Statistics 2008](#) by the German National Contact Point for the European Migration Network (EMN), p. 7 et seq.; BMI/BAMF (2011): [Migrationsbericht 2009](#) des Bundesamtes für Migration und Flüchtlinge im Auftrag der Bundesregierung, Berlin, p. 14-16.

nationals (+77,947 persons). In 2009, a total of 259,041 foreigners (of which 137,020 were third country nationals) migrated to Germany, while only 181,094 foreigners (thereof 90,182 third country nationals) emigrated. Among German nationals, similar to the entry-exit statistics, the net balance is clearly negative (-40,104 persons).

Table 4: Immigration and Emigration by group of citizenship, 2009

	Immigration	Emigration	Balance
Germans	78,110	118,214	-40,104
Foreign Nationals	259,041	181,094	77,947
Citizens of EU Member States (EU-27)	200,131	209,126	-8,995
Citizens of EU Member States excluding Germans (EU-26)	122,021	90,912	31,109
Third country nationals	137,020	90,182	46,838
Unknown	1,143	987	156
Total	338,294	300,295	37,999

Source: Eurostat

Depending on the definition applied, Germany in 2009 appears as an “emigration country”, with more exits than new entries registered, or a “country of immigration”, displaying a surplus of immigrants with a perspective of a minimum usual residence of one year against those leaving the country after a usual residence. For future Statistics Reports, it seems advisable to analyse both statistical sets parallely. Thus on the one hand, the present time series can be further updated, while on the other hand it can be determined whether trends and developments are similar in both statistics. In the medium term, it should be reconsidered, whether Germany in its national statistics should also rely on the definitions and methods applied for those data available from the European statistical authority Eurostat.

3.1.2 Usual residence (total population by citizenship)

The statistical description and analysis of the non-national population in Germany (stock data) is usually carried out on the basis of the Central Register of Foreign Nationals (*Ausländerzentralregister*; AZR). The AZR mainly serves the following purposes: as a tool for the administrative authorities to fulfil their tasks in the aliens and asylum related area, as a supporting instrument in the area of internal security, and as a tool for planning aliens-related policy and for the calculation of parameters for migration management. Apart from the personal data of all foreigners who are not merely staying temporarily in Germany, the AZR database contains information on exit/entry, residence status and purpose of residence, among others. From the AZR data pool, different statistics are available for information purposes, allowing a more carefully shaded picture of the migration situation than the entry and exit statistics.

Another important 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 sex, 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).

The data on Germany's population available at Eurostat are based on the population projection, i.e. on census data. However, the German population projection does not give information on individual nationalities. 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, the AZR data are extrapolated to the population projection to produce Eurostat statistics. Therefore, the values thus obtained do not correspond to those of the AZR.¹¹

In the present report, Eurostat data are used to facilitate comparisons at EU level, although these data do not give precise information regarding individual nationalities of foreigners living in Germany. However, it must be noted that discrepancies between national and Eurostat data for the reporting year 2009 have decreased when compared to the previous years.¹² Therefore, it appears justified to use Eurostat data.

The downward trend in total population to be observed since 2004 has continued. In 2009 (according to the Eurostat definition 1 January 2010), approx. 81.8 million people were living in Germany (Table 5).¹³ Of these, Turkish citizens were again by far the largest group of foreigners (1,762,822 persons), accounting for roughly a quarter (24.7 percent) of the total foreign population. Compared to the previous year, however, their number has significantly declined by nearly 30,000 persons. This is mainly due to the number of naturalisations of Turkish citizens and partly to the general downward trend in immigration from Turkey observed in recent years.

¹¹ The values extrapolated on the basis of the population projection in Eurostat statistics are higher than the AZR data.

¹² Cf. BAMF (2010): [Annual Report on Migration and International Protection Statistics 2008](#) by the German National Contact Point for the European Migration Network (EMN), p. 11.

¹³ Since the population figures are based on the projection of data from the last census of 1987, the statistical offices at federal and *Land* level are presently carrying out a new census (reference date: 11 May 2011), surveying approx. one third of the population with a register-based procedure ("*Zensus 2011*"). It is expected that the population figures for Germany are overestimated and will be revised downwards in line with the census results.

Table 5: Total population by citizenship, 2007 - 2009†

		2007	2008	2009
Total population		82,217,837	82,002,356	81,802,257
German nationals		74,962,442	74,816,435	74,671,338
Foreigners‡		7,255,395	7,185,921	7,130,919
of which: other EU nationals (EU-26)		2,515,508	2,530,706	2,546,259
of which: EU-10 (EE, LV, LT, PL, CZ, SK, HU, SI, CY, MT)		595,663	605,163	616,442
of which: EU-2 (RO, BG)		140,896	157,984	178,468
of which: third-country nationals	:		4,655,215	4,584,660
of which: most important third countries				3,177,901
	Turkey	1,830,095	1,789,159	1,762,822
	Croatia	239,962	235,854	234,381
	Former Serbia and Montenegro (before 2006)	254,016	189,050	210.816
	Russian Federation	202,850	201,919	203.875
	Serbia	99,427	146,428	177.848
	Bosnia and und Herzegovina	169,040	166,413	164.525
	Ukraine	139,043	137,461	137.527
	United States of America	110,368	109,710	108.404
	Vietnam	90,043	89,785	91.142
	Iraq	78,683	80,303	86.561
of which: other third-country nationals	:		1,437,060	1,406,759

Source: Eurostat; “:” = “no value available”

† The information given in this table deviates from the usual Eurostat data. The respective values refer to the 31 December of the given year. 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 respective values are attributed to the following year in the Eurostat database.

‡ The given data on foreign nationals in the Eurostat database for the years 2007 and 2008 slightly differ from the national figures disseminated by the Federal Statistical Office based on the population projections and AZR data (2007: 7,257,028; 2008: 7,185,860; cf. Federal Statistical Office: [Ausländische Bevölkerung 2010](#), Fachserie 1, Reihe 2, Wiesbaden: p. 25.

While the number of Turkish immigrants had been 58,128 in 2005, it was down to 30,720 in 2006. In the same year (2006), as many as 32,424 Turkish citizens left Germany. Thus, it was for the first time since 1985 that a negative migration balance was noted (-1,704). This trend continued in 2007 (-2,280). In 2008, the negative balance even increased nearly fourfold compared to the previous year (-8,190). In 2009, this trend stabilised around -8.198.

In the reporting year 2009, the second largest group of foreigners was formed by Italian nationals (556,145 persons, i.e. 7.8 percent of all foreigners), followed by Polish nationals (425,608 persons, i.e. 6%). While the number of Italian nationals decreased by roughly 4,000 persons in the time period 2008-2009, the number of Polish citizens living in Germany increased by approx. 6,000 persons. This trend is also evident for all the countries which acceded to the EU on 1 May 2004: The number of EU-10 nationals living in Germany increased from 605,163 persons (2008) to 616,442 (2009). Significant increases were also noted for Romania and Bulgaria who joined the EU on 1 January 2007: The number of EU-2 citizens living in Germany rose from 157,984 (2008) to 178,468 persons (2009).

Among the third-country n, the most important nationality groups after the Turkish were citizens from Croatia (234,381) and from the former Serbia and Montenegro (210,816). In the time period 2008-2009, significant increases were noted only for Serbian citizens (+17.6%). A decline was noted for Iranians living in Germany (-3.6%), taking into account that this may also be due to naturalisations.

3.1.3 Acquisition of German citizenship (naturalisations)

In 2009, a total of 96,122 naturalisations were registered, i.e. an increase of nearly 2,000 compared to the year before. Hence, the downward trend of the ten previous years was halted. Since the reform of the nationality legislation in 2000, the number of naturalisations had decreased significantly every year (with the exception of 2006).

