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**IMMIGRATION POLICIES IN EUROPE: IMPACT ON
CRIME
A CASE STUDY OF GERMANY**

by

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June 2008

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A CASE STUDY OF GERMANY**

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ABSTRACT

This thesis examines the effects of European immigration policies on crime and society, with a focus on the past and present security challenges of shifts of peoples and demographics since 1942 and 1989, which have changed the face of Europe. The first chapter reviews the significance of the issue in the context of the historical and economic developments in which post-war immigration has assumed its familiar dimensions. The second section discusses the effects of immigrant-related crime on the security and prosperity of Germany and the failures of the German policies and German government to integrate the immigrants fully into German society. The third chapter analyzes immigrant-related economic crime and its effects on German economic prosperity. Section IV addresses the effects of German immigration policies on violent crime against immigrants in Germany, as it engenders feeling of attack among immigrants facing what appears to be resurgent German chauvinism. The final chapter offers a summary of German governmental and multilateral actions that address immigrant-related crime and recommendations for future coordination of immigration policies to enhance security in Europe through cooperation of governments and European security institutions. This thesis concludes coordinated cooperative measures can provide the lasting framework for the integration of immigrants.

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I. INTRODUCTION

A. PURPOSE

This thesis examines the complex effects of European immigration policies on crime and society, with a particular focus on the past and present security challenges of post-World War II and especially post-cold war shifts of peoples and demographics, which have literally and figuratively changed the face of Europe. Amid the real and perceived pressures of integrating generations of increasingly different-seeming immigrants (commonly referred to as "them" by "us," the native born ethnic majority), the meaning of citizenship in the European Union (EU) has assumed central importance in official and popular quarters since the end of the cold war, with the reconstruction and legal integration of Europe on the one hand, and, on the other, the rise of ethnic and nationalist turmoil in Europe's south and east. Now, more than ever, immigrant-related crime dominates the discourse of European domestic and transnational security. Various (and variously successful) European responses to the "immigration problem" show how history and the cherished ideals of national self-identification affect and directly limit policy options and political rhetoric.

This thesis investigates the changing nature of European citizenship due to immigration and its connection to security in Europe through the enhanced coordination of immigration policies within the EU. The objective of this thesis is to highlight diplomatic and policy techniques that European governments and other decision-makers can use to promote a more secure environment while protecting national and economic interests, maintaining the open and diverse community that underlies post-war European prosperity and accommodating the triumphs and burdens of the national past.

The historical and contemporary experiences of Germany combine all of these elements; as such, this thesis focuses on Germany, the economic center of the continent of Europe with particular connections to eastern and southern Europe and a lively public debate on national identity and immigration. This thesis seeks to answer how

immigration policies in Germany affect crime by and against immigrants, and how these policies can best be used to improve German, European, and perhaps global security. To this end, this paper asks:

- How has immigration affected crime and security in Germany?
- How does German history affect perceptions of immigration and crime in Germany?
- What is the role of the media in popular and policymaking discussions?
- How can the EU and other international institutions assist Germany in integrating the new residents into their new nation to diminish the crime rate?

B. SIGNIFICANCE

The questions of policy analyzed in this thesis have applications well beyond Germany today. The findings and prescriptions for improved security have implications for the national defense and homeland security of the United States, granted the interconnection of matters of citizenship and security in Europe and their effect on the United States. Additionally, the imperfect match, as a model, of past and current immigration to the United States, colors perceptions on both sides of the Atlantic of the immigration challenges and the appropriate policy responses. As this thesis shows, the similarities and the differences are both instructive to all western and allied policymakers.

C. LITERATURE REVIEW

1. The Context

Free immigration to and within Europe ended finally with World War I; passports were first temporarily issued to control "movement across frontiers" during the war, and their use continues today.¹ Government regulations, including border controls and "the requirement that aliens register upon landing," were accompanied in some cases by sharp

¹ Claudena M. Skran. *Refugees in Inter-War Europe The Emergence of a Regime*. Oxford. Clarendon Press. 1995, 32.

government immigration restrictions, typically quotas that limited the overall numbers of immigrants and aimed to limit immigration from certain ethnic groups.² This restrictive state of immigration affairs, undergirded by prevailing habits of nationalistic protectionism and early- to mid-century racial theory, gave way after World War II to mass migrations of “displaced persons,” ideological refugees and cheap foreign labor for reconstruction. This first generation of immigrants settled into its new circumstances in western Europe, but immigrants, asylum-seekers and economic refugees continued to come after them.

Immigration laws did not change in Europe to meet these new circumstances until well after the integration process of the European Community/European Union. In an effort to increase trade, the Schengen Agreement in 1985 and the Schengen Convention in 1995 provided the catalyst for free movement within the EU by terminating security requirements, borders and border controls between the countries that signed the agreements and establishing a single external frontier. In addition, in May 1999, the Amsterdam version of the Treaty on European Union placed the conditions set forth by the Schengen agreement and convention into the EU's "legal and institutional framework." Thirteen EU member states accept the Schengen policies, though notably the United Kingdom and Ireland have not signed the agreements. On the other hand, Norway and Iceland do accept the Schengen requirements, even though neither state is currently an EU member.³

At the same time, security measures are being improved to protect the internal security of the EU, including a shared visa system; improved coordination between police, customs and judicial systems; and additional efforts to address terrorism and organised crime. The Schengen information system (SIS) has been established to facilitate the exchange of data regarding specific individuals who are tracked for the purposes of protection, surveillance, warrants or extradition, as well as of data regarding specific lost or stolen goods. There has been coordination within Europe regarding

² Claudena M. Skran. *Refugees in Inter-War Europe The Emergence of a Regime*. Oxford. Clarendon Press. 1995, 32.

³ EU Website.
http://ec.europa.eu/justice_home/fsj/freetravel/frontiers/fsj_freetravel_schengen_en.htm. Accessed August 5, 2007.

immigration policies, but immigration continues to have negative effects in and on the European Union, the states within Europe and individual citizen as evident by violent behavior portrayed in the media. Security concerns remain at the forefront of international press accounts, and, indeed, there is still much room for coordinated improvement.⁴

The Maastricht Treaty of 1991 demonstrates the resolve of twelve countries to form and follow a common immigration policy that extended the areas addressed by the 1985 Schengen Agreement.⁵ However, as Silverman noted, "it seems easier to harmonize controls than rights."⁶ This thesis intends to document and offer some solutions to this tension between continued immigration and insufficient political and organizational arrangements to accommodate it.

The transparent national borders of the EU countries after the Schengen Agreement increased the difficulty of tracking and countering terrorism and drug trafficking; this became even more difficult when the large population movements from the former USSR and the Mediterranean littoral were also taken into account.⁷ Indeed, since the fall of the Berlin Wall, economic and social conditions—the uneven progress of eastern Europe’s transitions to a market economy, as well as increased ethnic and nationalist discrimination in the former communist territories—have only encouraged immigration of all types, while an unsettled world keeps numbers of refugees and asylum-seekers high. Furthermore, it has been noted that "illegal organizations can sometimes thrive within the seclusion of ethnic minority communities," as is partially the case within the “parallel societies”⁸ of ethnic communities

⁴ EU Website.
http://ec.europa.eu/justice_home/fsj/freetravel/frontiers/fsj_freetravel_schengen_en.htm. Accessed August 5, 2007.

⁵ Grete Brochmann. *European Integration and Immigration from Third Countries*. Stockholm Sweden. Scandinavian University Press. 1996, 88-9.

⁶, Maxim Silverman. *Deconstructing the Nation Immigration, Racism and Citizenship in Modern France*. London. Routledge. 1992, 2.

⁷ Alasdair Stewart. *Migrants, Minorities and Security in Europe*. UK. Research Institute for the Study of Conflict and Terrorism. June 1992, i.

⁸ Information based on interview conducted 28 March 2008 with Comparative Domestic Politics Professor Dr. Ursula Muench in Munich.

in Germany's larger cities.⁹ (Similarly, labor market niches may account for the reason that foreigners in Spain usually do not move once they are established in a community, and certain locations, called "Mediterranean Autonomous Communities," host the largest numbers of immigrants.¹⁰)

Immigration policies and practices seek to decrease unemployment and increase growth, tax revenues and remittances in Europe. More recently, decision-makers acknowledge that immigration will not go away and that policies should focus on the integration of all people who live in a nation for the greater good of that country. A review of the immigration policies of the EU and Germany reveals that although great progress has been achieved, room for improvement remains even today.

2. Two Broad Debates

The debate surrounding immigration in Europe takes two basic, opposing forms that are of interest in connection with this thesis. The first takes a negative view of the immigration situation in Europe, advancing the sentiment that foreigners are "taking over." Right-wing politicians in the EU and its member states decry the "flood of immigrants" from North Africa and Eastern Europe pouring over the external border and capitalizing on the Schengen-imposed lack of internal passport and border controls. In the end, this rhetoric may facilitate the realization of "Fortress Europe" if governments opt to engage the right-wing politicians on their own terms.¹¹

The opposing argument portrays immigration as a benefit, if not a necessity, to the state in light of falling birth rates in Europe and the need since World War II to fill jobs, especially unskilled labor.¹² Proponents of this viewpoint also embrace a European

⁹ Frank Bovenkerk. "Organized Crime and Ethnic Minorities: Is There a Link?". published in Williams, Phil and Dimitri Vlassis. *Combatting Transnational Crime Concepts, Activities and Responses*. London. Frank Cass. 2001, 124.

¹⁰ Nieves Ortega Perez. "Spain: Forging an Immigration Policy". Migration Information Source. February 2003. pg 3. <http://www.migrationinformation.org/Profiles/print.cfm?ID=97>. Accessed 27 August 2007.

¹¹ David Cesarani and Mary Fulbrook. *Citizenship, Nationality and Migration in Europe*. London. Routledge. 1996, 3.

¹² John Salt. *Migration and Population Change in Europe*. New York. UNIDIR. 1993. 19–23. Hollifield, James F. *Immigrants, Markets, and States*. Cambridge, Massachusetts. Harvard University Press. 1992.

self-image that consciously rejects racial or ethnic boundaries, typically as a vestige of the bad old days of nationalist violence, political extremism, war and annihilation. While the detractors of immigration emphasize the difference of immigrant populations, implying or insisting outright that the newcomers cannot or will not avail themselves of European culture, which will suffer as a result, this second argument rather assumes that immigrants can assimilate or at least integrate into European society, which can be expanded and enriched in the process. This thesis accepts both viewpoints as valid, at least on their face, and seeks to improve the security situation by understanding the effects of immigration on feelings of nationalism, the economy and crime.

For all sides of this argument, the key is immigration policy. Scholars have contrasted immigrants' integration or assimilation in Europe to the experience of the immigrants in the United States and found that the choice (and often the success) of assimilation or integration depends on immigrant-related government policies that are sometimes voluntary or, more often, mandatory.¹³ Of course, the initial question is under which circumstances immigration should be permitted. The issue becomes far more complicated once the immigrants have arrived. How should European states affect the assimilation or integration of established, resident immigrant populations? And how can or should policy address the frictions of assimilation? Historically in Europe and in the United States, first-generation immigrants are generally law abiding and have contributed greatly to the industrial and economic might of their host nations. In some cases, second-generation immigrants and more often third-generation immigrants resort to both economic and violent crime as a manifestation of their frustration with lack of opportunities afforded to them due to their failure to integrate into society and sometimes due to their perception that the society to which they have immigrated is out to get them. Thus, long-term immigration successes have to do with the assimilation or integration process.

¹³ Gerald Noiriel. *The French Melting Pot Immigration, Citizenship and National Identity*. Minneapolis. University of Minnesota Press. 1996, 266.

a. *Immigration as a Threat to Europe*

For anti-immigration politicians and advocates, the associations between immigration and criminality are clear, irrefutable and paramount to the problem and its solution. Scholars have attributed crime and terrorism in Europe to migration and cultural differences that result from immigration.¹⁴ Some literature links immigration with the incidence of juvenile delinquency.¹⁵

A more sophisticated critical view notes the various effects of crime on immigrants to Europe, who generally find themselves on society's margins, at least at first. "Organized crime is fed by the presence of ethnic minorities who furnish a ready supply of both victims and offenders ... especially when governments and law enforcement are weak or corrupt."¹⁶ The Council of Europe Vienna Conference in 1991 recommended harmonization of policies and rules, exchange of information, "active collaboration to promote those development policies and measures which would help prevent disorderly migration" and coordination of other policies surrounding immigration issues.¹⁷ Jef Huysmans explained that "Europe seems to be full of acts of violence against migrants and refugees and an escalating discourse of 'they are not welcome', or, 'they do not belong here'. (The) two images are often linked to another: migrants and refugees then become the source of the feeling of insecurity."¹⁸ According to the logic of "strain theory," which holds that such social constructs as discrimination or poverty thwart an

¹⁴ Joshua D. Freilich and Rob T. Guerette. *Migration, Culture Conflict, Crime and Terrorism*. England. Ashgate Publishing Limited. 2006, 3.

¹⁵ Ibid., 89-101.

¹⁶ Joshua D. Freilich and Rob T. Guerette. *Migration, Culture Conflict, Crime and Terrorism*. England. Ashgate Publishing Limited. 2006, 159.

¹⁷ Alasdair Stewart. *Conflict Studies 252 Migrants, Minorities and Security in Europe*. Research Institute for the Study of Conflict and Terrorism. 1992, 26-7.

¹⁸ Robert Miles and Dietrich Thranhardt. *Immigration and European Integration The Dynamics of Inclusion and Exclusion*. London. Pinter Publishers. 1995, 53.

immigrants' efforts to achieve success,¹⁹ minorities are more susceptible to committing crime than the groups that constitute the majority within society.²⁰

Viewed from the strain perspective, in principle minorities in a low socio-economic position are open to the temptations of organized crime. The preservation of ties with the home country can give a minority group that is able to take advantage of the resources there an objective opportunity to earn an ample illegal living. If these two conditions are met and there is not enough social control to keep people on the straight and narrow path, then a minority is a greater organized crime risk.²¹

The problem here is not that the immigrants have different values; in fact they aspire to prosperity and status just like any other upwardly mobile resident of Europe. Instead, this more structural-functionalist view posits that they simply lack opportunities. Sociologist Robert Agnew lists several conditions that many second- and third-generation immigrants experience as strains that induce criminal activity: "failure to achieve positively valued goals, dysfunction of expectations and achievements, removal of positively valued stimuli, and presentation of negatively valued stimuli."²² All of these social circumstances are subject to public-policy remedies.

Now, it is also true that some immigrants bring their criminal connections with them from their former homes. Separate issues exist here. First, groups of immigrants to a new location often band together in parallel societies. This separation can lead to crime. Second and distinct, is the issue of immigrants maintaining and strengthening ties to criminal groups in their country of origin. Phil Williams and Ernesto Savona hold that the "international community has been slow to come to terms with the new challenge posed by transnational criminal organizations," and they note that

¹⁹ Larry J. Siegel. *Criminology*. Thompson Wadsworth. 2006, 197.

²⁰ Phil Williams and Dimitri Vlassis. *Combating Transnational Crime Concepts, Activities and Responses*. London. Frank Cass Publishers. 2001, 109–124.

²¹ Frank Bovenkerk. "Organized Crime and Ethnic Minorities: Is There a Link?". published in Williams, Phil and Dimitri Vlassis. *Combating Transnational Crime Concepts, Activities and Responses*. London. Frank Cass. 2001, 122.

²² Larry J. Siegel. *Criminology*. Thompson Wadsworth. 2006, 197.

conferences have been held to discuss such crime and to identify avenues for international cooperation to halt such security-threatening activities.²³

b. *Immigration as a Boon to the Nation-State and the People*

Immigration in and to Europe has benefited immigrants greatly in many cases over the last century. Selected literature paints a picture of discontented men looking for a better life.²⁴ As long as life is better in Europe than in other countries, immigration will continue.²⁵ Many foreigners traveled to Europe; some were expelled by force from their homelands and came in search of prosperity and opportunities to live and work in new communities after World War II.²⁶ Consequently European local communities that had been homogenous both lingually and religiously began to incorporate foreigners.²⁷

Germany faced its first major influx of new populations when the cold-war divisions of Europe uprooted millions of people who sought refuge on the western side of the Iron Curtain. In contrast to the current immigration situation, "the most remarkable feature of the post-war wave of population migration is perhaps the way in which the assimilation of these millions of post-war refugees in the compact territory of West Germany was accomplished with a degree of successful silence. Integration was so complete that there was little or no talk of being 'swamped', of 'floods' of migrants, of a 'foreigner problem'—largely because the concept of the ethnic German *Volk* readily encompassed those who often spoke in very different dialects and practiced very different

²³ Phil Williams and Ernesto U. Savona. *The United Nations and Transnational Organized Crime*. London. Frank Cass Co & LTD. 1996, viii.

²⁴ Mack Walker. *Germany and the Emigration 1816-1885*. Cambridge, Massachusetts. Harvard University Press. 1964, introduction.

²⁵ Ibid. introduction.

²⁶ David Cesarani and Mary Fulbrook. *Citizenship, Nationality and Migration in Europe*. London. Routledge. 1996, 90–1.

²⁷ Ibid., 90–1.

customs."²⁸ It should be noted that these refugees largely were regarded as German, and there was little to no question at the time of their ability to grow into majority German society.

At the same time, as Salt and others pointed out, Germany faced and faces demand for seasonal labor that exceeds its homegrown labor capacity. Germany instituted a flexible "guest worker" policy through "contracts with East European countries to open up three channels by which East Europeans might gain temporary, rotational access to the German labor market."²⁹ Some of these guest workers have remained both to man and to enjoy the German "industrial and economic miracle" that began in the 1950s and continues today, though the integration process here has been uneven across the generations.³⁰ In particular, immigration of Turkish guest workers to Germany after World War II resounds in literature and news reporting of violence in Germany.³¹

Now the Federal Republic confronts the illogic of its third-generation resident "foreigners," but there is no reason for Germans to expect an end to the influx of immigrants from ever further afield. Indeed, if the current demographic trend continues, the European workforce is expected to decline dramatically over the next thirty years, and the need to fill the labor requirements will continue if Europe "is to keep the financial burden of the social welfare system within limits."³² In other words, there are real demographic and economic arguments in favor of immigration to Germany and Europe, despite the frictions that these population shifts entail.

²⁸ David Cesarani and Mary Fulbrook. *Citizenship, Nationality and Migration in Europe*. London. Routledge. 1996, 90–1.

²⁹ John Salt. *Migration and Population Change in Europe*. New York. UNIDIR. 1993, 41.

³⁰ Doris M. Meissner. *International Migration Challenges in a New Era*. New York. The Trilateral Commission. 1993, xi.

³¹ Aaron Erlich. "Germany's Second Doubts about its Turkish Immigrants". History News Network. 11 July 2005. <http://hnn.us/articles/12640.html>. Accessed 21 August 2007. and Weber, Barbara. "Immigration and Politics in Germany". The Journal of the International Institute. Ann Arbor Michigan. University of Michigan. <http://www.umich.edu/~iinet/journal/vol2no3/ozdemir.html>. Accessed 21 August 2007.

³² Ekkehard Stemmer. *Demography and European Armed Forces*. Verlag. Carola Hartmann Miles. 2006, 36.

3. Overall Assessment

The current immigration policies in Germany, like France and Austria, all include objectives related to integration of the immigrant populations to increase security, enhance economic growth of the nation and increase feelings of nationalism and pride. A thorough review of these policies reveals that the underlying objectives are not being entirely met and increased actions on the part of the nation-state and the EU could greatly benefit the current situation in Europe.

Demetrios Papademetriou and Kimberly Hamilton address the complicated issues concerning anti-immigrant exclusionary policies and political debates as well as the relationship between the native and immigrant populations. Their work fails to provide an easy focus area for future analysis and policies but it does offer that "recognizing the common challenges that face all diverse societies might be a good starting point" for such policy and scholarly discussion.³³ The importance of integration cannot be understated. "Integration is the fulcrum on which societies ultimately balance; successful societies in the next century must resolve the integration puzzle and address the admissions/integration nexus more conscientiously than they have to date."³⁴ The "next century" has arrived, and Germany, along with the rest of Europe, must now take steps to ensure its integration balance. There are opportunities for local, state, and international coordination for increased security.³⁵ Indeed, efforts to address negative impacts of immigration continue with the national governments and international organizations. For instance, the Organization for Security and Cooperation in Europe (OSCE) is an outstanding institution that is able to assist nations in addressing Europe's immigration issues. Since 1991, it has transformed into an "operational institution that works to

³³ Demetrios Papademetriou and Kimberly A. Hamilton. *Converging Paths to Restriction: French, Italian, and British Responses to Immigration*. Washington DC. Carnegie Endowment for International Peace. 1996, 76.

³⁴ Demetrios Papademetriou and Kimberly A. Hamilton. *Converging Paths to Restriction: French, Italian, and British Responses to Immigration*. Washington DC. Carnegie Endowment for International Peace. 1996, 76.

³⁵ Phil Williams and Dimitri Vlassis. *Combating Transnational Crime Concepts, Activities and Responses*. London. Frank Cass Publishers. 2001, 321–362.

prevent, manage and resolve conflicts within states."³⁶ The international organizations can enhance national efforts to address the assimilation issues.

D. METHODOLOGY AND SOURCES

1. Methodology

This thesis will describe and analyze the effects of immigration policies on the security of Europe through a case study of Germany. Focus falls on violent crime caused by and perpetrated against immigrants, immigrant-related economic crime, the particular concerns of national identity in Germany (in light of its past and future in Europe) and the international context of the problems and their solutions. Using contemporary media accounts, official documents, academic studies, and a series of field interviews specific to this topic, this thesis investigates the impact of current and possible future government actions to address the changing nature of European citizenship due to immigration and its connection to security in Europe through an enhanced coordination of immigration policies within the EU as well as security sector reform within Germany relative to security sector reform within the EU.

2. Sources

In the course of compiling this analysis, the author of the thesis reviewed numerous academic works on the effects of immigration on security in the course of compiling this analysis. As well, the author explored and cited many newspaper and journal articles discussing the impact of immigration on Europe and the decreasing birthrate in Europe during the formulation of this thesis. The interviews of university professors; graduate students; Ministry of the Interior personnel; political party research analysts; police officers; and journalists conducted by the thesis author in Berlin,

³⁶ Roberta Cohen and Francis M. Deng. *Masses in Flight The Global Crisis of Internal Displacement*. Washington DC. Brookings Institution Press. 1998, 223.

Potsdam and Munich in March 2008 add up-to-date information that is not possible to glean from purely paper resources. The following questions provided the basic contours of the interviews:

- In what ways are immigrant-related crimes affecting national and local politics in Germany?
- How does immigrant criminality affect the workings of government and social institutions as well as civil society?
- How are immigrant-related crimes affecting other facets of the work of government, political parties, interest groups, the press and the police force?
- How does the impact of global terrorism affect the normal work of police and public welfare organizations, if at all?
- How does the enlargement of Europe as well as the conjuncture of immigration issues in the wider world show themselves in the definitions of citizenship in the EU and Germany?
- How has the foiled bomb plot in the summer of 2006 revealed itself in the work of your agency?
- How useful are ideas of citizenship, assimilation, and integration to the work of your organization?
- What other patterns of citizenship and due process of law offer themselves in this connection?

E. THESIS SYNOPSIS

Five major sections comprise this thesis. The first chapter has reviewed the significance of the issue in the context of the historical and economic developments in which post-war immigration has assumed its familiar dimensions. The second section discusses the effects of immigrant-related crime on the security and prosperity of Germany and the failures of the German policies and German government to integrate the immigrants fully into German society. The third chapter analyzes immigrant-related economic crime and its effects on German economic prosperity. Section IV addresses the

effects of German immigration policies on violent crime against immigrants in Germany, as it engenders a "sense of siege"³⁷ among immigrants facing what appears to be resurgent German chauvinism. The final section offers a summary of German governmental and multilateral actions that address immigrant-related crime and recommendations for future coordination of immigration policies to enhance security in Europe through cooperation of governments and European security institutions. As this thesis concludes, only such coordinated cooperative measures can provide the lasting framework for the successful—peaceful—integration of immigrants to Germany and Europe.

³⁷ *A Sense of Siege* is the title of a book by Graham Fuller which concludes that the frictions between two societies are likely to occur between those that have opportunities and those who do not. Additionally, the book concludes that some immigrants believe that they are under siege—in the book's case by military action of the west, but for the case of this thesis the argument can be interpreted to be applied to immigrants feeling under attack by the government policies and society of the country which they immigrated to.

II. IMMIGRANT CRIME

A. AN ESTABLISHED AND WIDESPREAD PHENOMENON

European and especially German immigration policies have changed several times since 1985 in response to labor force and security needs, to say nothing of the mass movements of people following the collapse of the Soviet Union and the descent of the former Yugoslavia into war and genocide. At the same time, for the last thirty years, immigration "has increasingly been perceived as the root of social problems" in Europe.³⁸ Crime caused by immigrants has affected security in Europe, in terms of increased domestic crime, gang and drug activity and the insidious connections between certain immigrant communities and terrorism. How to limit such criminality remains an important question that demands comprehension of the factors driving crime caused by immigrants. This chapter details the ways in which Germany is plagued by, is confronting, and is striving to reduce crime caused by immigrants.

It is estimated that twenty-six percent of crimes in Germany are committed by immigrants, who only constitute ten percent of the population. "In Berlin, young male immigrants are three times more likely to commit violent crimes than their (native-born) German peers."³⁹ Germany has witnessed enough unfortunate examples of crimes caused by people of immigrant backgrounds that the popular perceptions of an immigrant-criminality issue have some real substance. In Munich in December 2007, for example, two youths of migrant background beat a retired German school principal in the subway after the man asked them to stop smoking in the train, as posted signs and policy require. The act was caught on the subway system's security cameras and replayed

³⁸ Focus Migration Country Profile France. No 2. Netzwerk Migration in Europa. Hamburgisches WeltWirtschafts Institut. Migration Research Group. March 2007, 1.

³⁹ Deutsche World Website. "Identifying the Roots of Immigrant Crime". 08 April 2006. <http://www.dw-world.de/dw/article/0,2144,1953916,00.html>. Accessed 30 November 2007.

around the world. German politicians took up the topic of criminality among young people, particularly immigrants, amid a discussion of “German values.”⁴⁰

The violation of immigration laws contributes to both violent and economic crime, as undocumented people cannot seek legal employment. Two weeks after the savage attack against the elderly man, a seventeen-year-old Iraqi and two sixteen-year-old Palestinian associates were detained, also in the Munich subway, after two young German men were kicked and punched severely enough to land them in the hospital. All three of the young attackers had entered Germany illegally in September 2007, though they had since submitted their requests for asylum.

The Bundeskriminalamt (BKA), the German federal criminal police, publishes crime statistics that track criminality among Germans and immigrants. As is the case with any crime statistics, the German numbers must be understood as necessarily partial. “[T]he extent to which crime goes unreported depends on the type of offense, and this can vary over the course of time in response to a variety of factors. Therefore it is not possible to assume there is a fixed ratio between the number of offenses committed and the offences recorded in the statistics.”⁴¹ The BKA further attempts to limit its categorization of criminals by ethnicity or national origin to those cases where the point is relevant to the crime.⁴² “The characteristic ‘fellow countryman’ should only be considered in the case of non-German nationals if the victim and the suspect have the same nationality but are neither related to nor acquainted with each other.”⁴³

Even these incomplete statistics show distinct trends in crime among immigrants in Germany. Figures 1–4 show the incidence of crimes committed by nationals and non-nationals. In addition the figures show the geographic locations of crime.

⁴⁰ Information contained in this paragraph is based on the author's interpretations resulting from an interview with Ms. Csilla Hatvany and Mr. Carl-Philipp Burkert on Wednesday 26 March 2008 1100 interview in Potsdam. This portion of the discussion was focused on some immigrants' propensity to be dangerous.

⁴¹ Bundeskriminalamt. Police Crime Statistics 2006 Federal Republic of Germany Abridged Version.

⁴² Ibid.

⁴³ Ibid.

Victim-suspect-relationship (totals)¹⁾

T19

Key no.	Offense (categories)		Victims Total (100 %)	Victim-suspect relationship (totals)					
				Related *)	Acquainted	Fellow countryman**)	Passing Relationship	No	Unclear
				in %					
0100	murder and manslaughter	completed	808	36.6	29.3	1.1	7.9	10.9	14.1
+0200		attempted	2,103	21.9	29.2	3.0	11.6	24.1	10.2
		total	2,911	26.0	29.3	2.5	10.5	20.4	11.3
1100	offenses against sexual self-determination with use of violence or exploiting a state of dependence	completed	14,564	19.6	41.7	0.3	14.0	17.9	6.5
		attempted	2,635	11.2	28.7	0.2	12.2	38.6	9.2
		total	17,199	18.3	39.7	0.3	13.7	21.1	6.9
2100	robbery, extortion accompanied by violence, and assault on motorists with intent to rob	completed	50,511	1.0	9.0	0.3	7.9	65.0	16.8
		attempted	11,381	1.9	10.6	0.8	9.7	62.5	14.4
		total	61,892	1.2	9.3	0.4	8.2	64.6	16.3
2200	bodily injury	completed	572,255	13.9	27.6	0.6	12.1	34.3	11.4
		attempted	25,249	10.9	21.8	0.5	11.5	43.5	11.8
		total	597,504	13.8	27.3	0.6	12.1	34.7	11.4
2300	offenses against personal freedom	completed	185,775	13.6	28.7	0.7	12.7	31.0	13.2
		attempted	4,525	9.7	28.8	0.5	14.4	33.5	13.1
		total	190,300	13.5	28.7	0.7	12.8	31.1	13.2

1) The closest relationship always has priority.

*) all relatives in accordance with Section 11 (1) No. 1 of the German Penal Code (therefore includes in-laws, fiancés, divorced partners, foster parents and foster children)

**) only foreigners: of the same nationality, but not relatives or acquaintances

Figure 1. Victim-Suspect Relationship Totals in 2006.⁴⁴

Figure 1 clearly demonstrates that murder and manslaughter predominantly occur between people who are related, acquainted, or have at least a passing relationship (two-thirds of the time according to the data in Figure 1).⁴⁵ Meanwhile, only twenty-five percent of all killings happen to people who are not known by the perpetrator.⁴⁶ In contrast, the bulk of the assaults victimize persons unknown to the assailant. Similarly, robberies occur mainly to persons who do not know the criminal.⁴⁷ These broad societal trends inform public perceptions and experiences with immigrant-caused crime. One can conclude that non-nationals who commit extremely violent crimes that end in murder most often target other non-nationals in their communities (just as most murders and manslaughters in Germany are probably committed by ethnic Germans against other

⁴⁴ Bundeskriminalamt. Police Crime Statistics 2006 Federal Republic of Germany Abridged Version.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Bundeskriminalamt. Police Crime Statistics 2006 Federal Republic of Germany Abridged Version.

ethnic Germans). Robberies and assaults are most frequently stranger crimes, which means a certain incidence of them are likely committed by non-nationals targeting nationals that are unknown to them.⁴⁸

Developments regarding juvenile suspects in individual fields of crime

T37

Key no.	Offense (categories)	German juveniles		Change		Non-German juveniles		Change	
		2006	2005	Number	%	2006	2005	Number	%
----	Total offenses	232,736	236,042	-3,306	-1.4	45,711	48,408	-2,697	-5.6
7300	drug offenses	20,456	26,766	-6,310	-23.6	2,527	3,404	-877	-25.8
7318	-involving cannabis and	18,200	24,196	-5,996	-24.8	2,233	2,939	-706	-24.0
+7328	preparations thereof								
+7338									
4***	"aggravated" theft	24,602	25,760	-1,158	-4.5	4,529	4,806	-277	-5.8
2170	-in streets, lanes or public places	4,047	4,242	-195	-4.6	1,882	2,037	-155	-7.6
6200	resistance to public authority and offenses against public order	14,736	13,364	1,372	10.3	2,312	2,291	21	0.9
26	shoplifting - total	54,489	53,046	1,443	2.7	10,457	11,352	-895	-7.9
2200	bodily injury	53,959	52,336	1,623	3.1	13,021	12,891	130	1.0
6740	damage to property	43,934	42,193	1,741	4.1	4,286	3,866	420	10.9

Compared to the previous year, the number of German and non-German suspects in the "juveniles" category decreased. Despite a decrease, shoplifting continues to account for the largest share of offenses committed by juveniles.

Juveniles were recorded for property damage last but not least due to police work specifically targeted at graffiti sprayers. A legal change is responsible for the remarkable increase of offenses against the Weapons Act. A considerable increase of fraud took place in connection with the Internet.

Figure 2. Developments Regarding Juvenile Suspects in Individual Fields of Crime.⁴⁹

The data in Figure 2 documents how, over the last two years, there has been a decrease in crimes committed by juveniles both of German heritage and of non-German heritage.⁵⁰ It is unclear at this time if the cause of the decrease among non-German youth has anything to do with increased integration requirements by the German government or increased efforts by German police and government to limit crime, but either way, the reduction of the incidence of crime by both groups is quite positive.

⁴⁸ Bundeskriminalamt. Police Crime Statistics 2006 Federal Republic of Germany Abridged Version.

⁴⁹ Ibid.

⁵⁰ Ibid.

Number of German suspects per 100,000 inhabitants

It is not possible to calculate realistic figures for non-German suspects, because unregistered foreign nationals who are in Germany legally (such as tourists, business travelers, visitors, cross-border commuters, members of the foreign armed forces stationed in Germany or diplomats), or illegally, are not included in the population statistics. In addition, even the extrapolated figures for the foreign population registered as residing in Germany are highly undependable, as demonstrated by the last census.

German suspects - number of suspects per 100,000

Tot

Age group	No. of German suspects			No. of suspects per 100,000 ^{*)}		
	Total	Male	Female	Total	Male	Female
Children 8 years and older	79,092	55,596	23,496	1,819	2,491	1,110
8 < 10	8,540	6,801	1,739	588	912	246
10 < 12	18,721	14,151	4,570	1,333	1,962	669
12 < 14	51,831	34,644	17,187	3,475	4,529	2,365
Juveniles	232,736	167,421	65,315	6,799	9,535	3,918
14 < 16	106,625	71,499	35,126	6,401	8,365	4,331
16 < 18	126,111	95,922	30,189	7,176	10,646	3,526
Young adults (18<21)	196,710	155,691	41,019	7,618	11,776	3,256
Adults	1,267,714	961,770	305,944	2,138	3,382	992
21 < 23	112,416	88,860	23,556	6,678	10,329	2,862
23 < 25	97,180	76,633	20,547	5,641	8,730	2,431
<i>Young persons</i> 21 < 25	<i>209,596</i>	<i>165,493</i>	<i>44,103</i>	<i>6,153</i>	<i>9,521</i>	<i>2,644</i>
25 < 30	180,705	141,547	39,158	4,462	6,866	1,969
30 < 40	295,561	225,797	69,764	2,929	4,391	1,410
40 < 50	289,780	216,977	72,803	2,333	3,444	1,189
50 < 60	161,788	120,478	41,310	1,682	2,509	858
60 and older	130,284	91,478	38,806	661	1,090	343
Suspects 8 years and older	1,776,252	1,340,478	435,774	2,551	3,972	1,214
Suspects, excluding children, who cannot be held responsible under criminal law	1,697,160	1,284,882	412,278	2,599	4,077	1,221

^{*)} Suspects in each age group per 100,000 inhabitants in the same age group

("Children" and "total" excluding children under 8; key date: 01.01.2005)

In connection with these statistics, it should be kept in mind that the offenses committed to a large extent by children and juveniles are generally less serious infractions such as shoplifting, theft of two-wheeled vehicles, fraudulent obtaining of services ("fare dodging") and property damage. Statistical developments for these offenses can depend, among other things, on the extent to which crime is reported by victims or witnesses. The frequently episodic character of child and juvenile delinquency should also be taken into account. However, the fact that a minority of young suspects can be expected to pursue a criminal "career" in the future should not be overlooked.