Table 6 shows that 82,259 (i.e. 85.6%) of the persons naturalised in 2009 previously had held the citizenship of a third country (or else were stateless persons or of unknown nationality). Among the naturalised third-country citizens, Turks were the largest group, accounting for more than a quarter of all naturalisations (24,647 naturalisations, i.e. 25.6%). Other important groups were nationals of Iraq (5,136; 5.3%), Serbia (4,174; 4.3%), Afghanistan (3,549; 3.7%), Iran (3,130; 3.3%) and Morocco (3,042; 3.2%). Looking at the naturalisation of EU citizens in 2009, the most important countries were Poland (3,841 naturalisations, i.e. 4.0%), Romania (2,357; 2.5%), Greece (1,362; 1.4%), Italy (1,273; 1.3%) and Bulgaria (1,029; 1.0%). A total of 1,001 persons naturalised (1.0%) had previously been stateless persons.

Table 6: Development of annual naturalisations by citizenship since 2000

Former citizenship		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total		186,688	<i>178,098</i>	<i>154,547</i>	<i>140,737</i>	<i>127,153</i>	<i>117,241</i>	<i>124,566</i>	<i>113,030</i>	<i>94,470</i>	<i>96,122</i>
Third-country nationals		:	:	:	:	:	:	:	:	79,698	82,259
<i>of which</i>	<i>Turkey</i>	82,861	76,573	64,631	56,244	44,465	32,661	33,388	28,861	24,449	24,647
	<i>Iraq</i>	984	1,264	1,721	2,999	3,564	4,136	3,693	4,102	4,229	5,136
	<i>Serbia</i>	:	:	:	:	:	:	2,979	10,312	6,267	4,174
	<i>Afghanistan</i>	4,773	5,111	4,750	4,948	4,077	3,133	3,063	2,831	2,512	3,549
	<i>Iran</i>	14,410	12,020	13,026	9,440	6,362	4,482	3,662	3,121	2,734	3,184
	<i>Morocco</i>	5,008	4,425	3,800	4,118	3,820	3,684	3,546	3,489	3,130	3,042
	<i>Russian Federation</i>	4,583	4,972	3,735	2,764	4,381	5,055	4,679	4,069	2,439	2,477
	<i>Ukraine</i>	2,978:	3,295	3,656	3,889	3,844	3,363	4,536	4,454	1,953	2,345
	<i>Lebanon</i>	5,673	4,486	3,300	2,651	2,265	1,969	2,030	1,754	1,675	1,759
	<i>Bosnia and Herzegov.</i>	4,002	3,791	2,357	1,770	2,103	1,907	1,862	1,797	1,878	1,733
European Union*		:	:	:	10,535	<i>14,128</i>	<i>13,177</i>	<i>13,705</i>	16,635	14,029	13,863
<i>of which</i>	<i>Poland</i>	1,604	1,774	2,646	2,990	7,499	6,896	6,907	5,479	4,245	3,841
	<i>Romania</i>	2,008	2,026	1,974	1,394	1,309	1,789	1,379	3,502	2,137	2,357
	<i>Greece</i>	1,413	1,402	1,105	1,114	1,507	1,346	1,657	2,691	1,779	1,362
	<i>Italy</i>	1,036	1,048	847	1,180	1,656	1,629	1,558	1,265	1,392	1,273
	<i>Bulgaria</i>	614	615	649	579	404	400	409	468	802	1,029
stateless persons		2,049	1,579	1,247	1,211	1,213	1,352	1,421	1,253	948	1,001

Source: Eurostat (figures in italics were taken from the Federal Statistical Office due to lack of data availability at Eurostat. ¹⁴)

* The figures relate to citizenships of EU-27 (without Germany).

Gender distribution and age structure

While the overall gender distribution of naturalisations is fairly balanced, significant differences are noted when considering individual countries of origin. Among the naturalised persons from the new Middle an Eastern European EU countries, women are by far over-represented, accounting for more than two thirds of the persons naturalised from Lithuania (76.0%), Poland (74.2%), Romania

¹⁴ Federal Statistical Office (2010): Fachserie 1, Reihe 2.1: Bevölkerung und Erwerbstätigkeit – Einbürgerungen 2009, Wiesbaden.

(71.8%), Slovakia (79.1%), the Czech Republic (78.5%) and Hungary (66.8%). Also for Brazil (72.8%) and the Philippines (85.3%), the percentage of female persons naturalised is significantly high. By contrast, the female share is much lower in naturalisations from Egypt (23.3%), Algeria (25.2%), Tunisia (31.3%) and Jordan (27.8%). These gender differences can be mainly ascribed to different migration patterns of individual national groups (e.g. marriage, education or refugee migration), and the resulting different gender structure of the individual nationalities in Germany.¹⁵

With regard to the age structure of the persons naturalised in 2009, it can be noted that children under 5 years (2.0% of all persons naturalised) and persons over 55 years of age (4.7%) were the smallest groups, whereas juveniles and young adults were over-represented: More than 48,126 (50.1%) of the total of 96,122 persons naturalised were in the age group 15-35 years, with the average age being 29.6 years for all persons naturalised.¹⁶

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. Spain (28 years), Italy (25.9), Greece (25.8), Portugal (24.3) and Turkey (20.0). Comparatively short periods of stay before naturalisation were registered for citizens from Estonia (9.2 years), Cameroon (9.1), Iraq (9.1) and Kazakhstan (9.1).

Retention of former citizenship

The Federal Statistical Office also registers both retention and renunciation of former citizenships. For 2009, statistics show that nearly 97% of former EU citizens make use of the possibility to retain their previous citizenship (Section 12(2) of the German Nationality Act). Third-country nationals, however, must principally give up or be granted release from their previous 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 nationalities are tolerated. This was the case for 22% of the former Turkish citizens who obtained German citizenship. However, among the top ten third countries with regard to naturalisation, particular high rates of retention were registered for citizens from Iran (100%), Morocco (100%), Afghanistan (99.9%), Israel (94.3%) and Iraq (82.6%).¹⁷

3.2 Residence titles issued for the first time, changes of immigration status and total stock

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 (“settlement permit” - *Niederlassungserlaubnis*). With the entry into force of the German Immigration Act and the subsequent inclusion of new items to be stored in the Central Register of Foreign Nationals (AZR), it was in principle possible since 2006 to break down immigration data on foreign nationals by purpose of stay. The AZR database now also contains information on the legal basis for entry and residence; for 2008 and 2009, Eurostat data are available for the first time.

¹⁵ BMI/BAMF (2011): Migrationenbericht 2009 of the Federal Office for Migration and Flüchtlinge (BAMF), commissioned by the Federal Government, Berlin: BMI, p. 230-231.

¹⁶ Federal Statistical Office (2010): Fachserie 1, Reihe 2.1: Bevölkerung und Erwerbstätigkeit – Einbürgerungen 2009, Wiesbaden.

¹⁷ Federal Statistical Office (2010): Fachserie 1, Reihe 2.1: Bevölkerung und Erwerbstätigkeit – Einbürgerungen 2009, Wiesbaden.

Table 7: Residence titles issued for the first time 2008 and 2009, by purpose of stay

	2008	2009
Total	114,289	121,954
Family reasons	49,642	54,139
Education (e.g. university studies, language course, school studies)	29,985	31,345
Employment	20,297	16,667
other reasons (e.g. humanitarian reasons)	14,365	19,803

Source: Eurostat

Residence titles issued for the first time by purpose of immigration

The AZR database registered 396,983 non-nationals who entered Germany in 2009.¹⁸ This represents a minor increase of 0.6 percent compared to the previous year, when 394,596 entries of foreign nationals were registered. 197,873 of the foreigners who entered Germany in 2009 were third-country nationals (49.9%). In 2008, the respective figure was 190,353 (48.2%).¹⁹

This slight increase in numbers of third-country nationals in 2009 compared to the previous year 2008 is also reflected in the residence titles issued for the first time in 2009 when compared to the previous years: Compared to 2008, when 114,289 persons had been issued a residence or settlement permit for family, educational, professional or other reasons, this figure increased to 121,954 in 2009 (see Table 7).