Judged by their share of the overall population, juveniles and young adults account for the highest incidence of crime, while the lowest incidence is among persons over 60 and children under 10 years of age. The incidence of crime is much higher in all age groups of the male population, which is particularly true in the "young adult" and "adult (21-24)" categories. Due to developmental factors, the highest rates are for male suspects from 16 to just under 21 years of age, while the highest rates for young females can be found in the age group from 14 to just under 16 years of age.

However, when interpreting these statistics, it is necessary to keep in mind that the possibilities for detection and clearance probably vary from one age group to the next.

Figure 3. Number of German suspects per 100,000 inhabitants.⁵¹

The importance of Figure 3 is not in the numbers or statistics, but rather lies in the caveat above the graph that states that it is not possible to track crimes committed by non-nationals because there are so many non-nationals in Germany who are not registered, but who are in Germany legally through the Schengen agreement, the enlargement of the EU, and lax tourist restrictions.

⁵¹ Bundeskriminalamt. Police Crime Statistics 2006 Federal Republic of Germany Abridged Version.

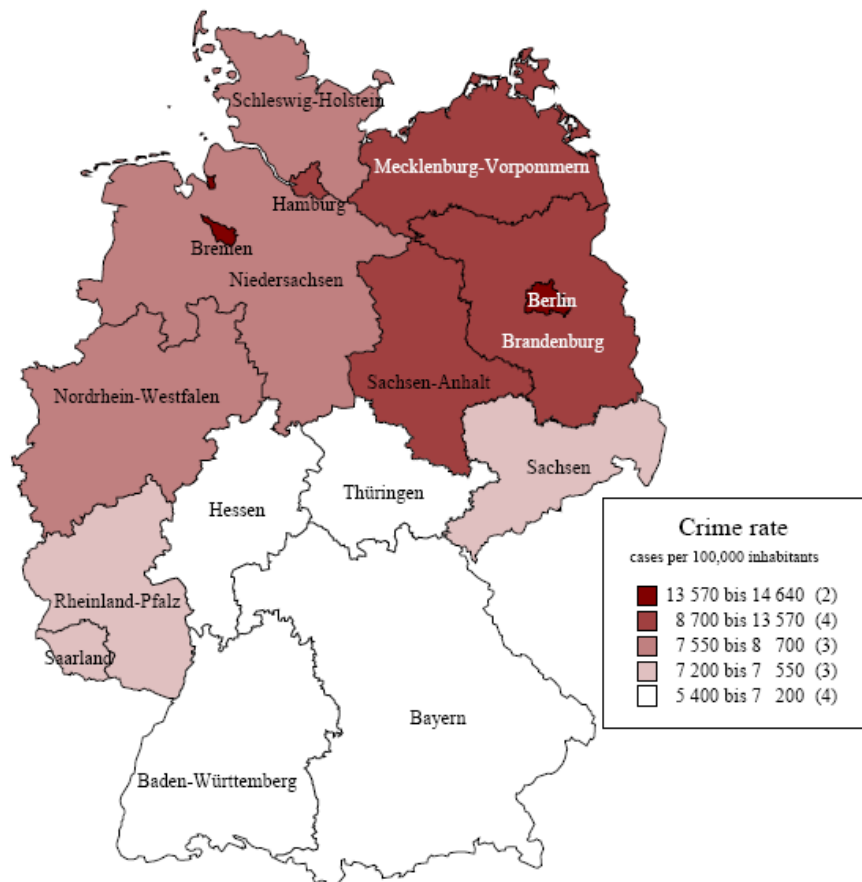


Figure 4. Crime rates in the Länder of Germany.⁵²

The geographic representation of the distribution of crime in Germany shows that more crime occurs in much of the former East Germany than West Germany, and that the large, transitional urban areas see high crime rates. (Berlin, the old-new capital, and Bremen, with its chronically depressed port and shipbuilding sectors, are the cities with the greatest incidents of crime.) Figure 4 also shows without a doubt that Bavaria and the southerly reaches of Germany have the lowest incidents of crime. It is unclear from the BKA police crime statistics if this difference relates to residents and visitors in the different regions or to political differences between areas. (These crime figures do track generally with the distribution of unemployment in Germany.) In an interview on 28

⁵² Bundeskriminalamt. Police Crime Statistics 2006 Federal Republic of Germany Abridged Version.

March 2008, a Bavarian police officer emphasized the political and subsequent law-enforcement differences between Bavaria and other states in the highly federalized German republic.⁵³

Research shows that "certain areas had consistently high rates of delinquency, regardless of which immigrant groups lived there," but as "immigrant groups moved out of these areas and into better neighborhoods, their (individual group) juvenile delinquency rates fell."⁵⁴ It is interesting to note the impact of the environment, regardless of the social or ethnic group, "within the same type of social area, the foreign-born and the natives, recent immigrant nationalities, and older immigrants produce very similar rates of delinquents."⁵⁵

Conversely, some scholars question whether immigrants commit more crimes than their native-born counterparts. Donald R. Taft, for example, concluded that the failure of second-generation immigrants to integrate increases the likelihood and the occurrence of crime.⁵⁶ In contemporaneous contrast, the Wickersham Report,⁵⁷ found that immigrants had lower overall crime rates than non-immigrants, although some groups appeared disproportionately involved in specific types of crime."⁵⁸ Taft's research showed that immigrants committed fewer crimes than their native counterparts, but he found an increase in crime committed by the offspring.⁵⁹ Taft published his study, which concerned the United States, in 1933, and the Wickersham Report came out in 1929, but this work remains applicable to the situation in Germany in 2008, not least because the basic debate—whether immigration begets crime—persists to this day.

⁵³ Information in this sentence based on author's discussion in Munich Germany with Bundespolizeidirektion Munchen Aufbaustab 1230-1300 28 March 2008.

⁵⁴ Romero Martinez Jr. and Matthew T. Lee. "On Immigration and Crime". http://www.ncjrs.gov/criminal_justice2000/vol_1/02j.pdf. Accessed 1 December 2007, 7.

⁵⁵ Ibid., 7.

⁵⁶ Donald R. Taft. Does Immigration Increase Crime? *Social Forces*, Vol.12. No. 1. October 1933, 69–77.

⁵⁷ The Wickersham Report was conducted in 1929 at the request of President Hoover to look at Crime in the United States.

⁵⁸ Romero Martinez Jr. and Matthew T. Lee. "On Immigration and Crime". http://www.ncjrs.gov/criminal_justice2000/vol_1/02j.pdf. Accessed 1 December 2007.

⁵⁹ Donald R. Taft. Does Immigration Increase Crime? *Social Forces*, Vol. 12, No. 1. October 1933, 69-77.

B. THE LINK BETWEEN IMMIGRANT-RELATED CRIME AND TERRORISM

Illegal immigration presents a growing security concern in Germany, as in the rest of the developed world. "The perception in Germany is that many... asylum-seekers are economic rather than political refugees",⁶⁰ and that much of this immigration is illegal. Since 11 September 2001, security has been the focus of immigration issues in Germany, particularly after it was discovered that some of the terrorists had lived in Hamburg for years before the event.⁶¹ Three years after the terror attacks on the United States, German immigration laws were further restricted to include new powers to the security services allowing them to deport suspected terrorists without substantiation.⁶²

Germany's most prominent brush with Islamic-fundamentalist terrorism within its own borders was a thwarted conspiracy in September 2006 to make and deploy a large number of powerful bombs. Of the three suspects initially arrested, one was a Turk, while the other two were German converts to Islam. For them, then, the question was never assimilation or acceptance into mainstream German society; purely the allure of extremist violence prompted the converts to undertake such destructive plans. Still, the event added pressure to the security debate as it relates to terrorism, especially among Germany's considerable Muslim minority.⁶³

Events such as these have inevitably given the security dimension of immigration greater urgency, and have confirmed the fears of those politicians..., mainly among the CDU/CSU⁶⁴, who have viewed Islam as a threat not only to German cultural identity but to physical security.⁶⁵

⁶⁰ Simon Green, Dan Hough, Alister Miskimmon and Graham Timmins. *The Politics of the New Germany*. New York. Routledge. 2008, 104.

⁶¹ Ibid., 104.

⁶² Ibid., 104.

⁶³ Simon Green, Dan Hough, Alister Miskimmon and Graham Timmins. *The Politics of the New Germany*. New York. Routledge. 2008, 104.

⁶⁴ The Christian Democratic Union (CDU) and Christian Social Union (CSU) are conservative German political parties.

⁶⁵ Simon Green, Dan Hough, Alister Miskimmon and Graham Timmins. *The Politics of the New Germany*. New York. Routledge. 2008, 104.

Strikingly, the ruling party in Germany, the Christian Democratic Union (CDU), tried to minimize the event in their own statements and in the press. The conspiracy, the arrests and the public discourse all make for uncomfortable political discussions in Germany. At issue is an elemental fear of Muslims as too alien to fit into German society—which rhetoric flirts dangerously with the racism that twenty-first-century observers associate with the Third Reich. Still, some leaders at both the national and community level have begun to address the problems of the simmering social resentments in which extremism is believed to flourish. A German Islamic Conference and working groups took up their work in 2007, and they plan to meet regularly through 2010. The minister for internal affairs has formed a working group. Several German politicians talk with the heads of Turkish and other immigrant interest groups.⁶⁶

In this connection, interaction between the United States and Germany also has gripped headlines regarding a possible terrorist detainee. The U.S. military has held a German citizen in Kabul for the past four months for being on a U.S. base without concurrence from Germany, as well as for possessing cash in different currencies and telephone cards from different countries.⁶⁷ The U.S. government has asked Germany to provide "excessive guarantees" before they release him.⁶⁸ Similarly, a German-born Turk was in U.S. custody from 2001 until 2006 due to U.S. suspicion of his Taliban membership.⁶⁹ These developments add strain to the U.S.-German relationship that resonates beyond the security realm. In addition, the leader of the PJAK, a new Kurdish party, lives in Cologne and is believed to be in Iran; German security experts are investigating whether the group is a terrorist organization.⁷⁰ There is a fear that a PJAK

⁶⁶ Information in this paragraph based on author's interview with Dr. Heike Schmidt at Konrad Adenauer Stiftung in Berlin Germany 27 March 2008.

⁶⁷ Spiegel Online Website. www.spiegel.de/international/world/o,1518,druck-548442,00.html. Accessed 20 April 2008.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid.

partisan/German national could be detained by the Iranian government, thus entangling Germany into an unpleasant situation with Iran.⁷¹

Viewed more broadly, though, Germany's immigration and security concerns track with the experience of much of Western Europe. The 1995 bomb attacks on the Paris Metro ignited fears of Islamic "fundamentalist" violence, which resulted in more stringent immigration rules and mass deportations.⁷² On 11 March 2004, "the Madrid attacks relied primarily on homegrown Islamist militants of Moroccan background, aided by global jihadists. Most were Spanish residents leading ordinary—even, in some cases, socially well integrated lives."⁷³ This phenomenon was particularly evident in the London transit bombings in July 2005 (four blasts on 7 July and the attempts at four more two weeks later); the perpetrators were all Muslims born and raised in the UK, all with good, professional jobs, but all susceptible to the terrible simplifications of Britain's extremist Islamic clerics. As observers came to realize, London's strategy of "granting political asylum to extremist ideologues in 'Londonistan' in return for orderly behavior offered no guarantee that their sympathizers would not be transformed, overnight, into terrorists."⁷⁴ Europeans continue to probe the promise and the limits of integration, assimilation and extremism among immigrants and their offspring.

C. IMMIGRANTS BETWEEN SOCIETIES

According to Islam expert Dietrich Reetz of Berlin's Center for Modern Oriental Studies (ZMO), "The negative images that are projected on Islam have little to do with religion, but instead are largely a result of the political problems and social situation of the people in question."⁷⁵ Many migrants perceive a sense of siege on many levels—

⁷¹ Spiegel Online Website. www.spiegel.de/international/world/o,1518,druck-548442,00.html. Accessed 20 April 2008.

⁷² Stephen Castles and Mark J. Miller. *The Age of Migration: International Population Movements in the Modern World*. New York. The Guilford Press. 1998, 227.

⁷³ Gilles Kepel. *The War for Muslim Minds Islam and the West*. Massachusetts. The Belknap Press of Harvard University Press. 2004, 248.

⁷⁴ Gilles Kepel. *The War for Muslim Minds Islam and the West*. Massachusetts. The Belknap Press of Harvard University Press. 2004, 248.

⁷⁵ Spiegel Online Website. www.spiegel.de/international/germany/o,1518,druck-548322,00.html. Accessed 20 April 2008.

economically, culturally, socially and militarily; often they are in search of lost personal power.⁷⁶ While in much of Europe, "immigrant gangs also form as a reaction to ethnic tensions in diverse neighborhoods, ... provid[ing] physical protection from other ethnic based gangs and maintain[ing] ethnic identities in the face of pressures for assimilation,"⁷⁷ Germany sees rather more of a different kind of self-segregation. In Berlin, for example, one section of town is populated by mainly persons of Turkish heritage and another neighborhood is populated primarily by those of Arabic extraction. For the most part, though, the denizens of these neighborhoods have not formed the gang-like structures found elsewhere in the world. Instead, they simply function in parallel societies where they can remain aloof from majority German culture.⁷⁸

Particularly where these discrete communities are concerned, the German Ministry of the Interior and the police forces believe that there is a cultural difference between ethnic Germans and Germans of migrant backgrounds/immigrants regarding their views of violence. Germans are educated not to use violence to resolve issues; whereas generally Turks and Arabs fight to resolve differences, in the prevailing opinion of many German law enforcement officials. The immigrants are aware of the local laws but they often have little respect for German laws, which do not seem to address the grievances at hand. In some cases, Arabs believe that they have their own rules. In Berlin, the Turkish groups causing trouble fight against police when the law enforcement officials come into the neighborhood to address an issue and unite against the police. There are no informants from these areas to assist the police in their efforts.⁷⁹

However, to the extent that immigrants are more law-abiding in stable environments, these established, if separate, communities may not form the breeding

⁷⁶ NS 4023 Class notes on Sense of Siege book. Course taught by Professor Zachary Shore.

⁷⁷ Romero Martinez Jr. and Matthew T. Lee. "On Immigration and Crime".
http://www.ncjrs.gov/criminal_justice2000/vol_1/02j.pdf. Accessed 1 December 2007, 7.

⁷⁸ Information based on interviews conducted March 2008 research trip in Berlin and Potsdam. 26 March interview in Potsdam Ms. Csilla Hatvany and Mr. Walker. 25 March Interview with Dr. Heiko Biehl and 28 March Munich interview with Comparative Domestic Politics Professor Dr. Ursula Muench.

⁷⁹ Information in this paragraph based on author's interviews in Germany during a research trip in March 2008. 27 March 1700 Interview with Ministry of the Interior Representative.

grounds of the immigrant-crime problem as Germany perceives and experiences it.⁸⁰ Indeed, the problems of criminality and extremism among immigrants may *not* arise so frequently in these separated ethnic communities as it does among “in-between” populations. Martinez and Lee concluded that in some cases, integrated youth committed more crime as compared to their non-integrated counterparts as a result of alienation from both their immigrant community and majority society.⁸¹ “Freed from traditional social controls, and subjected to social forces that influenced their lives in ways they could not control or sometimes understand, some ... immigrants exhibit a ‘general nervousness’ and ‘vague expectation of hostility’ that wasn’t common in their country of origin.”⁸² Research shows that the immigrant criminal doesn’t feel “backed in his dealings with the outside world by any strong social group of his own and (was) not conscious of being a member of a steadily organized society. (Often) his family (was) too weak and scattered to give him a safe social refuge.”⁸³ The social exclusion of unemployed Muslim youth in Europe, especially in Germany, takes peculiar forms with the so-called third-generation immigrants, who are significantly removed from their grandparents’ native culture, while lacking full access to German society.⁸⁴

The third-generation immigrants are in many cases not making an effort to integrate into German society. The first or second generation immigrants typically identified with their own culture within German society; the third generation is not especially interested in German culture but wants the benefits of the German welfare state. For example, some third-generation Turks in Germany go to school no more than three days a year. Often, they do not speak German, so they do not meet the requirements

⁸⁰ Information in this sentence based on author's observations in Germany during a research trip in March 2008.

⁸¹ Romero Martinez Jr. and Matthew T. Lee. "On Immigration and Crime." http://www.ncjrs.gov/criminal_justice2000/vol_1/02j.pdf. Accessed 1 December 2007.

⁸² Ibid.

⁸³ www.spiegel.de/international/germany/0,1518,druck-548322,00.html. Accessed 20 April 2008.

⁸⁴ Oliver Roy. *Globalized Islam the Search for a New Ummah*. New York. Columbia University Press. 2004. 143.

for education in German schools.⁸⁵ New educational systems in Germany are controlled by localities, which makes progress on a national educational policy for immigrant children difficult. Progress is uneven. In some areas, children now start at the age of two with German and Turkish language training, a trend that started in 2007. (Before this new development, language education typically started at age six.) As with most academic subject, the younger children demonstrate more interest in learning than the older ones. Generally, Turkish boys aged fourteen to sixteen just want to be Turkish. Some of the Turkish girls aged fourteen to sixteen are already opting out, as well, as they don't want to work but just have children, according to Dr. Heike Schmidt (Projektbeauftragte für Zuwanderung und Integration) at the Konrad Adenauer Stiftung, which supports the right-of-center CDU party's research efforts.⁸⁶ Rainer Baubock, Chairholder in the Department of Political and Social Sciences of the European University Institute, recommended that the integration of non-national children is possible through their mastery of the local language (in this case German); although his findings were hopeful, they also identified resource restraints.⁸⁷

D. CRIMES AGAINST AND WITHIN PARALLEL SOCIETIES

J. Bade, an historian and expert on immigration from Osnabruck, explained that "German immigration policy, which was long opposed to integration, drives immigrants into enclaves. A reluctant immigration country shouldn't be too surprised to find that its immigrants are sometimes reluctant themselves."⁸⁸ In this spirit, policies exist to protect

⁸⁵ Addressing the social problem is the key to unraveling immigrant-related crime, both crimes caused by immigrants and crimes against immigrants. Language and education are the two stumbling blocks to this end; the issue is not one culture versus another. There is a divide between Turkish and German educations. Turkish/German is a dialect that has been created by non-nationals and is indicative of the unemployment problem. For many non-nationals the German welfare state is a way to make more money than is possible in their country of origin. Information in this footnote based on author's interviews and observations in Berlin and Munich in March 2008.

⁸⁶ Information in this paragraph based on author's interview with Dr. Heike Schmidt at Konrad Adenauer Stiftung in Berlin Germany 27 March 2008.

⁸⁷ Mark Miller and Barbara Shmitter Heisler. "Europe: The New Melting Pot?" The Nanovic Institute for European Studies, University of Notre Dame March 23-24, 1998. *International Migration Review*. Vol 32. No 2. Summer 1998, 487-490.

⁸⁸ Spiegel Online Website. www.spiegel.de/international/Europe/0,1518,druck-547717,00.html. Accessed 20 April 2008.

immigrant national identity and culture within Germany, which allows the parallel societies⁸⁹ of non-integrating immigrants to exist. (These structures and controls took shape in the 1960s and 1970s to address the influx of non-native persons to the areas that were recruiting guest workers.) In Berlin, for example, the ethnic communities have their own attorneys, medical professionals and shops; business is conducted in Turkish or Arabic or whatever the home language is.⁹⁰ Satellite dishes assist non-Germans to live in a parallel society as there are more than forty Turkish-language stations available.⁹¹ "Muslim immigrants' traditional values are reinforced by media outlets controlled by their countries of origin."⁹² Some Muslims in Germany are using pop culture to convey their dissatisfaction with the opportunities that are afforded to them in Germany.⁹³ Unfortunately, the "processes of identity development are behind the insults (within the lyrics), and Muslim thugs are simply acting out the rappers' violent lyrics." ⁹⁴

⁸⁹ Parallel societies don't increase nationalism in Germany. Germans just don't like it. There is a book, *Die Fremde Braut* by Necla Kelek published by Kiepenheuer und Witsch Verlag in Köln 2005, about Turkish women going to Germany for forced or arranged marriages to Turkish men already living in Germany. Professor Muench revealed that the thesis of the book is that "these Turkish women are not able and not allowed by their families to integrate in the German society and that they are even hindered by force to have contact to Germans and German society. As a result the children of these families will have problems (with integration into society as well)." Information in previous footnoted quotation was contained in an email from Dr. Ursula Muench to the thesis author on 26 May 2008. Sharia law is sometimes followed by people of migration backgrounds in Germany but as previously note there is a short outrage after a honor crime committed. Information in footnote based on interview with Dr. Ursula Muench in Munich on 28 March 2008.

⁹⁰ Generally, men are better integrated to work in Germany than women. Language ability is the key to opportunity in Germany. Structures and controls were built in the 1960s and 1970s to address the influx of non-native persons to the areas that were recruiting guest workers. There was no integration in cultural background. Italians were better integrated. It is unknown if this due to religion. Education accounts for a difference in an individual's ability to integrate into German society. The elite want to be integrated. Coming from Anatolia Turkey, women are not as well educated as from other areas such as Istanbul. Non-integrating persons using the welfare state without contributing is not entirely true as whole parallel structures are contributing for the welfare state. There is higher unemployment in areas with the densest immigrant populations, in no small part because of the lack of education and language capability that these parallel communities foster. In addition to interview information from Dr. Heiko Biehl the following article supports this as well: www.spiegel.de/international/Europe/0,1518,druck-547717,00.html. Accessed 20 April, 2008.

⁹¹ Information in this sentence based on author's interview on 28 March 1100 in Munich with Comparative Domestic Politics Professor Dr. Ursula Muench and from www.spiegel.de/international/Europe/0,1518,druck-547717,00.html. Accessed 20 April 2008.

⁹² Spiegel Online Website. www.spiegel.de/international/Europe/0,1518,druck-547717,00.html. Accessed 20 April 2008.

⁹³ Ibid.

⁹⁴ Ibid.

E. CRIME AND EXPECTATIONS WITHIN GERMANY'S IMMIGRANT COMMUNITIES

Family-based immigration remains a hot policy topic. "Immigration policies are often torn between the competing goals of facilitation of family reunion and responsiveness to labor market needs...Family-based immigration also facilitates the integration of immigrants."⁹⁵ On the other hand, majority society in Germany has resisted family-based immigration for the same reasons that it refuses to recognize itself as an immigrant nation. The whole notion of a "guest worker" rests on the assumption that he or she will leave Germany again after some period. A guest worker with family in Germany looks more apt to stay. Obviously the fact of third-generation immigrants means that Germany has accommodated numbers of permanent immigrants in the post-war decades. But the public discussion has not always kept pace with these realities.

Amid the denial of mainstream German society, the immigrant family structure has suffered some peculiar stresses, leading to some of the most infamous cases of immigrant-on-immigrant crimes. Many immigrant fathers left their families in search of employment leaving the eldest son with the monopoly of power in the family. Their pressure on their sisters turned into oppression and sometimes brutality and criminality.⁹⁶

Within the separate ethnic communities, oppressed women have three basic reactions: over-consuming; taking after their male "models" to force respect; or adopting invisibility.⁹⁷ Many such women wear the headscarf to protect themselves from the aggression of men in their ethnic enclaves,⁹⁸ to gain respect in the community and to avoid poor treatment.⁹⁹ This conscientious separation of immigrant communities from majority society—literally and figuratively, in the case of distinctive clothing, reflects the

⁹⁵Stephen Castles and Mark J. Miller. *The Age of Migration: International Population Movements in the Modern World*. New York. The Guilford Press. 1998, 94-5.

⁹⁶Fadela Amara. *Breaking the Silence French Women's Voices from the Ghetto*. Berkeley. University of California Press. 2006, 63.

⁹⁷ Ibid., 70-1.

⁹⁸ Ibid., 73.

⁹⁹ John R. Bowen. *Why the French Don't Like Headscarves Islam, the State, and Public Place*. Princeton. Princeton University Press. 2007, 225.

in-between status of so many young immigrants in Germany. "A growing assertiveness among young people is as much a consequence of the erosion of traditional social patterns, coupled with a crisis in the process of integration."¹⁰⁰

The treatment of women remains a focal point of mainstream Germany's understanding of the violence caused by immigrants in Europe. "The media has tended to focus on cases that underline the plights of girls caught between two cultures. But if these cases (forced marriages, the wearing of the *hijab*, honor crimes and rape) seem to be increasing, it is because Muslim girls are increasingly escaping from their traditional position."¹⁰¹

Again, this self-emancipation, amid the conventions of German society, is a two-edged proposition. Many children of migrants "have already begun to take their place as educated, activist citizens of Europe and the world. They possess the skills and perspective to build bridges... But (some) whose rigid Islamic identity leads them to reject cultural integration into the European environment and to embrace cultural separatism ... and some will pass from voluntary secession into violence."¹⁰²

There are several non-governmental organizations (NGOs) in Germany that assist immigrants who need shelter from their oppressive families; since 1986, one shelter has assisted more than 1,000 immigrant females who have run from their families to avoid forced marriages.¹⁰³ The forced-marriage issue has represents a significant police and security issue in Germany. On the one hand, the headlines often trumpet tales of "honor killings," punishment for women who defy family's wishes (by, for instance, dating outside the ethnic or religious community or refusing an arranged marriage). More urgently, women with German passports who are forced to marry men they do not know

¹⁰⁰ Oliver Roy. *Globalized Islam the Search for a New Ummah*. New York. Columbia University Press. 2004, 139.

¹⁰¹ Ibid., 139.

¹⁰² Gilles Kepel. *The War for Muslim Minds Islam and the West*. Massachusetts. The Belknap Press of Harvard University Press.2004, 250.

¹⁰³ Papatya Website. <http://www.papatya.org/veroeffentlichungen/resourcebook.htm> and <http://www.papatya.org/>. Both accessed 24 February 2008.

bring unknown persons into Germany under the guise of marriage creating security risks.¹⁰⁴ More broadly, laws and variously official actions that seem to interpose German society between immigrants' traditional values and social response reinforce the "them versus us" mentality that so many immigrants feel as they face the challenges of living between cultures. In upholding the values of free choice and self-realization that it holds dearest, Germany puts itself directly at odds with the most rigid interpretations of, in this instance, Islamic tradition—the same line of inward-looking irredentist logic that informs religious extremism.

F. CONCORD OR CONFLICT OF VALUES?

As high rates of immigration to Europe continue, it is apparent that the European quality of life is sought by many people from many places. However, "according to the republican way of thinking, living together in a society requires agreement on basic values."¹⁰⁵ This community of values requires adjustments on both sides of the issue. Fear accompanies the integration of immigrants with different values.¹⁰⁶ In the 1995 film *La Haine*, three immigrants are depicted as victims of the oppressive Western system. Despite efforts to get out, their lives take a tragic turn and they are unnecessarily targeted by the local police. Such films, coupled with media headlines of a police car accidentally killing two Muslim youths¹⁰⁷ perpetuate criticism of the ability of Muslim immigrants and western/European societies to coexist peacefully.

Unfortunately, reason for this criticism abounds. Oliver Roy's explanation of Islam and Islam's interpretation of secular law—namely that the "Shari'a should be the sole source of law as well as the norm for the individual behavior, both for the sovereign

¹⁰⁴ Papatya Website. <http://www.papatya.org/> Accessed 24 February 2008.

¹⁰⁵ John R. Bowen. *Why the French Don't Like Headscarves Islam, the State, and Public Place*. Princeton. Princeton University Press. 2007, 11.

¹⁰⁶ Ian Burma. *Murder in Amsterdam: the Death of Theo van Gogh and the Limits of Tolerance*. London. Penguin Books. 2006. Note: This fear is due in part to the murder of Theo Van Gogh which occurred in Amsterdam, a previously peaceful land of tolerance for the intolerant with an increasing crime and unemployment accompanied by little emphasis on integration or education of immigrants.

¹⁰⁷ Outside of the Beltway Website. James Joyner. "Rioting in Paris after Muslim Youths Killed". 16 November 2007. http://www.outsidethebeltway.com/archives/2007/11/rioting_in_paris_after_muslim_youths_killed. Accessed 12 December 2007.

and for the simple believer"—represents a great impasse for the integration of Muslims into European societies.¹⁰⁸ Noah Feldman, professor of law at Harvard University, optimistically offers that Islamic law could bend to include democratic principles; as he specifically stated, "an Islamic democracy could ... decide on just about every criminal law by democratic means, and specify the punishments too."¹⁰⁹ Islam's requirement of the absence of a political authority is counter to the Treaty of Westphalia as well as the culture and values of Europe that have taken shape in the centuries since.¹¹⁰ In a word, fundamentalism runs counter to the Enlightenment, with its emphasis on reason and procedure. Germany has only recently returned to the fold, as it were, since its own exercise in extremism in the Third Reich; the Germans are rightly loath to cash in the liberal agenda so quickly again.

G. A DIVERSITY OF SOLUTIONS?

Several academic experts, political party researchers and law enforcement representatives interviewed in Germany stated that the key to the immigrant-related crime issue was language and education; without these time-honored institutions of assimilation¹¹¹, the non-nationals or German citizens of migration backgrounds were not afforded the same opportunities for work as their German speaking counterparts.

Controversial discussion persists as to whether delinquency of young immigrants is the result of failed integration. There is a consensus, though, that juvenile crime is a warning signal indicative of problems faced by young immigrants. Many hold that crime more generally is a product of marginalization and socio-structural deficiencies in society and it is plausible that these same variables account for crime among immigrant groups.¹¹²

¹⁰⁸ Olivier Roy. *The Failure of Political Islam*. Massachusetts. Harvard University Press. 1994, 13.

¹⁰⁹ Noah Feldman. *After Jihad America and the Struggle for Islamic Democracy*. New York. Farrar, Straus & Giroux. 2003, 72.

¹¹⁰ Oliver Roy. *The Failure of Political Islam*. Massachusetts. Harvard University Press. 1994, 13.

¹¹¹ Information based on author's interviews in Germany in March 2008.

¹¹² Joshua D. Freilich and Rob T. Guerette. *Migration, Culture Conflict. Crime and Terrorism*. England. Ashgate Publishing Limited. 2006, 99-100.

The German government's crime reduction efforts should be and appear to be focused on addressing the marginalization of immigrants and provide structured social support for them, education and language are the first areas that have been identified for improvement.¹¹³

More broadly, Reetz states that the most important thing is that people in Germany abide by the legal system regardless of their ancestry or religion.¹¹⁴ For Reetz, mutual trust is important. "Muslims must feel at home here—and we must be willing to give them that feeling."¹¹⁵ As long as Germany's Muslims are law-abiding, they should "have a right to be different. How far they have distanced themselves from their religion cannot be the standard by which they are measured in order to be seen as good citizens."¹¹⁶

To be sure, this dynamic assumes that immigrants want to become German citizens. Reetz, among others, noted a decrease in the number of immigrants naturalized in Germany in the last few years, which he blames in part on the increase in bureaucratic hurdles as well as the enduring cultural and political problems for immigrants.¹¹⁷ "When Turkish nationals stand to lose more than they gain through the naturalization process, they are unlikely to apply (for citizenship)."¹¹⁸ Either way, the outstanding question is whether the immigrants or their offspring will ever be seen as good Germans, or at least good for Germany.

Both Steven Castles¹¹⁹ and Shore declare that support of migrants is crucial for peaceful integration into society. "The role of the agents and brokers is vital: without

¹¹³ Information based on Author's interviews with Aysegul Arslanoglu at Kindergarten Lernwerkstat and 25 March Interview with Dr. Heiko Biehl.

¹¹⁴ Spiegel Online Website. www.spiegel.de/international/germany/0,1518,druck-548322,00.html. Accessed 20 April 2008.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Spiegel Online Website. www.spiegel.de/international/germany/0,1518,druck-548322,00.html. Accessed 20 April 2008.

¹¹⁸ Ibid.

¹¹⁹ "Steven Castles is a Professor of Migration and Refugee Studies, Director of the Refugee Studies Centre, Principal Research Officer for COMPAS and a fellow at Green College, University of Oxford. He has researched migration and multicultural societies in Europe." According to <http://www.compas.ox.ac.uk/about/biog/stephen.castles@qeh.ox.ac.uk.shtml>. Accessed 29 April 2008.

them, few migrants would have the information or contacts needed for successful migration."¹²⁰ Castles and Miller, co-authors of *Age of Migration*, stress the importance of family and community as "crucial in migration networks" as "informal networks bind migrants and non-migrants together in a complex web of social roles and interpersonal relationships ... in order to cope with migration and settlement."¹²¹ Shore attributes the November 2005 violence in Paris and the July 2005 London Underground suicide bombers to "acting out of a sense of alienation from European society."¹²² Violence continues in the suburbs of Paris today and will undoubtedly continue until European policies toward Muslim immigrants change (to encourage further integration). Germany must take heed.

In the event, Germany is addressing this issue head-on at multiple levels. Cultural differences remain a divisive issue, but the right of culture and freedom of personal liberties is important in Germany. Germany asks about religion and background in surveys to help people (unlike France where the issue is scrupulously *not* discussed). The German chancellor started an integration roundtable two years ago that includes representatives from ethnic groups. Federal tests on German history and language started in 2006.

Unfortunately, the Turkish Prime Minister, Recep Tayyip Erdogan has not endorsed integration in Germany as he, at a rally in Cologne before the February conference on the image of Islam in Germany, "warned his fellow Turks against going too far in their efforts to integrate. 'No one can expect you to subject yourselves to assimilation', he said. 'Because assimilation is a crime against humanity.'"¹²³ On the

¹²⁰ Stephen Castles and Mark J. Miller. *The Age of Migration: International Population Movements in the Modern World*. New York. The Guilford Press. 1998, 97.