Similar to previous years, the majority of persons (44.4%) registered in 2009 obtained a residence permit for family reasons. The share of newly arrived foreigners who were given a permit for educational training reasons has decreased slightly compared to 2008 (25.7% vs. 26.2%). The permits issued for gainful employment has diminished considerably (13.7% in 2009 vs. 17.7% in 2008).

The number of residence titles under the category ‘other reasons’ (e.g. humanitarian reasons) has increased considerably, however. This can be seen in connection with the increase in persons who were granted refugee status or subsidiary protection in Germany or who were admitted due to humanitarian reasons (see Section 6.2).

The data given in Table 8 allow a more differentiated picture of the residence titles issued for the first time to third-country citizens by nationality. Permits for family reasons were mainly issued to citizens of Turkey (8,441), Russia (3,106) and the Republic of Kosovo (2,944). Educational training purposes were the main reasons why citizens from China (6,381), the U.S. (3,639) and Russia (1,866) came to Germany, while residence permit for employment purposes were predominantly issued to people from the U.S. (2,262), India (2,148) and China (1,655). The classification ‘other

¹⁸ This figure includes first entries and re-entries by foreigners, but not by persons who were born in Germany. Hence the figure given here slightly deviates from that published by the Federal Office (412,404); cf. Federal Statistical Office (2010): *Fachserie 1, Reihe 2: Bevölkerung und Erwerbstätigkeit – Ausländische Bevölkerung Ergebnisse des Ausländerzentralregisters 2009*, Wiesbaden, p. 102 (Table 13).

¹⁹ BMI/BAMF (2011): *Migrationsbericht 2009* of the Federal Office for Migration and Flüchtlinge (BAMF), commissioned by the Federal Government, p. 35; BMI/BAMF (2010): *Migrationsbericht 2008* of the Federal Office for Migration and Flüchtlinge (BAMF), commissioned by the Federal Government, p. 35.

reasons' predominantly concerned Iraqis (5,469), Serbians (2,261) and Russians (1,080); this includes mainly the issue of residence titles for asylum seekers due to humanitarian reasons.

Table 8: Residence permits issued for the first time in 2009: main nationalities

	Nationality position 1	Nationality position 2	Nationality position 3	Nationality position 4	Nationality position 5	Total
Family reasons	Turkey (8,841)	Russian Federation (3,106)	Kosovo (2,944)	Iraq (2,892)	USA (2,171)	54,139
Education (e.g. university studies, language courses)	China (6,381)	USA (3,639)	Russian Federation (1,866)	Turkey (1,737)	India (1,455)	31,345
Employment	USA (2,262)	India (2,148)	China (1,655)	Japan (1,104)	Russian Federation (1,075)	16,667
other reasons (e.g. humanitarian reasons)	Iraq (5,469)	Serbia (2,261)	Russian Federation (1,080)	Turkey (820)	Kosovo (612)	19,803

Source: Eurostat

Change of residence purpose

Starting with the reference year 2008, Eurostat has begun to record statistics on residence titles following a change of immigration status, broken down by reason for stay and citizenship. Table 9 shows the reasons for changes in residence titles for the year 2009.

Table 9: Change of legal basis of residence title, 2009

		Previous reason for residence title				Total (new reason)
		Family reasons	Education	Employment	other reasons	
New reason for residence title	Family reasons		4,801	1,633	5,724	12.158
	Education	158		2,153	75	2.386
	Employment	190	n.a.*		157	355
	other reasons	2,410	n.a.*	268		2.778
Total (previous reason)		2,758	4,909	4,054	5,956	17,677

Source: Eurostat

* n.a. = not available. If compared to former years or the following year, there is a high likelihood that the respective data available in the Eurostat database are not valid. A retrospective verification of these data is impossible as the basic data cannot be retrieved anymore due to data protection reasons.

In the reporting year 2009, a total of 17,677 persons changed their immigration status due to a new reason for staying in Germany. Compared to the previous year, the figure has nearly dropped by half. 5,724 persons who had previously held a residence title for ‘other (e.g. humanitarian) reasons’ obtained a residence title for family reasons in 2009. The number of persons whose legal basis changed from ‘family reasons’ to ‘other reasons’, which had been comparatively high in 2008 (10,091), fell to only 2,410 in 2009.

Total stock of valid short-term and long-term residence titles

Table 10 gives information on the total stock of residence titles by the most important nationalities. The Eurostat data available on this issue are additionally broken down by legal basis of the residence title. Contrary to the figures presented in Tables 7-9, the data in Table 10 contain all valid short-term and long-term residence titles and not only new or changed permits.

In 2009, a total of nearly 3.7 million third-country nationals were in possession of a valid residence title in Germany, the majority of them for ‘other (e.g. humanitarian) reasons’ (2.16m) and for family reasons (1.36m). Further 116,549 persons held a residence title for educational purposes, and 65,995 persons for reasons of employment. The largest nationality group holding a residence title 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 10: Valid residence titles by reasons for stay and main nationalities (as of end-2009)

	Nationality position 1	Nationality position 2	Nationality position 3	Nationality position 4	Nationality position 5	Total
Family reasons	Turkey 445,594	Serbia 100,031	Russian Federation 90,829	Croatia 51,354	Bosnia 49,443	1,356,998
Education (e.g. university studies, language courses)	China 26,338	Russian Federation 6,683	South Korea 5,888	Cameroon 4,404	Ukraine 4,264	116,549
Employment	China 9,331	USA 7,537	India 7,314	Japan 5,421	Russian Federation 3,952	65,995
other reasons *	Turkey 1,000,389	Serbia 210,643	Croatia 155,496	Bosnia and Herzegovina 91,222	Ukraine 74,285	2,155,602
Total	Turkey 1,467,510	Serbia 312,926	Croatia 209,284	Russian Federation 165,557	Bosnia and Herzegovina 142,570	3,695,144

Source: Eurostat

* Including mainly “old” residence titles issued on the legal basis valid before 2005, e.g. *Aufenthaltsberechtigungen* (long-term residence permits) and *Aufenthaltsurlaubnisse* (temporary permits), but also residence titles issued under international law or for humanitarian or political reasons.

Validity of residence titles

Eurostat also records the duration of all residence titles which are valid at the end of each year in the Member States (see Table 11). Strikingly, residence titles of medium and long duration are predominant in Germany, as was the case in the previous year. Only a very small proportion of residence titles are issued for a short stay of three to five months, irrespective of the reason for stay.

Table 11: Share of valid residence permits by duration (as of end 2009)

	3 to 5 months	6 to 11 months	12 months and longer
Family reasons	3,974 (0.3%)	36,158 (2.7%)	1,316,866 (97.0%)
Education	6,143 (5.2%)	27,347 (23.5%)	83,059 (71.3%)
Employment	2,505 (3.8%)	16,250 (24.6%)	47,240 (71.6%)
other reasons	3,662 (0.2%)	20,887 (1.0%)	2,131,053 (98.9%)

Source: Eurostat

Nearly all residence titles issued for family reasons (97.0 percent) and for ‘other (including humanitarian) reasons’ (98.9%) are valid for twelve months or more (the category “12 months and longer” also comprises the number of (permanent) settlement permits issued).

By contrast, the share is smaller for residence titles with a validity of 12 and more months issued for educational or employment purposes. Roughly 23.5 percent of these residence titles have a validity of 6 to 11 months. As for residence titles for employment reasons valid for 6-11 months, their share is around 24.6 percent.