¹²¹ Ibid., 25.

¹²² Zachary Shore. *Breeding Bin Ladens. America, Islam and the Future of Europe*. Baltimore, The Johns Hopkins Press. 2006, ix.

¹²³ Spiegel Online Website. www.spiegel.de/international/Europe/0,1518,druck-547717,00.html Accessed 20 April 2008.

flipside, Minister of the Interior Wolfgang Schäuble is supportive of Muslim efforts to integrate; he stated that "Muslims are part of society and our common future."¹²⁴

John R. Bowen¹²⁵ provided a successful recipe for the integration of immigrants when he pointed out that if "the society has the right mechanisms to integrate people, to make them into citizens, then the state can be quite generous in welcoming immigrants, extending borders."¹²⁶ In the event, the German constitution has granted the right for Islamic entities to receive government assistance to establish centers for worship.¹²⁷ Germany's oldest mosque was constructed in Berlin in 1924 and is one of 2,200 mosques and praying rooms in the nation (approximately 80 are located in Berlin).¹²⁸ In 2005 there were an estimated 3.4 million Muslims in Germany, two thirds of whom had Turkish roots.¹²⁹ Despite the top-level rancor and the dire picture of the crime statistics, their peaceful integration in Germany is occurring.

European governments *can* reduce immigrant crime by understanding what causes crime among non-citizens and foreign-born citizens and negating these influences and pressures. As the German case makes clear, criminals in Europe from other nations act violently due to lack of support, belonging and social capital. If German and European policies strive to integrate immigrants into their societies while fostering and supporting their individual and cultural differences there will be less reason for immigrants to act out violently in society and more reasons for them to peacefully integrate into society.

¹²⁴ Spiegel Online Website. www.spiegel.de/international/Europe/0,1518,druck-547717,00.html Accessed 20 April 2008.

¹²⁵ "John R. Bowen is Dunbar-Van Cleve Professor in Arts and Sciences, Professor of Anthropology, and Director of Initiative in Pluralism, Politics and Religion at Washington University" according to his book cover.

¹²⁶ John R. Bowen. *Why the French Don't Like Headscarves*. Princeton and Oxford. Princeton University Press. 2007, 11-12.

¹²⁷ Islam Online Website. <http://www.islamonline.net/English/News/2005-03/01/article02.shtml>. Accessed 19 April 2008.

¹²⁸ Islam Online Website. <http://www.islamonline.net/English/News/2005-03/01/article02.shtml>. Accessed 19 April 2008. and Spiegel Online Website. www.spiegel.de/international/Europe/0,1518,druck-547717,00.html Accessed 20 April 2008.

¹²⁹ Ibid.

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III. IMMIGRANT CRIME- EFFECT ON THE ECONOMY

A. EIGHT MILLION AND GROWING

Europe, in general, has seen "immigration as inextricably bound up with its political, economic and social well-being, as well as its future security interests."¹³⁰ Even though Europe did not plan it, Europe has become an immigration destination, above all for economic considerations, with a variety of positive and negative economic effects.¹³¹ In the interest of political stability and economic gain, the EU is likely to "pursue economic integration, steadily incorporating Eastern Europe into [EU] structures."¹³² Migration from the east and the south continues, but with that are varying degrees of economic prosperity, so the EU and Germany must focus on the "widening prosperity gap with Mediterranean rim societies" which could be addressed with economic assistance and economic cooperation.¹³³

Even though the German guest worker programs are over, their demographic effects remain current concerns in Germany. Second- and third-generation immigrants outnumber first-generation immigrants, even at the height of the guest worker program, which shows the importance of the networks that immigrants create.

¹³⁰ Doris M. Meissner et al. *International Migration Challenges in a New Era*. New York. Trilateral Commission. 1993, 53.

¹³¹ Ibid., 54-5.

¹³² Ibid., 45-6.

¹³³ Ibid., 46-7.

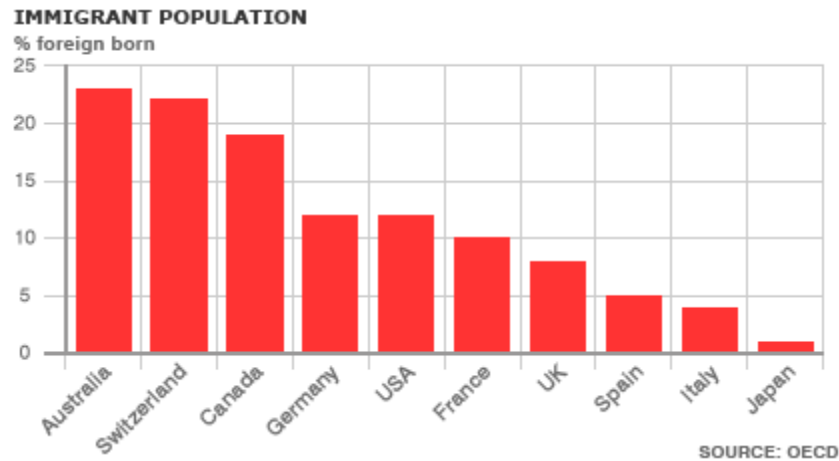


Figure 5. Percentage of Foreign-Born Populations.¹³⁴

Figure 5 shows that more than ten percent of the German population—or eight million Germans—are immigrants and according to the latest research from the Organization for Economic Cooperation and Development (OECD), says that "Migration is putting growing strains on rich and poor countries alike. The OECD boss, Angel Gurría, says that governments of rich countries must do more to help immigrants integrate and make better use of their skills, which will improve economic prospects and reduce backlashes against immigrants."¹³⁵

Germany continues to serve as a magnet for the unskilled workforce as a well as a popular destination for highly educated migrant workers in search of high-paying professions; unfortunately in 2008 it also offers a likely location for illegal workers to profit and be victimized. In the past, many people entered the area on short-term visas but then overstayed the length of their work and residency permissions.¹³⁶

As a result of the Schengen Agreement, Germany granted twice as many short-term visas than Italy, especially for people from the EU-candidate nations of eastern

¹³⁴ Steve Schifferes. "Migration Strains Rich and Poor". 20 February 2008. BBC Website. <http://news.bbc.co.uk/1/hi/business/7254743.stm>. Accessed 08 May 2008.

¹³⁵ Ibid.

¹³⁶ Emilio Reyneri. "Migrants and the Underground Economy in Southern Europe". University of Milan Bicocca CEP-LSE London Presentation 21 April 2007, Slide 20.

Europe.¹³⁷ The German Ministry of the Interior is very aware of the underground economy and has dedicated forces to extinguish it.¹³⁸

B. ECONOMIC CRIME AMONG IMMIGRANTS

*Poor social conditions and the marginalization of immigrant groups in the host society contribute to and facilitate the migrant-crime relationship... migrants are accused of committing more crime than the host population, and (of) taking unfair advantage of government benefits... There is little doubt that many nations seek to control immigration in the name of safeguarding their country against terror.*¹³⁹

The Turkish neighborhoods surrounding Sonnenallee Straße in the Neukölln section of Berlin have experienced a fifty-percent unemployment rate since 1990.¹⁴⁰ In the same time period, the rate of robberies and assaults in the area have increased threefold. Even in these conditions, many Muslims in Germany fear government agencies. In particular, many Muslim parents worry that sending their children to daycare centers will result in them eating pork and merely provide an alternate place for the children to sleep.¹⁴¹ Consequently, in these neighborhoods, only about half of the children attend daycare,¹⁴² even though the German government has trained and equipped neighborhood mothers to propagate the correct information regarding the daycare centers in the immigrant neighborhoods to ensure that the parents know that the children will play, learn German, and go on outings.¹⁴³

On the other hand, for those immigrants looking to live more in German culture, a debate continues about whether Germany provides sufficient incentives for non-citizens

¹³⁷ Emilio Reyneri. "Migrants and the Underground Economy in Southern Europe". University of Milan Biocca CEP-LSE London Presentation 21 April 2007, Slide 21.

¹³⁸ Based on Author's interviews in Berlin Germany on 27 March 2008 with Ministry of Interior representative.

¹³⁹ Joshua D. Freilich and Rob T. Guerette. *Migration, Culture Conflict, Crime and Terrorism*. Great Britain, Ashgate. 2006, 3.

¹⁴⁰ Spiegel Online Website. www.spiegel.de/international/europe/0,1518,druck-547717,00.html. Accessed 20 April 2008.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Spiegel Online Website. www.spiegel.de/international/europe/0,1518,druck-547717,00.html. Accessed 20 April 2008.

to aspire to gain German citizenship. If they do not work at all, citizens in some cases receive only 200 euros less per month than if they work a forty-hour week at a minimum wage job.¹⁴⁴

C. THE UNDERGROUND ECONOMY

The increase in non-integrated immigrants in Europe has led in part to an increased focus on the underground and shadow economies and offers another reason for increased international cooperation in both crime and immigration arenas. "The underground economy involves otherwise law-abiding citizens who are seeking refuge from the wrongs inflicted on them by government. They are employers and employees who are rendering valuable services without a license or inspection sticker, or failing to report their productive activities to the political authorities."¹⁴⁵ The German phrase that denotes this under-the-table or off-the-books arrangement is "black-working." Restaurants and certain construction projects often employ "black workers." The cash wages, untaxed, allow people to make ends meet without resorting to violent criminal activity or theft, but the fact remains that such workers partake in an economic crime. Additionally, they are not contributing to the social services in the local area which they live through taxes.¹⁴⁶

For the short term, it appears that the underground economy will continue to grow, and combating it will remain under German local law enforcement's purview. (Customs and police work together to arrest and deport such illegal immigrants.¹⁴⁷) It is also argued that, "unauthorized immigration has been largely caused by the domestic underground economy, which has an important 'pull effect' in a globalized world where an unbalanced economic growth in many undeveloped countries is arousing a huge labor

¹⁴⁴ Information from author's interview with the Ministry of the Interior Representative in Berlin on 27 March 2008.

¹⁴⁵ Hans F. Sennholz. "The Underground Economy". The Ludwig von Mises Institute. 1984, 4.

¹⁴⁶ Information in this paragraph based on author's interview with Ministry of the Interior Representative on 27 March 2008.

¹⁴⁷ Information in this sentence based on author's interview with Ministry of the Interior Representative on 27 March 2008.

supply able and prone to migrating in search of better conditions of life."¹⁴⁸ Therefore, efforts to combat both illegal immigration and the underground economy in tandem should continue.

The following four figures show the severity of the shadow and underground economies in Germany, both as they have gotten worse over the last five years and how the German criminal economy compares to that of other powerful European nations. In the last case, the German illegal economies are not gravely different than in other European countries. Figure 6 shows that both the underground and shadow economies in Germany have been growing. It is important to note from figures seven and eight that not only have the shadow and underground economies been growing steadily, but the underground economy surpassed the shadow economy in 2001. Figure 9 exemplifies that the trend regarding the increases in the underground and shadow economies are felt around Europe, and the Italian situation is worse than that in Germany.¹⁴⁹

Year	Germany			
	Shadow Economy ¹⁾		Underground Economy ¹⁾ (typ. crime activities)	
	in % of official GDP	in bill. €	in % of official GDP	in bill. €
1996	14.50	263	10.4	189
1997	15.00	280	11.6	217
1998	14.80	286	12.8	248
1999	15.51	308	14.1	280
2000	16.03	329	16.3	334
2001 ²⁾	16.00	336	16.9	355

1) Shadow economy (=in principle legal activities, but withholding tax and social security payments, and violating other labour market regulations) and underground economy are different activities, which can not be summed up as the underground economy (typical crime activities, like burglary, etc.) produces no positive value added for an economy and hence can not be treated as a complement to the "official GNP", whereas the "traditional" shadow economy can be seen as a complement to the "official" GNP. For both "economies" we have overlapping areas.
2) Preliminary first estimations.
Source: Own calculations.

Figure 6. Shadow and Underground Economy in Germany from 1996-2001.¹⁵⁰

¹⁴⁸ Emilio Reyneri. "Underground economy and the new immigration. The case of Southern Europe." University of Milan Bicocca. Accessed on the internet.

¹⁴⁹ Friedrich Schneider. Underground Financing Brief. University of Linz. Austria. June 2002.

¹⁵⁰ Ibid.

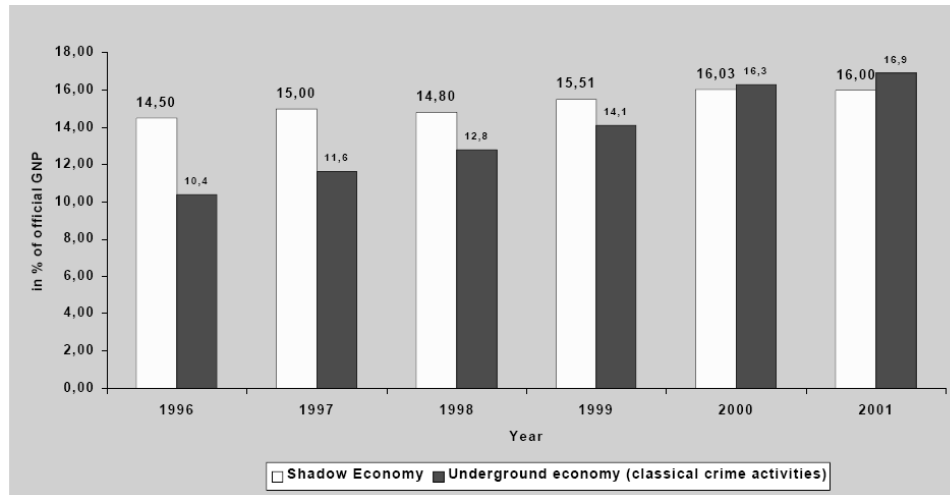


Figure 7. Shadow and Underground Economy in Germany from 1996-2001 in percentage of official GNP.¹⁵¹

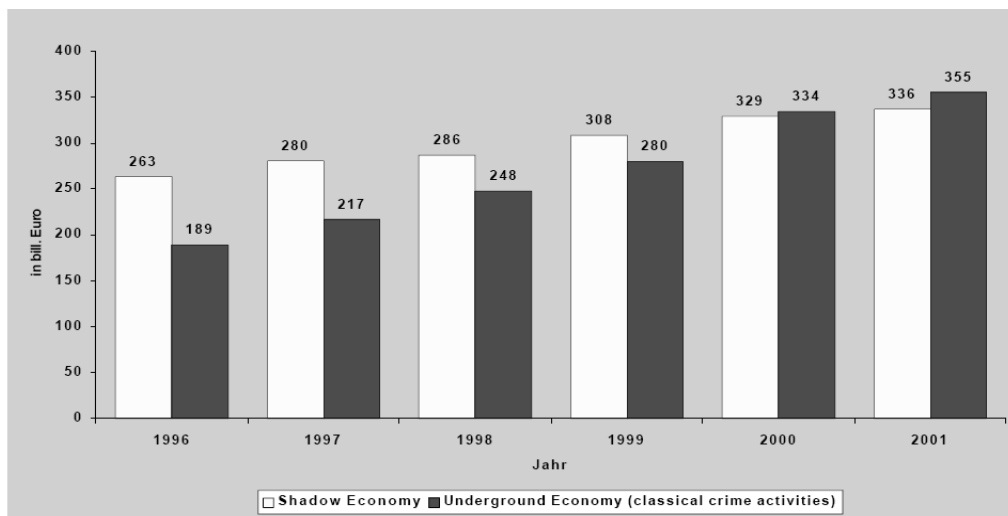


Figure 8. Shadow and Underground Economy in Germany from 1996-2001 in Billions of Euros.¹⁵²

¹⁵¹ Friedrich Schneider. Underground Financing Brief. University of Linz. Austria. June 2002.

¹⁵² Ibid.

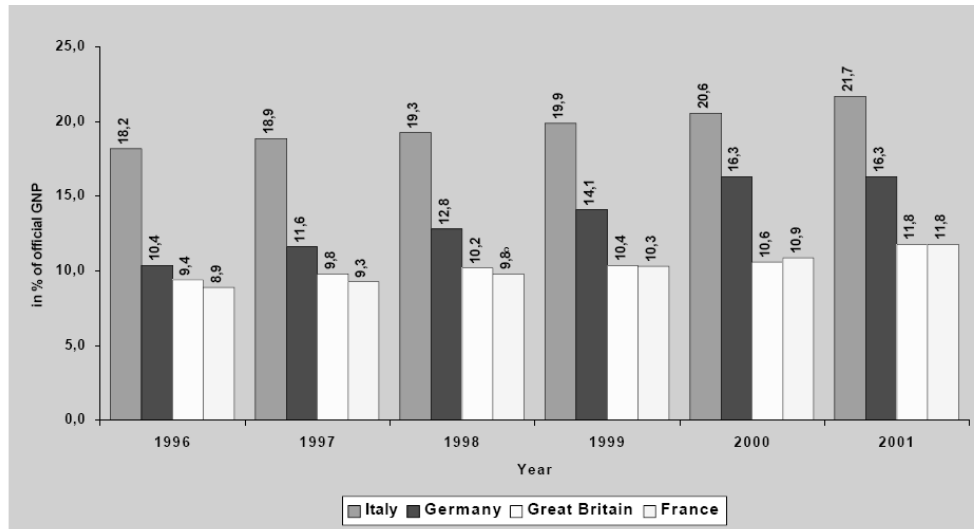


Figure 9. Shadow and Underground Economy in Germany as Compared to Italy, France and Great Britain from 1996-2001 in Percentage of official GNP.¹⁵³

One of the reasons for the shadow and underground economies in Germany is unemployment. The following figure shows that unemployment has continued to rise over the past decade in Germany, decreasing legitimate economic opportunities for both natives and immigrants in Germany.

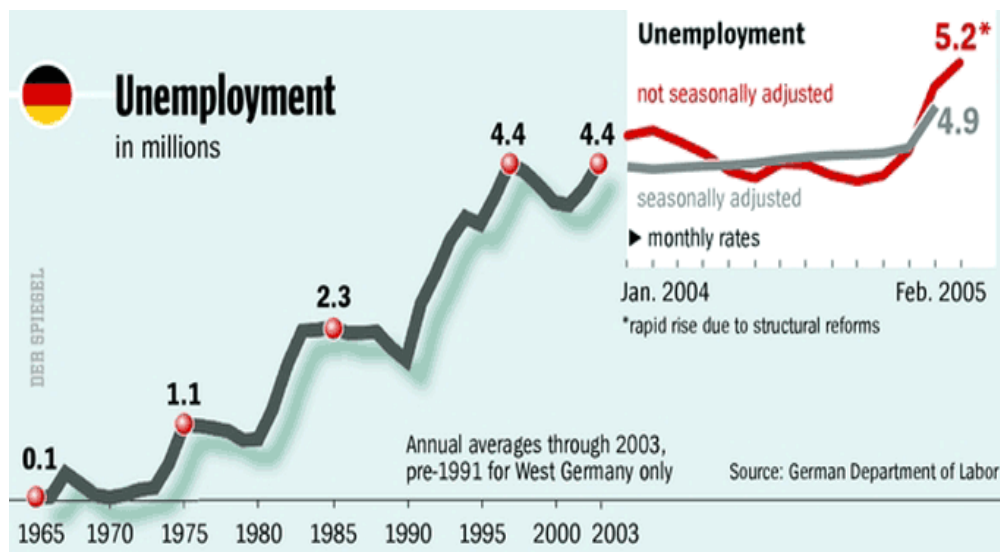


Figure 10. Unemployment in Germany.¹⁵⁴

¹⁵³ Friedrich Schneider. Underground Financing Brief. University of Linz. Austria. June 2002.

¹⁵⁴ Spiegel Online Website. <http://www.spiegel.de/img/0,1020,498041,00.gif>. Accessed 06 May 2008.

Unemployment has been on the rise in Germany since 1965. Unemployment and lack of legal employment opportunities can be cited as reasons a law-abiding citizen would change work in the illegal sector.

Policy approaches have been discussed to increase the desirability of operating in the standard economy of Europe as well as reducing the policies that are seen as penalties that could be induced from working in the legal economy of Germany. "A positive approach to raise the motivation to stay in the official economy by improving the efficiency of public services, reducing the tax and social security burden imposed on labor and/or by raising civic virtue has been used only rarely."¹⁵⁵ However, increasing deterrence to join the non-official economy is the most often method used.¹⁵⁶ Unfortunately, "the relationship between the size of the shadow economy and the amount of corruption is strong and consistent."¹⁵⁷

It is quite true that the economic well-being of a nation drives its immigration policies, which in turn affect the economy. It is evident that the nations have made efforts to control the growth of the underground economy, the shadow economy, the unemployment rate and the labor force. Recent national efforts have focused on the integration of legal immigrants into all aspects of society. It is hopeful that the integration of immigrants and cooperative immigration policies will further decrease activity in shadow and underground economies; reduce unemployment and crime committed by the immigrants and the native citizens in reaction to immigrants. The efforts in Europe deserve admiration, but it is clear that there remains further room for progress to unite together in an effort to coordinate policies for the betterment of the people, the nations and the region.

¹⁵⁵ Bruno S. Frey and Friedrich Schneider. "Informal and Underground Economy". International Encyclopedia of Social and Behavioral Science Bd 12. Economics, Amsterdam. Elsevier Science Publishing Company. 2000, 10.

¹⁵⁶ Ibid., 9.

¹⁵⁷ Frierich Schneider and Dominik H. Enste. "Shadown Economies: Size, Causes, and Consequences". Journal of Economic Literature. Vol XXXVIII. March 2000, 91.

D. THE BOTTOM LINE OF IMMIGRANT-RELATED ECONOMIC CRIME

In Germany and in other EU nations, immigrants are appreciated when their contributions to the economy of the nation are positive instead of siphoning benefits from the German welfare state.¹⁵⁸ The immigration of labor positively impacted the modern industrial might of many nations in Europe, especially Germany and in many cases was seen as important militarily; for instance "the nationality law of 1889 was designed to turn immigrants and their sons into conscripts for the impending conflict with Germany."¹⁵⁹ Integrating immigrants into the productive community, be they recruited foreign workers or other persons, not only positively effects the purchasing power parity of the country they have immigrated to but often positively effects the country of their origin through remittances, education and experience if they should chose to return to their country. Still, immigration carries with it economic disadvantages as well and unfortunately economically challenged immigrant areas have appeared not only in Germany but throughout Europe as well.¹⁶⁰

¹⁵⁸ Grete Brochmann. *European Integration and Immigration from Third Countries*. Oslo. Scandinavian University Press. 1996, 22.

¹⁵⁹ Stephen Castles and Mark J. Miller. *The Age of Migration: International Population Movements in the Modern World*. New York. The Guilford Press. 1998, 61.

¹⁶⁰ Graham E. Fuller and Ian O. Lesser. *A Sense of Siege The Geopolitics of Islam and the West*. Boulder. Westview Press. 1995, 91.

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IV. IMMIGRATION'S EFFECTS ON GERMAN NATIONALISM, CITIZENSHIP, LAW ENFORCEMENT APPARATUS, POLITICAL POLICIES AND TERRORISM

A. PERCEPTIONS OF THE PROBLEM

According to certain cherished stereotypes in Germany, immigrants from Turkey, Central Asia, Middle East, Lebanon, and Russia contribute to criminality, especially among young people, in Germany. The common view tends not to implicate citizens from the United States, France, or Nigeria in drug rackets or the sex trade. Germans typically associate particular immigrant populations with particular crimes. For example, persons of Lebanese heritage often work as bouncers at clubs, from which positions they can indulge in violence and drug activity, in the popular perception. Similarly, Russians who are not integrating well in German society are generally depicted as very cruel and lawless. True enough, when the EU started to enlarge in the east, there was an increase in prostitution from Eastern Europe and assaults by Eastern Europeans, especially in Berlin. The tabloid generalization now holds that most young Russian men are pimps or enforcers in prostitution enterprises. Many Germans are suspicious of immigrants of Arabic descent out of similar guilt-by-association perceptions.

Germany's longest-standing non-European minority occupies a particularly complicated position in the popular imagination. On the one hand, the German on the street likely will assert that Turks create problems in Germany when they are unemployed. However, it is also a common notion that half of the Turks in Germany integrate easily into German society and contribute to German society at large. Often, the friction is articulated in terms of Germany's ponderous social-welfare system. Turkish citizens in Germany have access to the German welfare system by dint of being in the country (immigrants who are not citizens have every right except the franchise) but they do not contribute if they are not participating in the legal job market and paying taxes.¹⁶¹

¹⁶¹ Information based on author's interview on 26 March with Hanns Seidel Stiftung Representative Mr. Hebeker and Journalist Dr Ina Verstl.

Federal reports, notably from the Ministry of the Interior, tend to underplay cultural differences and emphasize integration.¹⁶² On the other hand, there is no German political consensus regarding assimilation or integration. From 1945 until 2006, Germany refused to recognize itself as an immigrant nation. Guest workers in Germany did not have the option to pursue dual citizenship in the 1950s or now. Currently, there is no political or social pressure to accept or seek German citizenship.

A certain amount of cultural assimilation does resonate among thinkers and policymakers concerned with immigration in Germany. Liberal leaders focus on education and language; often third-generation Turkish immigrants refuse to learn German and there remains no apparatus to enhance the appeal for many young immigrant of learning the notoriously unlovely language. The mere fact that one must speak German to qualify for most jobs in Germany has not, so far, driven all young immigrants to the nearest language schools.

Generally speaking, a consensus exists among German citizens that people can live in their own culture if they accept German laws and the western sense of civil rights and shed such “holdout” social issues as Islamic sartorial requirements of women as well as Shari’a law. German government employees do not wear headscarves, though the matter in Germany is subject to the decisions of the various federal states and, indeed, different companies.

Immigration figures significantly in German politics today, though the issues have changed significantly from the base, anti-foreign rantings of the far-right that characterized the discourse some years ago. For example, in the February 2008 state elections in Hesse, the CDU lost due to this single issue. Specifically, the conservative candidate campaigned on immigrant youth and crime as pressing problems in the populous and prosperous north-central German state. The voters rejected the hard-line proposals floated during the campaign, as well as the candidate who espoused them. (A special CDU team worked this issue from December 2007 until 14 March 2008, and the findings have been published. Although the author of the thesis was unable to obtain a copy of the findings, it remains important to note the CDU has placed on the issue to conduct an in depth study.) The next

¹⁶² Information based on author's interview on 26 March with Hanns Seidel Stiftung Representative Mr. Hebeker and Journalist Dr Ina Verstl.

elections will be in 2009. The CDU does not plan to talk about immigration until after the election because they are worried about being seen as too harsh to immigrants.¹⁶³

B. THE ROLE OF HISTORY

German history, particularly the legacy of illiberalism, genocide and war from the 1920s, 1930s, and 1940s echoes in hearts and minds of Germans on a daily basis. This not-so-dead past culminates in the record of officially sanctioned crime directed at non-Germans during the Third Reich. Thus history shades most German statecraft even today, including the current policies that address immigrant-related crime. Germans in 2008 have embraced their history and the “never again” mindset that this responsibility entails by making the Nazi concentration camps into national monuments, which school-aged children are required to visit. These memorial sites (*Gedenkstätten*) require no fee for entrance, making the monuments accessible to all visitors, regardless of economic status. The Topography of Terror exhibit, an open-air historic installation in central Berlin, provides an abrupt, accurate and unforgiving look at the atrocities that were planned in the same location under the Third Reich. Similarly, the German capital has dedicated nearly five acres of prime, central-city real estate to an imposing Holocaust Memorial, which, standing not far from the Checkpoint Charlie Museum, serves to remind lawmakers, diplomats and domestic and international visitors of the gravity of the German past. Even outside the German cities, in non-tourist areas, prominently posted descriptions of atrocities against non-Christians and non-Germans can be found very easily.¹⁶⁴

Nonetheless, as Chapter II of this thesis has demonstrated, immigration remains a fraught issue for Germans, particularly where crime by and against non-Germans is concerned. The way in which immigrants are seen through the eyes of native Germans hinders integration, but in the shadow of the Nazi legacy, Germans remain uneasy

¹⁶³ Information in this paragraph based on author's interview with Dr. Heike Schmidt at Konrad Adenauer Stiftung in Berlin Germany 27 March 2008.

¹⁶⁴ Information in this paragraph is based on this author's observations in March 2008 during a research trip to Berlin, Potsdam, Dachau, and Munich, Germany. And from author's interview on 26 March with Hanns Seidel Stiftung 's Mr. Hebeker and Journalist Dr Ina Verstl in Berlin.

discussing their views of non-Germans among them. Of course, functional democratic polities can have real concerns. "Immigration of culturally diverse people presents nation-states with a dilemma: incorporation of the newcomers as citizens may undermine myths of cultural homogeneity; but failure to incorporate them may lead to divided societies, marked by severe inequality and conflict."¹⁶⁵ In the German case, the undertones of social or even official racism that may attend the discussions of this dilemma tend to complicate the domestic and international discourse.

The problem does have both a domestic and an international component. It was one thing when the country had to absorb ethnic Germans from newly mapped neighbor states or to accept variously dusky "guest workers" to help rebuild the economy and then, it was understood, go home. In the years since Germany's "economic miracle," however, the demography of immigration has changed to include ethnic Germans from across vast geographic and cultural differences, political refugees, asylum-seekers, and others hoping to make their way amid Germany's conspicuous prosperity. Here, Germany shares the European view: "[I]t is widely believed in Western Europe that asylum-seekers are really economic migrants, using claims of persecution as a way of evading immigration restrictions. This has led to popular resentment and extreme-right campaigns and violence against asylum seekers."¹⁶⁶ The enlargement of the EU has changed the status of some asylum-seekers (and often their dependents) into full legal residents of Germany—and citizens of Europe who are free to move and work throughout the EU.

Illegal immigration poses its own set of problems. When Spain approached the EU for financial assistance in dealing with its illegal immigrants in the Canary Islands, citing the spillover effects of illegal immigration in Italy and Malta, Germany took a dim view.¹⁶⁷ After all, the Germans reasoned that they had to "accommodate" more than

¹⁶⁵ Stephen Castles and Mark J. Miller. *The Age of Migration: International Population Movements in the Modern World*. New York. The Guilford Press. 1998, 39.

¹⁶⁶ Stephen Castles and Mark J. Miller. *The Age of Migration: International Population Movements in the Modern World*. New York. The Guilford Press. 1998, 89.

¹⁶⁷ Your Link to Germany. <http://www.dw-world.de/dw/article/0,,2180188,00.html?maca=en-bulletin-433-html>. Accessed 24 Feb 2008.

448,000 illegal immigrants up until September 2006 without EU assistance.¹⁶⁸ The combined impressions of economic opportunism, false claims of persecution and outright flouting of German or European immigration policy figure in much of the anti-foreigner rhetoric that floats into the popular media from the far-right parties and even the right-wing mainstream.

Before unification, East Germany saw a handful of immigrants, mostly refugees from conflicts in “socialist brother-nations,” notably Vietnam and Angola. Since 1991, the population of the former East, itself neck-deep in the pressures of social, political and economic transition, has had to accept an unaccustomed influx of immigrants, legal and illegal, from eastern Europe and beyond. Right-wing political parties incited some East Germans to resort to violence against non-Germans, as part of a larger program of disaffection and protest. While the majority of the citizens of eastern Germany have maintained a more enlightened approach, the “wild east” did and does see proportionally more anti-foreigner violence. The specter of resurgent racist violence continues to haunt the political discourse. West German politicians were quick to point fingers, but West Germany, even in the 1980s, was not as cosmopolitan and integrated as many people thought according to Dr. Heiko Biehl of the German Command and Staff Academy in Hamburg.¹⁶⁹

C. THE CHALLENGES OF CITIZENSHIP, NATIONAL IDENTITY AND NATIONALISM

The table below provides an overview of German policy changes regarding immigration and asylum.

¹⁶⁸ Your Link to Germany. <http://www.dw-world.de/dw/article/0,,2180188,00.html?maca=en-bulletin-433-html>. Accessed 24 February 2008.

¹⁶⁹ This paragraph is based on author's interview with Dr. Heiko Biehl in Berlin on 25 March 2008.

Table 1. German Policies Regarding Immigration.¹⁷⁰

Date	Policy/Comments
1913	Citizenship law—imprecise criteria
1935	So-called Law for the Protection of German Blood and Honor and the Reich Law on Citizenship put Nazi racial law firmly in hand.
1951	Asylum provision in the Basic Law were more strict than the Geneva Convention provisions. West Germany implements restrictive interpretations.
1977	Clear naturalization guidelines were created under a joint federation Lander commission later referred to as the foreigners policy (or Ausländerpolitik) : 1. Long residence period 2. High fees 3. No dual citizenship
1990	German unification. Unified Germany received highest number of asylum-seekers in the EU (1.2 million applications 1990–3)
1992	Maastricht Treaty included EU-level cooperation on immigration and asylum
1993	German 1993 reforms restricted asylum more than EU policies
1999	Amsterdam Treaty put immigration and asylum under the “first pillar.” German domestic support diminished
2004	First full-scale immigration law drafted
2005	First full-scale immigration law takes effect: 1. Provides structure for migration management 2. Includes compulsory integration
2006	Asylum applications received only 30,000
2008	Since 1990, 1.6 million non-nationals have become German (most vote for the left-of-center Social Democratic or Green parties)

¹⁷⁰ Table Created by author based on information in Simon Green, Dan Hough, Alister Miskimmon and Graham Timmins. *The Politics of the New Germany*. New York. Routledge. 2008, 105-126. Please see Appendix for a list of laws under the Third Reich directed at Jewish Citizens.

In 1991, German nationality was redefined as people with deeply buried German roots who came to Germany from the former Soviet Union. German citizenship was granted to those who had German parents or grandparents, even though the applicants often spoke no German and had few cultural connections to Germany. These “Russian Germans” have proven, as a group, much harder to integrate than previous immigrations of displaced ethnic Germans. The efficacy of the policy granting them citizenship—and the frauds and abuses to which it has fallen victim—remains a public issue.

In these same years, Germany saw a massive increase in all kinds of immigration, especially asylum-seekers—with more than a million arrivals in the years 1990–1993. In 1993 "after an emotional political and public dispute, and against the background of anti-foreigner violence and rising support for extremist parties, the constitutional right to asylum was restricted by a cross-party compromise. In the following years, the number of asylum applications dropped sharply."¹⁷¹ Six years ago, laws changed and now require immigrants’ children to decide by the age of eighteen which citizenship to keep (Turkish or German).¹⁷² As eastern Europe stabilizes and the Schengen border is improved, the flow of people into Germany has abated, anyway. Ironically, in this quieter period of immigration, Germany has finally recognized itself as an immigrant nation (2006).¹⁷³

¹⁷¹ Simon Green, Dan Hough, Alister Miskimmon and Graham Timmins. *The Politics of the New Germany*. New York. Routledge. 2008, 95.

¹⁷² Information in this sentence based on author's interview on 28 March in Munich with Comparative Domestic Politics Professor Dr. Ursula Muench.