EC long-term Residence Permit

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 the Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. The “EC long-term Residence Permit” (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.²⁰

In 2009, a total of 2,103 foreigners resident in Germany were in possession of this permit (see Table 12), mainly citizens of China (369), Turkey (363) and Russia (218). Hence, there were more holders of this permanent residence permit – EC in 2009 than in the year before: In 2008, only 998 persons had held this residence title.

²⁰ The idea behind the EC long-term Residence Permit 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 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. 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., p. 35.).

Table 12: Long-term resident third-country citizens by nationality, 2009

	2009
Total	2,103
China	369
Turkey	363
Russian Federation	218
Serbia	132
Ukraine	118
Croatia	113
India	110
Bosnia and Herzegovina	83
United States	75
Belarus	35
<i>other</i>	487

Source: Eurostat (data pursuant to Article 6(1)(b) of Council Regulation. 862/2007)

Legal, political and international factors influencing migration

With the entry into force of the new Immigration Act 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 harmonized at EU level and incorporated into legislation (Regulations, Directives) which had to be implemented in Germany. Since the entry into force of the Immigration Act in Germany, 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 broadly retained (in particular for non-skilled and low-skilled persons), access to the labour market has been facilitated for high-skilled immigrants. 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 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 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.²¹

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 applies to spouses from countries for which the visa requirement is waived, such as Australia, Japan or the USA. After 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 18.²²

It is difficult to assess to what extent these and other legal changes have already influenced migration movements. These movements are generally longer-term trends, and clear tendencies are often visible only after several years.

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, transitory agreements were concluded with the new Member States – except for Malta and Cyprus – regarding the restriction of the free movement of employees and partly also regarding the posting of employees in the context of service provision.²³ Full freedom of movement for these new Member States (EU-8) was not granted until 1 May 2011. Until then, i.e. also during the reporting period, the so-called “2+3+2 transition formula” was applied.²⁴ For Romania and Bulgaria, which acceded on 1 January 2007, transitory regulations are also in place.

In 2009 a total of 348,909 entries of Union citizens to Germany were registered, 13,000 more than in the previous year. Nearly three quarters of them (71.7%) were nationals of the twelve new Member State (absolute figure: 250,064 entries). The number of exits of Union citizens amounted to 334,452 in the reporting year. Overall, a slightly positive net migration balance between Germany and the other 26 EU Member States was registered (+14,457). In 2008, the balance had been +9,515. In 2007, however, this positive balance had been far higher (+65,423).

The migration balance between Germany and the “old” EU Member States was negative (-15,157) in 2009, while the balance with the new MS was positive (+29,614), as had been the case in the previous year.

²¹ 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 (2010): *Deckung des Arbeitskräftebedarfs durch Zuwanderung. Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN)*, Nuremberg.

²² See BAMF (2010): [Annual Policy Report 2009](#), p. 28 et seq.

²³ The temporary restrictions on the freedom to provide cross-border services applied only to Germany and Austria. In Germany, the transitory period applied only to construction and related branches, interior decorating and industrial cleaning.

²⁴ See BMI / BAMF (2010): [Migrationsbericht 2008](#) of the Federal Office for Migration and Refugees, commissioned by the Federal Government; Berlin, BMI, p. 73 et seq.

4 Illegal immigration and return

4.1 Apprehensions of illegally resident third-country nationals

According to the data available at Eurostat, a total of 49,555 persons illegally present in Germany were apprehended in 2009. This is a decrease of almost 4,000 persons compared to 2008. Table 13 shows that most of them were citizens of Turkey (11.3%), Iraq (9.1%) and Vietnam (6.1%).

A sharp increase was noted with regard to apprehensions of persons from Afghanistan staying illegally in Germany. Their number has nearly tripled when compared to the previous year. By contrast, the numbers of nationals from Serbia, Macedonia and Bosnia-Herzegovina have declined considerably.

Table 13: Apprehensions of illegally staying third-country nationals by citizenship, 2008-2009

	2008	2009
Total	53,695	49,555
Turkey	6,675	5,610
Iraq	4,715	4,530
Vietnam	3,010	3,010
Afghanistan	880	2,665
Serbia	5,920	2,590
China	2,565	2,285
Russian Federation	2,415	2,085
India	1,420	1,615
Kosovo	:	1,605
Iran	1,090	1,205
Ukraine	1,325	1,155
Bosnia and Herzegovina	1,115	685
Macedonia	1,225	560
<i>other nationalities</i>	<i>23,310</i>	<i>19,955</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 Germany are collected by the Federal Police and transmitted to Eurostat. Since 2008, the Police Crime Statistics (PKS) have been used as basis for these data. Because other data sources had been used in the previous years (such as the police entry statistics registering new delicts, partly in connection with asylum figures), it is presently not possible to create and analyse time series covering several years. Furthermore, the data of the police entry statistics cannot be compared with the PKS data, because if both offences ‘illegal entry’ and ‘illegal stay’ are present at the same time, the PKS registers only one of the two facts, namely ‘illegal entry’. Moreover, for reasons of data processing, the data supplied to Eurostat also contain information on traffickers identified by the police, even if these people have entered Germany legally and/or are staying legally in the country.

4.2 Returns

In Germany, the voluntary return of persons who do not (or no longer) meet the requirements for legal residence is preferred over (forced) repatriation. Data on assisted voluntary departures can be found in section 7.3.

Pursuant to Art. 7 of the Migratory Statistics Regulation, the Member States supply to the EU Commission statistics on returns 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 relevant submission of national data to Eurostat does not include third-country nationals transferred to another Member State under the Dublin Regulation (see Section 6.3).

For Germany, national data on returns are transmitted to Eurostat by the Federal Police, using AZR data. In Germany, the definition of the ‘number of third-country nationals found to be illegally present in the territory of the Member State and 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’ is interpreted as the number of persons enforceably required to leave the country in the reporting year.

The AZR database is used for the calculation of the number of persons who were enforceably required to leave the country and who actually left Germany in the reporting year. Apart from removals and rejections at the border, these data also comprise voluntary returns. Separately, the Federal Police transmits to Eurostat the number of third-country nationals who were removed from Germany. These data are taken from the police entry statistics.

The said statistics supplies pursuant to Art. 7 of the Migratory Statistics Regulations are available in the Eurostat database only 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 14 and 15), whereas in the frame of the Migratory Statistics Regulation, both forms of return are subsumed in one category only.²⁵ 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 with or without support (i.e. who were neither removed nor forcibly returned) are registered with Eurostat, but not in the national statistics.

Table 14: Total number of removals (*Abschiebungen*), 2000 - 2009

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Removals	35,444	27,902	29,036	26,488	23,334	17,773	13,894	9,617	8,394	7,830

Source: Federal Police, BMI/BAMF (2011), *Migrationsbericht 2009*, p. 194.

These national statistics show that the number of persons subject to removal (*Abschiebungen*) from Germany has steadily declined, with a total of 7,830 persons being removed in 2009, i.e. less than a quarter of the value for 2000 (35,444 persons).

With regard to returns after illegal entry (*Zurückschiebungen*), a steady decline had been observed in the time period 2000-2007: While in 2000 a total of 20,369 persons had been returned after illegal entry, the figure fell to only 3,818 persons in 2007. Since then, however, the number has risen again, first to 5,745 persons in 2008 (+50.5 percent when compared to the previous year) and to 9,782 persons in 2009 (+70.3%). For the reporting year 2009, the number of returns after illegal entry roughly corresponds to the level of 2003.

Table 15: Total number of returns after illegal entry (*Zurückschiebungen*), 2000 - 2009

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Returns after illegal entry	20,369	16,048	11,138	9,729	8,455	5,924	4,729	3,818	5,745	9,782

Source: Federal Police, BMI/BAMF (2011): *Migrationsbericht 2009*, p. 194.

According to the data available at Eurostat, a total of 14,595 third-country nationals were served an order to leave the country in 2009. The main countries of nationality (see Table 16) were Turkey (10.5%), Serbia (8.6%) and Vietnam (8.6%).

²⁵ 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 leave the country 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.

Table 16: Orders to leave the country by citizenship, 2008 and 2009

	2008	2009
Total	11,985	14,595
Turkey	1,350	1,535
Serbia	1,465	1,260
Vietnam	995	1,250
Iraq	670	840
unknown	615	700
Kosovo	:	610
Russian Federation	430	510
India	345	535
Lebanon	370	475
Algeria	335	385
Morocco	320	355
Nigeria	280	340
<i>other nationalities</i>	<i>4,810</i>	<i>5,800</i>

Source: Eurostat (rounded figures)

As shown in Table 17, a total of 11,900 foreigners left Germany on the basis of an order to leave in 2009, representing a 16.8% decline compared to the previous year. This figure of actual returns includes removals, returns after illegal entry and also statistically verified voluntary returns.

With regard to (enforced) return, the “top 3” nationality groups were persons from Serbia (11.7%), Vietnam (8.7%) and Turkey (8.7%). Already in the time period 2006-2008, nationals of these three countries had formed the main groups of persons who returned. However, in all three groups, a noticeable decline was registered for 2009 compared to the previous year.

Table 17: Returns on the basis of an order to leave the country, 2008 and 2009

	2008	2009
Total	14,295	11,900
Serbia	2,150	1,390
Vietnam	1,495	1,055
Turkey	1,505	1,040
Kosovo	:	655
Iraq	655	585
unknown	550	495
Russian Federation	585	490
India	430	460
Algeria	490	440
Nigeria	430	340
Morocco	350	300
Armenia	370	235
<i>other nationalities</i>	<i>5,285</i>	<i>4,415</i>

Source: Eurostat (rounded figures)

5 Border control

5.1 Entry refusals

The number of persons who were denied entry at the German borders has steadily been decreasing since 1997 (see Table 18 for the years 2000 to 2009), from 52,257 persons in 2000 down to 7,215 in 2008. In the reporting year 2009, only 2,980 persons were refused entry, representing again a drastic decline compared to the previous year.

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 and transmitted to Eurostat.

Table 18: Total number of entry refusals, 2000-2009

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Persons refused entry	52,257	51,054	47,286	43,957	30,785	15,043	20,329	11,840	7,215	2,980

Sources: 2000-2007: Federal Police / CIREFI; 2008 and 2009: Eurostat (rounded figures)

As shown in Table 19, most persons who were refused entry at the German borders in 2009 were citizens from Turkey (14.1 percent of all entry refusals), Russia (8.9%) and China (8.7%). In the previous year, Serbian citizens had represented by far the largest share with 20.1 percent.

Comparing the figures for 2009 against the previous year, a decline for all nationality groups can be observed. This trend has been evident for some years now, and it is likely to correspond to the continuing decrease of asylum seekers. Other factors probably contributing to this trend 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.

Compared to the previous year, the number of Serbian citizens refused entry at the German borders declined by 93.1 percent in 2009. Significant drops were also seen with regard to Turkish and Chinese nationals.

Table 19: Persons refused entry by citizenship, 2008 und 2009

	2008	2009
Total	7,215	2,980
Turkey	980	420
Russian Federation	295	265
China	405	260
Nigeria	235	215
Brazil	165	110
Serbia	1,450	100
India	125	90
Ukraine	110	75
Dominican Republic	135	55
Iraq	100	55
Macedonia	530	35
Bosnia and Herzegovina	205	35
Sri Lanka	170	15
<i>other nationalities</i>	<i>2,310</i>	<i>1,250</i>

Source: Eurostat (rounded figures)

Table 20 shows the reason for refusing entry at the German borders. The reasons were taken from the “Schengen Borders Code”. 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 nearly half of all entry refusals at the German borders occurred because the persons in question had no valid visa or residence permit.

The table also shows that the decline registered in refusals in 2009 compared to 2008 does not only refer to the total number, but also to nearly all reasons for refusal. An increase in the number of refusals was only registered for the following two reasons: (i) the person in question has already stayed for three months during a six-month period on the territory of the Member States of the European Union, i.e. his or her right to stay has exhausted; (ii) the person in question 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.

Table 20: Persons refused entry by reason for refusal, 2008 und 2009

	Number of persons 2008	Number of persons 2009
Total	7,215	2,980
has no valid travel document(s)	405	85
has a false/counterfeit/forged travel document	325	145
has no valid visa or residence permit	4,700	1,425
has a false/counterfeit/forged visa or residence permit	240	60
has no appropriate documentation justifying the purpose and conditions of stay	960	740
has already stayed for three months during a six-month period on the territory of the Member States of the European Union	0	20
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	40
is a person for whom an alert has been issued for the purposes of refusing entry in the SIS or in a national register	410	320
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	145

Source: Eurostat (rounded figures)

5.2 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 rose to 682,146. In the reporting year 2009, a total of 721,014 entries were registered, representing a marked increase again. By way of comparison, the number of entries had exceeded a million persons per year in the middle of the 1990ies. 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 from Germany. 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 Programmes²⁶ since 2001 (see also Section 7.3). 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 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.

²⁶ REAG/GARP: Reintegration and Emigration Programme for Asylum-Seekers in Germany/Government Assisted Repatriation Programme.

6 Asylum applications and international protection

6.1 Applications for asylum

Since the mid-1990s until 2008 (with the exception of 2001), the number of asylum applications in Germany has declined strongly. After an almost “historically” low level of 19,164 asylum applications in 2007, the figures slightly increased again to 21,365 new applications in 2008. This upward trend continued in 2009, with 27,650 new applications (representing an increase of 25.2 percent against 2008).²⁷

Table 21: 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
2010	41,330	7,260	48,590

Sources: 1995-2007: BAMF; since 2008: Eurostat (rounded figures)

²⁷ For 2010, the Eurostat databases shows a further significant increase to more than 41,000 new applications, see Table 21.

Table 22: New asylum applications by country of citizenship, 2009

Total	27,650
Iraq	6,540
Afghanistan	3,375
Turkey	1,430
Kosovo	1,400
Iran	1,170
Vietnam	1,115
Russian Federation	935
Syria	820
Nigeria	790
India	680
<i>other countries of origin</i>	9,395

Source: Eurostat (rounded figures)

In 2009, the main countries of origin of new asylum applicants were Iraq (23.7% of all new applications), Afghanistan (12.2%), Turkey (5.2%), Kosovo (5.1%) and Iran (4.2%). Compared to the previous year, the number of Iraqi first-time applicants has slightly declined in 2009 with 6,540 new applications (2008: 6,695 new applications). By contrast, the number of asylum seekers from Afghanistan has increased considerably (2009: 3,375 new applications, 2008: 650 new applications). The number of first-time applicants from Turkey declined from 2001 to 2008, then slightly increased again from 1,320 new applications (2008) to 1,430 (2009).

Table 23: New asylum applications by age group and sex, 2009

Age group	Male	Female	Total
Total	18,235	9,395	27,650
0-17 years	5,350	3,995	9,360
18-34	10,475	3,845	14,325
35-64	2,320	1,425	3,750
65+	90	125	215

Source: Eurostat (rounded figures)

66% of all first-time applicants in 2009 were male, 34% female (see Table 23). Overall, the share of women has slightly increased in recent years. Compared to 2008 it has risen by 2 percentage points. However, there are considerable differences in the gender structure if the country of citizenship is taken into consideration. While women accounted for about a third of Iraqi asylum seekers in 2009

(34.4%; 2008: 26.6%), the female percentage of Russian and Vietnamese applicants was considerably higher with 46.8% and 41.1%, respectively (2008: 47.4 and 43.8%).²⁸

As for the age structure of first-time asylum seekers in 2009, the large majority (85.7%) was under 35 years, and roughly a third was of minor age.