¹⁷³ It is argued that the EC nations "are steadily ceding their national powers in this arena to European regional structures and cooperative mechanisms. This trend reflects a growing conviction at national levels that solutions to migration pressures must be found through international cooperation. It is a marked departure from (1990), when the habit was to rely on unilateral action, largely limited to entry controls." (Meissner, Doris M. et al. *International Migration Challenges in a New Era*. New York. Trilateral Commission. 1993. p 55) However, this is not the case with Germany, the political parties, law enforcement personnel, academics and average citizens are very aware of the issues that people of migrant backgrounds pose to Germany and the issues resound in politics and daily life. The new security risks of 2008 such as movement of people, actions of nationalism against the other, ethnic differences, fundamentalist beliefs and unequal economic opportunities demand cooperation and revised policies. (Stewart. Alasdair. *Migrants, Minorities and Security in Europe*. UK. Research Institute for the Study of Conflict and Terrorism. June 1992, 23.).

D. LACK OF ASSIMILATION AND INTEGRATION OF IMMIGRANTS AND ITS EFFECTS ON CRIME

The issue of assimilation and immigration in Germany cannot hide from the news headlines as violence has resulted from unsuccessful cases. Tension surrounds German policies regarding immigration.¹⁷⁴ Germany expects immigrants and non-nationals to assimilate, but due to the memory of the holocaust Germany remains unable to require assimilation.¹⁷⁵ The creators of German policy expect immigrants and non-nationals to want to become German for nationalistic and personal reasons.¹⁷⁶ Before 2000, German citizenship policy traditionally had "been based on the assumption that non-nationals must be integrated before obtaining German nationality, which cannot therefore be considered as a stepping stone to integration."¹⁷⁷ Some non-nationals in Germany experience a disadvantage in German society. In general, non-nationals have higher unemployment levels, less education and "inadequate language skills, without which it is difficult for individuals to improve their situation, thereby creating a vicious circle of marginalization."¹⁷⁸ Some scholars of German politics conclude that it is a moot point whether the deficiencies in integration of non-nationals in Germany can be put down to their unwillingness to adapt, or to the reluctance of Germans to accept immigrants as equals in society, restrictive citizenship laws and by the absence prior to 2006 of any explicit anti-discrimination legislation. The important point is that political parties across the spectrum now accept that a more active integration policy, to include formal language and citizenship classes, the successful completion of which is linked to the individual's residence status, is indispensable.¹⁷⁹

A non-national's desire to assimilate often results in violence from within the immigrant community in Germany. In Germany, six 'Honor Killings' occurred within a

¹⁷⁴ Simon Green, Dan Hough, Alister Miskimmon and Graham Timmins. *The Politics of the New Germany*. New York. Routledge. 2008, 101.

¹⁷⁵ Ibid., 101.

¹⁷⁶ Ibid., 101.

¹⁷⁷ Ibid., 101.

¹⁷⁸ Simon Green, Dan Hough, Alister Miskimmon and Graham Timmins. *The Politics of the New Germany*. New York. Routledge. 2008, 101.

¹⁷⁹ Ibid., 102.

four-month period in 2005 whereby women of Muslim descent were murdered by their families due to their adoption of Western views and lifestyles.¹⁸⁰ The German courts prescribed appropriate verdicts and punishments for those found guilty of such crimes. For instance, in 2006 a man was given a nine-year and three-month prison sentence for the murder of his sister (who he shot in the head due to the fact that she left the cousin that she was forced to marry a year after their wedding pregnant and fled back to Berlin to raise her son on her own, without wearing a headscarf and then sought education).¹⁸¹ In 2007, there was a Sharia law divorce case which highlighted that honor crimes do happen in Germany. Famous German lawyer of Turkish decent, Seyran Ates, had to spend two years under ground after the court case due to fear of reprisal.¹⁸²

This phenomenon is neither new nor unique in Germany. Papatya, a NGO that supports Turkish immigrants in Germany with the financial backing of the German Government, recorded forty honor killings in Germany between 1996 and 2005.¹⁸³

*Immigration is a clear economic, cultural and, in the light of 9/11, security threat. The decision of Germany, along with Austria, to impose seven-year restrictions on the free movement of workers from the eight new Central and Eastern European member-states of the EU from 2004 must be seen in precisely this context.*¹⁸⁴

Illegal Immigrants can ask for asylum and then they get one more chance, some resort to crime at that point because if they get caught again they are flown out of Germany anyway. Over ninety-five percent of cases don't get asylum as most are economic refugees and those who are granted asylum status are granted it of an additional (usually political) reason. Homosexuals can ask for asylum depending where they are from this is considered political issue asylum. One to two years after they ask for asylum they are usually processed

¹⁸⁰ Spiegel Online Website. <http://www.spiegel.de/international/0,1518,344374,00.html>. Accessed 24 Feb 2008.

¹⁸¹ Family Security Matters Website. <http://www.familysecuritymatters.org/index.php?id=1090832>. Accessed 24 February 2008.

¹⁸² Information in this paragraph is based on author's interview on 26 March with Hanns Seidel Stiftung (CSU) Mr. Hebeker and Journalist Dr Ina Verstl in Berlin.

¹⁸³ Spiegel Online Website. <http://www.spiegel.de/international/0,1518,344374,00.html>. Accessed 24 February 2008.

¹⁸⁴ Simon Green, Dan Hough, Alister Miskimmon and Graham Timmins. *The Politics of the New Germany*. New York. Routledge. 2008, 109.

through the system. If denied they can appeal and go to court, if the court denies them they can appeal and go to a higher court again- this process allows them to remain in Germany for quite a while after they are found by the police.¹⁸⁵

The German public tends to view Islam in a negative light, as many associate Islam with fundamentalism, violence and female oppression.¹⁸⁶ The following table summarizes the Alembasch study on the subject.¹⁸⁷

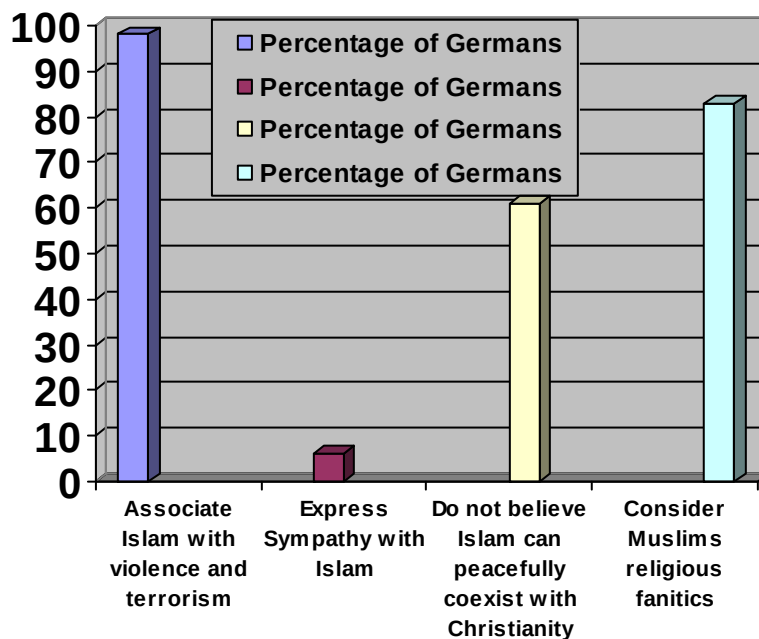


Figure 11. German Public Opinion about Islam.¹⁸⁸

¹⁸⁵ Information in this paragraph based on author's interview with Ministry of the Interior Representative on 27 March 2008.

¹⁸⁶ Spiegel Online Website. www.spiegel.de/international/Europe/0,1518,druck-547717,00.html. Accessed 20 April 2008.

¹⁸⁷ Spiegel Online Website. www.spiegel.de/international/Europe/0,1518,druck-547717,00.html. Accessed 20 April 2008.

¹⁸⁸ Table constructed by author. Based on information in www.spiegel.de/international/Europe/0,1518,druck-547717,00.html. Accessed 20 April 2008.

E. TERRORISM

Amid these statistics, the question remains whether Germans worry about all Muslims or only the visibly distinct Muslim residents of the parallel societies in larger cities. Tellingly, decades—generations—of experience with the Turkish minority in Germany has done little to assuage popular misgivings about Islam, particularly with the persistence of a fundamentalist terrorist threat.

Conservative political parties in Germany want more strict laws to watch for terrorism. The German secret service requires specific rights/laws to infringe on private lives of those in Germany. There is no drive to fix the laws to enable national police to have increased power regarding people's civil liberties. In Germany, the secret service addresses terrorism. Specific environments are important, certain areas of Berlin are impacted by immigrant-related crime, where as other areas are not and this impacts the police enforcing laws in those areas.¹⁸⁹

During the week of 17 April 2008, German law enforcement and security officials agreed to enact new computer surveillance regulations aimed at terrorism and other serious crimes.¹⁹⁰ Although this proposal still requires consideration by state governments, approval by federal cabinet members, and ratification by both houses of parliament, the Islamic leaders in Germany are very sensitive to this prospect and are speaking out against it. According to the proposed provisions, Muslims in Germany will not be afforded the same exemptions from official monitoring as their Christian counterparts.¹⁹¹ The reason for the difference is a legal one, as "the Catholic and Evangelical churches in Germany have state-recognized status.... Islam does not currently hold that same official status in Germany."¹⁹² However, within the German Islam Conference, Muslim leaders are seeking to gain that state recognized status.¹⁹³

¹⁸⁹ Information in this paragraph based on an interview with Ms. Csilla Hatvany and Mr. Carl-Philipp Burkert on 26 March 2008 in Potsdam.

¹⁹⁰ Spiegel Online Website. <http://www.spiegel.de/international/germany/0,1518,548057,00.html>. Accessed 20 April 2008.

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Ibid.

It is essential to note that if there is just cause to monitor the Christian clergy in Germany, current German legislation allows for such exceptions to the rule in the name of security.¹⁹⁴

In February 2008, "German federal judges ... declared it illegal for government snoops to use virus software to gather data from an individual's hard drive—except for in extreme cases such as a terrorist threat."¹⁹⁵ That same month, German Minister of the Interior Wolfgang Schäuble stated that due to the spontaneous nature of the formation of terrorist groups and planning of violent activity surveillance of online activities is important for the War on Terrorism; furthermore, he stated that the German public believes it is not being targeted by terrorists, contrary to government warnings.¹⁹⁶ In his July 2007 *Spiegel* interview Minister Schäuble stressed the ability for German laws and the German constitution to adjust to the threats of society in order best to protect citizens.¹⁹⁷

F. TERRORISM'S EFFECTS ON GERMAN LAW AND LAW ENFORCEMENT APPARATUS¹⁹⁸

Intelligence and police functions are divided in Germany, in response to historically dictated rules and regulations.¹⁹⁹ (The excesses of both the Third Reich and the East German security apparatus affect these policies.) More power and cooperation

¹⁹⁴ Spiegel Online Website. <http://www.spiegel.de/international/germany/0,1518,548057,00.html>. Accessed 20 April 2008.

¹⁹⁵ Spiegel Online Website. <http://www.spiegel.de/international/germany/0,1518,538094,00.html>. Accessed 20 April 2008.

¹⁹⁶ Ibid and Spiegel Online Website. <http://www.spiegel.de/international/germany/0,1518,493364,00.html>. Accessed 20 April 2008.

¹⁹⁷ Ibid.

¹⁹⁸ Global Terrorism affects German police and German laws. It allows for an increase of control/monitoring of telecommunications and bank activity. There is a list of things that the telecommunication companies are saving (connection data is saved for six months). At the highest courts civil liberties are very important. September 11 2001, Madrid and London terrorist attacks in 2006 all had connections to Germany. The foiled bomb plot in 2006 didn't add funding to the police structure as it was not enough of a wakeup call because the bomb failed to successfully detonate. It may take a loss of life for the security system in Germany to get streamlined. In 2001, laws changed temporarily to look at bank accounts. The duration of these laws have been extended many times. Information in this footnote from author's interview on 27 March 2008 in Berlin with Ministry of the Interior Representative.

¹⁹⁹ Information in this paragraph based on author's interview in Berlin on 27 March 2008 with Ministry of the Interior Representative.

between the two functions would change the balance too much and make the German population uncomfortable. German police officers must be German and swear on the constitution. All police are German, with a few exceptions for people of Turkish heritage. Most police officers speak only German.²⁰⁰ However, English has been incorporated into police basic training so that English can be used in police business where needed.²⁰¹

Working with EUROPOL affects German law enforcement apparatus only. The Bundeskriminalamt (BKA) is the German equivalent of the U.S. FBI but the BKA does not have an intelligence division. The Joint Counterterrorism Center tries to bring together these two things, but analysts and police remain separate. There is a divide between operators and analysts. Analysts want to wait as long as they can to get as much information as they can before handing it to the operators to bust the activity. The Bundesamt fuer Verfassungsschutz (BfV), the German Domestic Security Intelligence Service, monitors threats to the German Constitution, has no executive powers, and is completely separate from the BKA. Trennungsgebot is the German law that mandates the separation of law enforcement and intelligence assets.

Intelligence does not track criminal activity unless it is politically motivated. Immigrant-related crime is not politically motivated; it is police work. The Bundesnachrichtendienst (BND) is the Federal Intelligence Service that concentrates on crime over borders, including international drug smugglers and also illegal arms trade and human trafficking.²⁰²

Nonetheless, some joint actions have taken place. On 23 April 2008, 130 German police in Berlin, Bonn, and other areas conducted raids against nine suspected Islamist men, who were also suspected to be spreading extremist material and to have attempted

²⁰⁰ In Munich, crimes are mainly caused by Germans with migrant backgrounds as well. Petty crimes are mainly the crimes caused by these people in Bavaria. Immigrants in Bavaria don't band together against police (yet). According to the Munich Police, the bomb on the train in 2006 was a lucky catch as the bomb failed to work. Border police work on immigration issues. Every state has its own police and policies. The Bavarian police are very tough on crime. Information in this footnote based on an interview with a Munich Police officer on 28 March 2008. According to an email from a Munich Police Officer to the author on 28 May 2008, German speaking citizens from EU Countries may apply for a position with the Federal Police.

²⁰¹ Information based on an email from a Munich Police Officer to the author on 28 May 2008.

²⁰² Information in this paragraph based on author's interview in Berlin on 27 March 2008 with Ministry of the Interior Representative.

recruiting efforts for fighting in foreign lands. (They did not arrest the nine men.²⁰³) Such searches are not a new phenomenon in recent German history. "According to Germany's Deutsche Welle, the searches focused on a community of Muslims in the southern city of Neu-Ulm which has been repeatedly raided in recent years during anti-terrorism investigations."²⁰⁴ Past actions by the police have resulted in the closing of cultural centers (for example, the Multi-Kultur-Haus) if they are evaluated to threaten security in the nation.²⁰⁵ "A statement from the prosecutor's office said the suspects aimed "to Islamicize and radicalize Muslims and non-Muslims—particularly Germans who have converted to Islam".²⁰⁶

The U.S. State Department has acknowledged the tremendous efforts that Germany has made: "Germany has placed a particular emphasis on supporting UN counterterrorism activities and topics such as terrorist use of the Internet, protecting critical energy infrastructure, and countering radicalization and recruitment to terrorism."²⁰⁷ For both terrorism and more local crime connected to immigrants, Germany may look to this interagency and cooperative framework for ways to improve its responses and its record further.

²⁰³ BBC News Website. <http://news.bbc.co.uk/2/hi/europe/7363463.stm>. Accessed 12 May 2008.

²⁰⁴ Ibid.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

²⁰⁷ U.S. State Department Website. <http://www.state.gov/s/ct/rls/crt/2007/103707.htm>. Accessed 12 May 2008.

V. THE GERMAN INTERNAL AND COOPERATIVE SOLUTION TO THE REDUCTION OF IMMIGRANT-RELATED CRIME

A. WORKING TOGETHER OR APART ON ECONOMIC CRIME

It is important to address whether a country's policies are more effective on their own or more effective when supplemented by an international institution. The parallel is drawn between the need for coordination between nations regarding transnational crime and immigration policies as illegal immigration is both caused by and leads to an increase in the underground and shadow economies as well as increased crime. A review of institutions' ability to adapt in order to effectively address the current issues shows that organizations in Europe are able to transform to address the need for a coordinated immigration policy. The need to coordinate can then be applied to the arena of transnational crime policies as compared to the international efforts spearheaded by the international and regional institutions that exist today. The institutions roles in addressing transnational crime within the continent of Europe demonstrate how cooperation regarding crime should be executed and how institutions could also be used by European nations as a backbone for regional immigration policy coordination.

Simon Hix, Professor of European and Comparative Politics, Department of Government at the London School of Economics and Political Science, explained that through the use of immigration and asylum-related controls, social integration is arrived at more effectively than through anti-racism policies and race-relation dialogue.²⁰⁸ Furthermore, he supported the cooperation of EU countries in the realm of migration and security policies so that individual nations could act collectively without the restraints imposed by its citizens, political groups and resource limitations.²⁰⁹ "The domination of agenda-setting by interior ministry officials rather than justice ministry officials or interest groups representing migrants or business interests was one of the main reasons

²⁰⁸ Simon Hix. *The Political System of the European Union*. New York. Palgrave MacMillian. 2005, 368-9.