Explanatory note

Having reached a 'historically' high level in 1992, the number of asylum applications in Germany declined drastically at first. This is in general 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 military conflicts in former Yugoslavia, political reforms in Turkey and the overthrow of both the Taliban regime in Afghanistan and of the totalitarian regime in Iraq. Between 1993 and 2007, the numbers of asylum seekers decreased almost continually.

The rise in new applications in the years 2008 and 2009 compared to the previous years is mainly caused by the increased number of asylum applicants from Iraq and Afghanistan.

Furthermore, 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 precise and unambiguous casual links between certain migration-triggering factors and the development of the number of asylum seekers in Germany.

6.2 Decisions on international protection

First-instance decisions

According to Eurostat, a total of 26,855 asylum applications received a first-instance decision during the reporting year. 9,765 cases (36.4 percent of all first-instance decisions) were decided positively, i.e. the applicants were granted either refugee status according to EU legislation or fundamental rights safeguards according to German legislation or else subsidiary protection. 17,090 cases (63.6%) received a negative decision, i.e. the applications were either rejected or closed by formal decision (see Table 24).²⁹ As in the previous year, the BAMF values are slightly higher than

²⁸ See BAMF (2010), *Asyl in Zahlen 2009*, Nuremberg, p. 26.

²⁹ Formal decisions are mainly taken in the context of Dublin transfers.

the figures available at Eurostat, mainly because of diverging definitions and the fact that figures are routinely rounded at Eurostat.³⁰

Compared to the previous year, the total number of decisions has increased by 7,535 i.e. 39.0%. The total number of positive decisions has increased by 24.3% from 7,855 in 2008 to 9,765 in 2009 (see Table 24). However, the protection rate – calculated as the number of positive decisions (recognitions as entitled to asylum, granting of protection as refugee, legal obstacles to removal) against the total number of decisions – registered a decline: In 2008, it had amounted to 40.7% (i.e. 7,855 positive decisions out of a total of 19,335 first-instance decisions).³¹

Table 24: Total number of decisions, 2006 - 2009

	2006	2007	2008	2009
Total	30,759	28,572	19,320	26,855
positive decisions	1,951	7,870	7,855	9,765
negative decisions *	17,781	12,749	11,465	17,090

Source: 2006 and 2007: BAMF; 2008 and 2009: Eurostat (rounded figures)

* Please note that the figures for 2006 and 2007 do not include formal decisions (e.g. decisions in the Dublin Procedure because another Member State is responsible, or decisions on repeat applications that no new asylum procedure will be initiated), while the figures for 2008 and 2009 include them. Hence, Eurostat classifies formal decisions as negative decisions.

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 reporting period. In this context, a vital role is played by changes in the situation of the countries of origin and related political prioritising and control measures. Thus, an existing or adopted provision to suspend decisions in the observation period often has immediate consequences on the development of the protection rate.
- 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 in a general situation of danger, pursuant to Section 60(7) 1st sentence of the Residence Act are not applicable due to the restrictive effect of Residence Act Section 60(7) 3rd sentence.

³⁰ Among other factors, the discrepancy is due to the fact that the closure of a procedure following the withdrawal of the application by the applicant is not notified to Eurostat. Hence, the total number of decisions is lower in the Eurostat database (26,855) than in national statistics (28,816). This difference has an impact on other statistics, e.g. the calculation of the protection rate, which is higher in Eurostat calculations than in the national statistics. The closure of a procedure following withdrawal of an application is registered as a formal decision at the BAMF. Since these decisions cannot be classified as “positive decisions”, the protection rate is lower in the national calculations (for more details, see BAMF (2010): *Asyl in Zahlen 2009*, Nuremberg, p. 45).

³¹ At the time of the drafting of the 2008 Statistics Report, the Eurostat database yielded a total of 7,870 positive decisions for 2008 (cf. [Annual Report on Migration and International Protection Statistics 2008](#) by the German National Contact Point for the European Migration Network (EMN), p. 20). In the meantime, this number has been corrected down to 7,855 and thus – taking the practice of rounding off into account – is consistent with the figures published in the national framework (7,853). However, this also changes the determined protection rate (down to 40.6% from 40.7%).

- Besides, societal changes in the country of citizenship also 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.³²

Table 25 shows the five countries of citizenship with the most positive decisions in absolute figures for 2009. The major part of positive decisions was given to applicants from Iraq. Of all Iraqi asylum cases decided in the reporting year, 62.6% were granted asylum or refugee protection pursuant to Residence Act Section 60(1). Another 2.4% were granted subsidiary protection. Hence, the total protection rate for Iraqi asylum seekers was around 65.0%. In 2008, the value had been around 80.0%.

Of the asylum applicants from Afghanistan, 18.5% were granted asylum or refugee protection in 2009 (2008: 21.3%); another 41.0% were granted subsidiary protection (2008: 25.3%). Overall, the protection rate for Afghan asylum seekers was 59.6% in 2009 (2008: 48.0%). It is evident from these figures that most of the Iraqis were granted refugee protection, while Afghans received subsidiary protection to a greater extent.

Next to Iraq und Afghanistan, the countries of citizenship with a certain degree of positive decisions in 2009 were (in descending order) Iran (600 positive decisions), Sri Lanka (460), Eritrea (425), Turkey (225), Russian Federation (190), Somalia (180), Syria (155) und Ethiopia (85).

Table 25: Number of positive decisions by legal basis and country of citizenship, 2009³³

	Total	Recognition as a 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	9,765	8,155	1,610
Iraq	5,750	5,540	210
Afghanistan	950	295	655
Iran	600	570	30
Sri Lanka	460	270	185
Eritrea	425	350	75
other countries of origin	1,580	1,130	455

Source: Eurostat (rounded figures)

*The figures given here for subsidiary protection refer to both the Council Directive 2004/83/EC of 29 April 2004 (“Asylum Qualification Directive”) which was transposed into national law in Section 60(2), (3) and (7) 2nd sentence of the German Residence Act as well as prohibitions on removal governed solely by national law (Section 60(5) and (7) 1st sentence Residence Act).³⁴

³² See BAMF (2008): Asyl in Zahlen 2007, Nuremberg: BAMF, p. 42

³³ Breakdown by countries of origin with the highest numbers of positive decisions.

Table 26: Number of positive decisions by legal basis and country of citizenship, 2008 ³⁵

	Total	Recognition as a 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	7,855	7,310	560
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	1,100	880	240

Source: Eurostat (rounded figures)

* The figures given here for subsidiary protection refer to both the [Council Directive 2004/83/EC](#) of 29 April 2004 (“Asylum Qualification Directive”) which was transposed into national law in Section 60(2), (3) and (7) 2nd sentence of the German Residence Act as well as prohibitions on removal governed solely by national law (Section 60(5) and (7) 1st sentence Residence Act).

Court decisions

In case of a negative (first-instance) decision of BAMF, the applicant may lodge an appeal before an Administrative Court. In 2009, 45.7% of the negative first-instance decisions (rejections) were appealed. Thus, the appeal rate has slightly increased compared to the previous year (in 2008, the appeal rate was 41.7%, 2007: 48.6%).³⁶

Apart from statistics on asylum applications and first-instance decisions, Eurostat also produces statistics on decisions which have become final, i.e. incontestable. Contrary to the national “incontestability statistics” produced by BAMF, Eurostat collects only data on final decisions made by authorities or courts in appeal procedures. 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 6,740 final decisions were made in Germany in 2009, of which approx. 66% were rejections. In 13.1% of the decisions, refugee protection was granted, in 2.1% subsidiary protection. In total, around 34.0% of all cases received a positive decision.

While most of the first-instance decisions in 2009 concerned persons coming from Iraq (8,850 decisions), Turkey (1,635) and Afghanistan (1,595), the majority of the final decisions in appeal procedures referred to applicants from Iraq (875), Turkey (760) and Iran (695).

According to Eurostat, a total of 11,060 final decisions were made in Germany in 2008, of which 74.9% were rejections. In 14.7% of the decisions, refugee protection was granted, in 10.4%

³⁴ For details regarding the granting of protection at EU level and at national level, see Parusel, Bernd (2010): Europäische und nationale Formen der Schutzgewährung in Deutschland, Working Paper 30, Research Section of the Federal Office for Migration and Refugees, Nuremberg.

³⁵ Breakdown by countries of origin with the highest numbers of positive decisions.

³⁶ See BAMF (2010): Asyl in Zahlen 2009, Nuremberg, p. 58

subsidiary protection. In total, 25.0% of all cases received a positive decision. The major part of the final decisions made in 2008 referred to applicants from Turkey (1,340 persons), Serbia (1,165) and Iraq (1,020).

Revocations and withdrawals

Pursuant to Section 73(1) and (3) of the German Asylum Procedure Act, the Federal Office 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 4,810 first-instance decisions on entitlement to protection were revoked or withdrawn in 2009 in Germany. This represents a decrease compared to 2008 (6,345 revocations/withdrawals). Still, both values are the highest in the whole EU.

In 2009 a total of 4,650 recognitions of entitlement to asylum and refugee protection were revoked or withdrawn (subsidiary protection: 160 cases).

As for the countries of origin concerned, persons from Iraq received most revocations/withdrawals (48.8%), followed by citizens of Turkey (30.7%) and of Kosovo (4.8%).

Table 27: Revocations and withdrawals of first-instance decisions on granting protection, 2009

Country of citizenship	Revocations/withdrawals of entitlement to asylum and to refugee protection	Revocations/withdrawals of entitlement to subsidiary protection *	Total number of revocations/withdrawals
Total	4,650	160	4,810
Iraq	2,340	0	2,345
Turkey	1,440	35	1,475
Kosovo	205	25	230
Togo	85	0	85
Afghanistan	70	15	85
Iran	75	0	80
Serbia	50	15	65
Russian Federation	45	10	55
Syria	35	0	35
Cuba	30	0	30
<i>other countries of origin</i>	<i>275</i>	<i>60</i>	<i>325</i>

Source: Eurostat (rounded figures)

* The figures given here for subsidiary protection refer to both the [Council Directive 2004/83/EC](#) of 29 April 2004 (“Asylum Qualification Directive”) which was transposed into national law in Section 60(2), (3) and (7) 2nd sentence of the German Residence Act as well as prohibitions on removal governed solely by national law (Section 60(5) and (7) 1st sentence Residence Act).

6.3 Dublin transfers

In the frame 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”³⁷ 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. Also, this measure aimed at tackling the problem with regard to refugees for whom no state feels responsible to examine the asylum claim lodged. When a third-country national lodges an asylum claim in a MS, this state has to assess which MS might be responsible for examining the application on the basis of the hierarchical criteria set down in the Dublin 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 responsibility within a set deadline. If the Member State approached does not reply within the deadline, this MS is deemed to have accepted responsibility. 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, Iceland and Switzerland.

Outgoing requests and respective transfers from Germany to other Member States

As shown in Table 28, Germany addressed a total of 8,695 requests to other MS in 2009, of which 6,242 (71.8%) were accepted. On this basis, a total of 2,932 transfers were actually carried out. This means that 33.7% of all requests resulted in transfers. Most of the requests were addressed to Greece (2,108), Poland (960), Italy (803) and Sweden (742).

The picture is different when looking at the actual transfers carried out to these Member States: While 49.7% of all requests addressed to Poland resulted in a transfer, the rate for Greece was only 6.8%. For Italy, the rate was 39.7%, for Sweden 51.5%. The low value for Greece may be explained partly by the fact that 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.

Reasons for transfer requests to other Member States

In most requests (4,300) 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.

A total of 2,445 German requests referred to persons in possession of either a residence permit or a visa issued by the respective MS or to applicants having entered the territory of the EU via that MS (Art. 9, 10, 11 and 12 of the Dublin Regulation). 1,909 cases concerned asylum seekers illegally staying in Germany after their application had been rejected elsewhere in the EU. Also in these cases, the MS which examined and rejected the asylum application must take back the applicant

³⁷ 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.

(Art. 16(1)(e) of the Dublin Regulation). Other reasons, e.g. of a family or humanitarian nature, were of marginal statistical relevance.

Incoming requests and respective transfers addressed to Germany from other Member States

In 2009, a total of 3,933 requests to take back or take charge of an asylum seeker were addressed to Germany by other MS. In 2,431 cases (61.8%) Germany accepted the request. 1,258 transfers were carried out (32% of the total number of requests).

Most requests came from Denmark (895), France (636), Belgium (444), Switzerland (382) and Sweden (349). The respective transfer rates were 13.2% for Denmark, 34.6% for France, 28.0% for Belgium, 37.0% for Switzerland and 31.8% for Sweden. In absolute figures, the highest number of transfers to Germany was carried out by France (220), followed by the Netherlands (148), Switzerland (141), the United Kingdom (127) and Belgium (124).

Reasons for transfer requests from other Member States

In most of the requests from other Member States (1,749), 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. 1,190 of the requests addressed to Germany were made in connection with Article 9, 10, 11 or 12 of the Dublin Regulation, i.e. in order to determine the responsible MS on the basis of residence documents/visas or place of entry into the EU.

Another 796 cases referred to persons illegally present in the respective MS after their asylum application had been rejected by Germany. Lastly, 72 requests were addressed to Germany in connection with family reunification (Article 6, 7, 8 or 14 of the Dublin Regulation). 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 outgoing and incoming requests

Table 28 also shows that in 2009, Germany transferred a total of 2,932 persons to other Dublin MS and took back/charge of 1,258 applicants. With regard to the individual partner countries, the figures are unevenly spread. With regard to 20 MS, Germany transferred more applicants to them than it took over from them. The most significant imbalances were noted in relation to Italy, Hungary and Poland. Germany transferred 319 to Italy, but took over only 6 applicants from that country. 276 asylum seekers were transferred to Hungary, but only 5 persons were taken over from there. For Poland, the respective numbers were 477 (outgoing transfers) and 13 (incoming transfers). With regard to 7 Dublin MS (Belgium, Estonia, Ireland, Island, France, Cyprus, Latvia), the transfer frequency was fairly balanced. For example, Germany took over 251 persons from France and transferred 220 to that country. Between Iceland and Germany, no transfers were carried out at all. Six countries transferred more persons to Germany than they took over. Denmark, Luxembourg, the Netherlands, Finland, the UK and Switzerland transferred twice as many and even more applicants to Germany than they took over.

Information requests

The Dublin Procedure also provides for mutual information exchange among the MS. Pursuant to Art. 21 of the Dublin 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 conduct the examination of the asylum application and to implement other obligations arising from the regulation. In the reporting year 2009, Germany addressed a total of 525 information requests to other MS, among them 82 to Italy, 62 to Greece, 59 to France. In the same time period, Germany received 3,797 information requests from other Dublin States, most of them from the authorities in Sweden (1,319), Belgium (709), Austria (379) and Norway (210).

Table 28: Requests and transfers under the Dublin Procedure, 2009

Country	Outgoing requests from Germany	of which: accepted cases	of which: transfers	Incoming requests to Germany	of which: accepted cases	of which: transfers
Total	8,695	6,242	2,932	3,933	2,431	1,258
Belgium	349	238	149	444	344	124
Bulgaria	48	24	6	6	0	0
Czech Republic	173	118	71	14	11	9
Denmark	102	71	55	895	147	118
Estonia	8	4	1	0	0	0
Ireland	8	5	3	15	12	3
Greece	2,108	1,361	143	11	10	3
Spain	189	130	46	11	9	3
France	709	493	251	636	392	220
Italy	803	618	319	67	34	6
Cyprus	16	3	1	5	0	0
Latvia	6	5	1	1	1	1
Lithuania	27	21	7	7	5	1
Luxembourg	22	10	4	37	31	26
Hungary	632	489	276	16	9	5
Malta	63	54	32	1	0	0
Netherlands	201	112	73	214	200	148
Austria	611	405	312	166	109	54
Poland	960	900	477	20	16	13
Portugal	19	10	7	2	2	2
Romania	81	62	37	8	5	2
Slovenia	75	46	13	2	1	0
Slovakia	110	41	23	9	4	3
Finland	42	19	10	116	89	48
Sweden	742	618	382	349	297	111
United Kingdom	150	65	38	248	210	127
Iceland	0	0	0	3	1	0
Norway	262	187	123	248	190	90
Switzerland	179	133	72	382	302	141

Source: Eurostat

6.4 Unaccompanied minors

In 2009, a total of 1,305 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 persons having custody (see Table 29).

In 2008, the respective number had been 763. In the last years, a steady increase of applications lodged by this group is to be noted. In 2009, the main countries of citizenship of UM were Afghanistan, Iraq and Vietnam.³⁸

Table 29: Unaccompanied minor applicants by sex and age, 2009

Age group	Male	Female	Total
Total	1,035	265	1,305
0-13 years	65	35	100
14-15 years	230	75	305
16-17 years	740	155	900

Source: Eurostat (rounded figures)

Table 30: Unaccompanied minor applicants by country of citizenship, 2009

Country of citizenship	
Total	1,305
Afghanistan	455
Iraq	225
Vietnam	60
Guinea	50
Ethiopia	45
Nigeria	40
Somalia	35
Algeria	30
Eritrea	25
Iran	25
<i>other countries of origin</i>	<i>315</i>

Source: Eurostat (rounded figures)

The figures in Tables 29 and 30 are individual values rounded to the nearest fifth digit by Eurostat for methodological reasons. Hence, their sum may not necessarily match the given total (see also http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/EN/migr_asyapp_esms.htm#unit_measure).

7 Other data relating to migration

7.1 Admission procedure for refugees from Iraq

On 5 December 2008, the German Federal Minister for the Interior and his colleagues from the individual *Länder* governments decided to grant admission to a total of 2,500 refugees from Iraq who were staying in Syria and Jordan at the time. The legal basis for this procedure was Section 23(2) of the German Residence Act (Grant of admission in order to “safeguard special political interests of the Federal Republic of Germany”). Before this decision was taken, the JHA Council had adopted a conclusion in November 2008 on the resettlement of refugees from Iraq, which set the objective of resettling in the EU up to approximately 10,000 Iraqi refugees.

On 19 March 2009, the first Iraqi refugees arrived in Germany. The resettlement measure was concluded in April 2010. In total, 2,501 Iraqi refugees were admitted to Germany, mostly in the course of 2009.

7.2 Granting of residence in cases of hardship

Pursuant to the hardship clause set forth in Section 23(a) of the German Residence Act, 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. However, following an amendment of the Immigration Act of 20 December 2008, this time limit was removed.

The Hardships Commissions established by the individual *Länder* governments have the task of verifying the presence of humanitarian and personal grounds and the compliance with other conditions (including length of residence in Germany and economic/societal integration of the person concerned). This procedure is not open to judicial review, but rather designed to find humanitarian solutions based on the individual case.

From the introduction of this provision until 31 December 2009, nearly 5,000 foreigners were granted residence pursuant to this hardship clause. Nearly a third of them were citizens of Serbia and the former Serbia and Montenegro. 645 such residence titles were granted to Turkish citizens, 577 to persons from Kosovo and 324 to citizens from Bosnia and Herzegovina.³⁹

7.3 Voluntary return

The voluntary return of persons who do not (or no longer) meet the requirements for legal residence is preferred over forced repatriation. 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

³⁹ See BMI/BAMF (2011): *Migrationsbericht 2009*, p. 126 et seq.

recorded in the Eurostat database pursuant to the Migratory Statistics Regulation 862/2007/EC provided that they were obliged to leave the country. 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 2009) 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 were declining in recent years. Since 2009, however, the figures have increased again. In 2009, a total of 3,107 persons made use of the support programmes; in 2010 their figure amounted to 4,480.

Table 31: Voluntary returns under REAG/GARP, 2005-2009

Year	2005	2006	2007	2008	2009
Persons who left Germany	7,448	5,757	3,437	2,799	3,107

Source: International Organisation for Migration (IOM) / BAMF

In 2009, a total of 3,107 voluntary returns supported by REAG/GARP were registered, representing a slight increase for the first time since 2000 (11% compared to the previous year). This trend reversal appears to be stabilizing, since the preliminary figures for 2010 show a total of 4,500 voluntary returns supported by REAG/GARP, which represents a further increase of about 44% compared to the previous year.⁴⁰

The five main nationality groups of returners in 2009 were:

- Iraqi citizens (14.6% of all returners),
- citizens of the Republic of Kosovo (10.6%),
- Russian citizens (9.2%),
- Turkish citizens (5.5%),
- Chinese citizens (5.0%).

Compared to the year before (see Tables 32 and 33), there is some change in the ranking of the top-ten group. Iraqi citizens remained the main nationality group with nearly 15% of all supported returners, their number has increased by nearly half compared to the previous year. Also, the number of returners from Kosovo increased against 2008 (by nearly 70%). By contrast, the number of returners to the Russian Federation remained stable; for Turkish citizens, a decrease by -22.7% against the previous year was noted. The number of Armenian returners, which in 2008 had ranked among the top five countries, decreased significantly by -38.4%.

⁴⁰ This increase is nearly exclusively caused by the support for citizens from Serbia and Macedonia who were staying in Germany for a short period and who had entered the country without a visa: After the visa requirement for citizens from Serbia and Macedonia as well as Montenegro had been waived, the number of asylum applications from the first two countries had increases significantly. Since this group of persons was suspected of having fraudulently obtaining financial aid from the support schemes, the granting of start-up and travel assistance for return and re-integration was halted in October 2010 (see Politikbericht 2010 der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk, published by the Federal Office for Migration and Refugees, Nuremberg, p. 39, 41, 51).

Table 32: Departures under REAG/GARP, 2009

Nationality	Persons	of whom rejected asylum seekers	
		absolute	in %
Iraq	454	247	54.4
Kosovo	329	152	46.2
Russian Federation	285	173	60.7
Turkey	170	101	59.4
China	155	130	83.9
Vietnam	154	123	79.9
Azerbaijan	151	108	71.5
Serbia	140	90	64.3
Lebanon	125	83	66.4
Iran	113	51	45.1
<i>others</i>	<i>1.031</i>	<i>536</i>	<i>52</i>
Total	3,107	1,799	57.7

Source: International Organisation for Migration (IOM) / BAMF

Table 33: Departures under REAG/GARP, 2008

Nationality	Persons	of whom rejected asylum seekers	
		absolute	in %
Iraq	302	187	61.9
Russian Federation	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	1.768	63.0

Source: International Organisation for Migration (IOM) / BAMF