²⁰⁹ Ibid., 368.

why the debate on migration was framed in terms of security or control rather than rights or freedoms." Under the Trevi, Schengen and Maastricht Treaties, security policies covered immigration and asylum issues.²¹⁰

Traditionally the state has maintained internal security through controls on who enters its territory. In a single market with open borders this is no longer feasible. However security forces can also control populations regardless of where they reside, through information exchange on criminal activities and asylum seekers, common strategies on identity cards and police authorities. These 'compensatory measures' were first discussed in the context of Trevi and Schengen and form the basis of EUROPOL.²¹¹

The Amsterdam Treaty has allowed EU supranational actors to collaborate on security issues outside of the realm of sovereignty of the individual governments which allows issues to be resolved more quickly.²¹²

The EU does not have the Exclusive right to decide who can be an EU citizen. However, with the completion of the single market, EU institutions have established and are responsible for governing a set of common economic rights for national of the member states, based on the freedom to move between countries, seek employment, trade, and provide and consume services. Furthermore, with the establishment of EU citizenship in the Maastricht Treaty and the extension of these provisions in the Amsterdam Treaty, the member states are no longer independent from the EU polity in determining who may receive social, civil and political rights in the system.²¹³

Consensus and cooperation among EU nations is greater now in light of the shared EURO and shared open borders. "Growing demand by the European electorates for action to fight cross-border crime and control immigration gave the governments a window of opportunity to adopt common policies in a traditional area of politics."²¹⁴

It is evident that in the past two years, the regulations regarding immigration have become more stringent and are the focus of much attention by the German political

²¹⁰ Simon Hix. *The Political System of the European Union*. New York. Palgrave MacMillian. 2005, 369.

²¹¹ Ibid.

²¹² Ibid.

²¹³ Ibid., 372.

²¹⁴ Simon Hix. *The Political System of the European Union*. New York. Palgrave MacMillian. 2005, 373.

parties. Two-thousand seven marked an increase in family reunification regulations which included spouses speaking rudimentary German and a maximum age of sixteen for immigrating children; of note two German political parties desired a much lower age limit.²¹⁵

The conditions are already in place for European Security Institutions to cooperatively address the risks associated with immigration especially as they affect the intertwined economies of EU nations. A collective effort is more effective than separate national policies regarding immigration to increase security and decrease crime in the region as many crimes and criminals and illegal funds cross international borders. Since the Schengen Agreement in 1985, the borders of the EU have become more porous and the member countries have agreed to coordinate with each other to enhance security within the EU. Currently, security institutions exist in Europe that are well suited to provide a foundation for increased international interaction on coordinated immigration policies that may be able to effectively reduce or even halt immigrant-related economic crime.

More recently, European and more specifically German policies have acknowledged that immigration is a phenomenon that is permanent and therefore policies should focus on the integration of all people that live in a nation for the greater good of that country. Stephen Castles and Mark Miller summarized the reasons why people migrate that are quite applicable to Europe in their 1998 book *The Age of Migration: International Population Movements in the Modern World* as follows: "Growing inequalities in the wealth between the North and South are likely to impel increased numbers of people to move in search of better living standards; political, ecological and demographic pressures may force many people to seek refuge outside their own countries; increasing political or ethnic conflict in a number of regions could lead to mass fights; and the creation of new free trade areas will cause movements of labor, whether or not this is intended by the governments concerned."²¹⁶ The immigration policies of Germany will be reviewed to conclude that great progress has

²¹⁵ Simon Green, Dan Hough, Alister Miskimmon and Graham Timmins. *The Politics of the New Germany*. New York. Routledge. 2008, 103.

²¹⁶ Stephen Castles and Mark J. Miller. *The Age of Migration: International Population Movements in the Modern World*. New York. The Guilford Press. 1998, 4.

been achieved, but room for further improvement regarding the reduction of immigrant-related economic crime remains even today.

The bicultural second- or third-generation offspring of the foreign workers of yesteryear were becoming hyphenated - Franco-Maghrebis or turco-Germans. The culturally hybrid younger generations suggest the reality of something resembling a melting pot... One problem facing Europeans is how to determine how or when external controls (of immigration policies) are working sufficiently...some view immigration as part of global transformation. ... (Sarah) Collinson²¹⁷ stressed linkages between migration and security... She argued that the preoccupation with security accounted for many of the problems in crafting common policies but also, ironically, for what progress that had been made. Collinson does not feel that there is a clear mandate for a common policy nor is there an institution to implement it.²¹⁸

Germany uses the EU, EU's CEPOL, EU's EUROJUST and EUROPOL²¹⁹ to address immigrant-related crime within Germany. Additionally, German political party, law enforcement apparatus and research institute ideas have been implemented to address immigration-issues within German borders. The meaning of citizenship in the EU has gained importance since the end of the Cold War, the rise of turmoil around Europe to the south and east and now with immigrant-related crime. The impact of the debate regarding possible future German government actions to address the changing nature of German citizenship due to immigration and its connection to security in Europe through an enhanced coordination of immigration policies within the EU and other European organizations will be discussed. This chapter summarizes the different opinions of German political parties, law enforcement organizations, and German research institute ideas regarding this issue. The conclusion summarizes how the actions of German government organizations have promoted and will continue to promote a more secure environment while protecting national and economic interests. The overall questions that

²¹⁷ Sarah Collinson is an author of several books on Western European Immigration since 1993.

²¹⁸ Mark Miller and Barbara Shmitter Heisler. "Europe: The New Melting Pot?" The Nanovic Institute for European Studies, University of Notre Dame March 23-24, 1998. International Migration Review. Col 32. No 2. Summer 1998, 487-490.

²¹⁹ "Europol is the European Union law enforcement organization that handles criminal intelligence. Its mission is to assist the law enforcement authorities of Member States in their fight against serious forms of organised crime." <http://www.europol.europa.eu/index.asp?page=atag glance&language>. Accessed 21 February 2008.

this chapter seeks to answer are: How do immigration policies in Germany affect crime? And how can security be increased through policy implementation and coordination among German and European organizations?

B. LANDESKRIMINALAMT & BUNDESKRIMINALAMT²²⁰

German law enforcement offices are ready and able to assist in combating immigrant-related crime when desired. The "behavior-oriented prevention" department of the Berlin Landeskriminalamt (LKA) has cooperated with NGOs regarding incidents of domestic and sexual violence and is well placed to address Honor Related Violence (HRV) if "it was politically wanted" by the citizens, voters and politicians in Germany.²²¹ The safety of citizens is high on the LKA's agenda.²²² The Berlin LKA meets with other LKAs and the sharing of information for cooperation is possible at these frequent venues.²²³ The Bundeskriminalamt's (BKA) jurisdiction includes cross-border crime.²²⁴ In cases where international coordination is required, "the BKA sends cooperating officers to EUROPOL meetings (such) as the EUROPOL conference on HRV at The Hague in June 2004."²²⁵

C. GERMAN POLITICAL PARTY VIEWS OF IMMIGRANT-RELATED ISSUES

The political situation in Germany is both unique and interesting. German political parties address the issue of immigration and immigrants, but in a slightly different way within their party documents.

The two-and-a-half-party system that characterized German politics for the majority of the post-cold war era is now a thing of the past. Two medium sized (CDU/CSU and SPD) and three smaller (FDP, the Greens

²²⁰ German State Investigation Bureau and Federal Criminal Office of Germany.

²²¹ Papatya Website. <http://www.papatya.org/veroeffentlichungen/resourcebook.htm>. Accessed 24 February 2008.

²²² Ibid.

²²³ Ibid.

²²⁴ Ibid.

²²⁵ Ibid.

*and the Left Party) parties now garner enough votes to make coalition formation- and consequently governing in general - a much more complex task than it used to be.*²²⁶

One of the Christian Democratic Union's (CDU) key policies in its new party principles is immigration.²²⁷ The CDU stresses the need to integrate immigrants into German society, not at the cost of a "disregard for rule of law" or as a "parallel society" but to share values and accept cultural diversity.²²⁸

The background documents for the Social Democratic Party of Germany (SPD) directly emphasize the need for foreigners and their children to integrate into German society.²²⁹ According to the SPD, German institutions should foster equality and solidarity for all citizens.²³⁰ The SPD calls for co-education of foreigners with Germans to reduce prejudice and discrimination.²³¹ The Basic Policy Program of the SPD stresses the importance of government's role as the "guarantor of cultural variety" and stresses that the government should not be the "guardian of culture".²³² However, the SPD does hold that the EU should "safeguard a diverse European identity by promoting regional and national culture."²³³

The Free Democratic Party (FDP) appeals to many Germans as the center party which "moderat(es) the policies" of the CDU/CSU and the SPD.²³⁴ The FDP strongly supports the "legal protection of individual freedoms."²³⁵ The FDP follows a secular

²²⁶ Simpon Green, Dan Hough, Alister Miskimmon and Graham Timmins. *The Politics of the New Germany*. New York. Routledge. 2008, 75.

²²⁷ CDU Website. <http://www.cdu.de/en/doc/070816-short-version.pdf>. Accessed 7 February 2008.

²²⁸ Ibid.

²²⁹ SPD Website. <http://www.spd.de/show/1683396/Basic-Policy-Programme.pdf>. Accessed 7 February 2008.

²³⁰ Ibid.

²³¹ Ibid.

²³² Ibid.

²³³ Ibid.

²³⁴ FDP Website. <http://www.country-studies.com/germany/free-democratic-party.html>. Accessed 12 February 2008.

²³⁵ Ibid.

agenda, supports private business and frowns on socialist tendencies.²³⁶ The FDP has "remained closer to the CDU/CSU on economic issues and closer to the SPD on social and foreign policy."²³⁷

The Christian Social Union (CSU) is an influential conservative political group of Christian Democrats in Bavaria. In March 2002, the upper house of the German parliament passed an immigration law to increase the number of skilled workers in Germany.²³⁸ However, due to a voting disparity, the "center-right Christian Democratic Union ... denounced the outcome as unconstitutional and vowed to appeal to Germany's high court" thereby showing its resolve and power to influence the issue.²³⁹

German Government research institutes as well as international security organizations publish analyzes of policy and guidance regarding crime and immigration that could be used to enhance German security measures related to immigration and crime. The Stiftung Wissenschaft und Politik in Berlin published an article as recently as August 2007 that stressed the need for the EU to set out a clear immigrant integration agenda.²⁴⁰ The Interpol website contains summary information on Germany's judicial and police force capabilities that can be shared with other law enforcement officials in the EU for a unified and cooperative effort to address immigrant-related crime in Europe.²⁴¹ News reporting in 2007 remarked that Europol had requested an increase in its powers for prosecution of new threats (currently limited to organized crime).²⁴² "The German authorities ... requested the assistance of Europol in supporting their national measures taken to ensure the security of the FIFA World Cup in Germany starting on 9 June

²³⁶ FDP Website. <http://www.country-studies.com/germany/free-democratic-party.html>. Accessed 12 February 2008.

²³⁷ Ibid.

²³⁸ New York Times Website. <http://query.nytimes.com/gst/fullpage.html?res=9B05E5DD163BF930A15750C0A9649C8B63&sec=&spon=&pagewanted=print>. Accessed 12 February 2008.

²³⁹ Ibid.

²⁴⁰ Roderick Parkes. "Immigrant Integration Meets European Integration". SWP Berlin August 2007, 1-12.

²⁴¹ Interpol Website. <http://www.interpol.int/Public/Region/Europe/pjsystems/Germany.asp>. Accessed 12 February 2008.

²⁴² Deutsche Welle Website. <http://www.dw-world.de/dw/article/0,2144,2438867,00.html>. Accessed 12 February 2008.

(2006)."²⁴³ There is a historical precedent for Germany to request assistance from Europol regarding security matters internal to their borders.

D. INTERNATIONAL COOPERATION

The need for improved cooperation between European law enforcement agencies has been prominent in recent public debates since the trial of French serial killer Michel Fourniret.²⁴⁴ The German Justice Minister, Brigitte Zypries, has stressed the importance of improved networking of existing national crime registers in an updated electronic system to replace the paper-based system instead of creating another EU-wide crime database.²⁴⁵

*Germany is currently working together with France and Spain on a computer-based system for exchanging crime register data..... (to) make it possible to submit information requests on-line to police authorities in the respective other countries and for the latter to respond quickly and without need for bureaucratic procedures.*²⁴⁶

Recently, Europe's joint crime-fighting instruments, which include "European arrest warrant, mutual assistance in providing evidence, as well as mutual recognition and enforcement of court judgments," have improved the overall security system in Europe.²⁴⁷

European heads of state have reached a consensus regarding the need for "developing a common EU policy on asylum and migration and combining this with the

²⁴³ Europol Website. <http://www.europol.europa.eu/index.asp?page=news&news=pr060608.htm>. Accessed 12 February 2008.

²⁴⁴ German Federal Government and Chancellor (Bundesregierung). "Europe doesn't need a central crime register". 7/9/04. <http://www.bundesregierung.de>. Accessed 21 February 2008.

²⁴⁵ Ibid.

²⁴⁶ Ibid

²⁴⁷ Ibid.

fight against international terrorism."²⁴⁸ This policy, under the Hague Programme, will seek to develop a "common EU authority for asylum matters by the year 2010" and to "expand judicial cooperation."²⁴⁹ Unfortunately, an "agreement on the creation of a European office of public prosecutions" has yet to be reached.²⁵⁰ "Under (the Hague Program) member states are to cooperate more closely in fighting terrorism and to implement the principle of mutual recognition of judicial decisions in criminal matters."²⁵¹

E. EUROPEAN INSTITUTIONS TO ADDRESS CRIME AND IMMIGRATION ISSUES

Today, there exist several institutions around the world that address transnational crime and are well suited to change in scope to become a forum to address immigration issues as well. The ability of an institution to transform its mission long after its inception is encapsulated in the North Atlantic Treaty Organization (NATO).

1. NATO

The Washington Treaty, signed on 4 April 1949, constructed the foundation of NATO's requirement for political consultation, manifested by rhetoric and through burden-sharing and burden-shifting. The Treaty's adaptability and flexibility has ensured the success of NATO for decades. Articles II, III, IV and IX directly required the members of NATO to create the institutions and protocols in a manner that allowed their roles and discussion to transform with the ever-changing challenges of the international

²⁴⁸ German Federal Government and Chancellor (Bundesregierung). "Creating a common European asylum and immigration policy- Foreign Minister Joschka Fischer underscored the consensus that exists among the European heads of state and government on the "Hague Programme".2004, 11-15. <http://www.bundesregierung.de/en/Latest-News/Information-from-the-Government-10157.745278/artikel/Creating-a-common-European-asy.htm>. Accessed 21 February 2008.

²⁴⁹ German Federal Government and Chancellor (Bundesregierung). "Creating a common European asylum and immigration policy- Foreign Minister Joschka Fischer underscored the consensus that exists among the European heads of state and government on the "Hague Programme".2004, 11-15. <http://www.bundesregierung.de/en/Latest-News/Information-from-the-Government-10157.745278/artikel/Creating-a-common-European-asy.htm>. Accessed 21 February 2008.

²⁵⁰ Ibid.

²⁵¹ Ibid.

community. The deliberate stepping stone approach of increasing the number of members and the functional scope of NATO has effectively maintained security in Europe since 1949. The flexibility of NATO's membership, military involvement and constant political consultation as promulgated by the Articles continues to ensure NATO's success. The "explanation of NATO's impressive longevity... is based (on)...how and why NATO's declarations kept changing ...shed(s) some light on what held the alliance together- how its political response system worked, and perhaps how it may be expected to work in the future."²⁵² "It was important to build on the existing foundation in institutions in Europe of which NATO was an essential one. The Alliance has already changed substantially since the end of the Cold War. The concept of containment no longer governed NATO's strategy and planning. Instead, the Alliance was focusing on new threats that could arise from ethnic and territorial disputes, weapons of mass destruction and other post-Cold War risks."²⁵³

NATO's ability to slowly expand its membership to maintain its power while increasing its influence and its activities outside of its original borders has increased the security of Europe and the World. The Maturity of the Alliance provides a cornerstone to the success of international cooperation throughout the world in which the mission truly defines the coalition. NATO solved the empirical puzzle by expanding and redefining its mission it did not fall apart. NATO provides the mold by which other international organizations should cast their model of an organization's flexibility.

2. The United Nations (UN)

In the worldwide organization's opening pages of its founding document, the Charter of the United Nations, signed in San Francisco in June of 1945, bears the key to the inability of the UN to address transnational crime stemming from illegal immigration. The people of the United Nations pledged they were determined to "promote social progress and better standards of life in larger freedom, and for these ends to practice

²⁵² Ian Q.R. Thomas. *The Promise of Alliance NATO and the Political Imagination*. Oxford England, Rowman & Littlefield Publishers, Inc. 1997, 5.

²⁵³ Ronald D. Asmus. *Opening NATO's Door How the Alliance Remade Itself for a New Era*. New York. Columbia University Press. 2002, 110.

tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security."²⁵⁴ The UN focuses on peaceful migration not the enforcement of crime associated with illegal migration. Chapter I of the UN Charter specifically outlines the purposes of the UN which includes "to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to peace.... To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights.... (and) to be a centre for harmonizing the actions of nations in the attainment of these common ends."

²⁵⁵ The Charter enables the UN to become an umbrella for international cooperation regarding illegal immigration issues; however the institution does not focus on enforcement as much as resolution. Article 52 of the charter further exemplifies that "regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security" are in the intent of the UN as long they are consistent with the "purposes and principles" of the UN.²⁵⁶ Chapter IX of the charter addresses international economic and social cooperation and states the "UN shall promote solutions of international economic, social, health and relation problems; and international cultural and educational co-operation."²⁵⁷ Article 62 establishes the "Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned."²⁵⁸

The UN addresses international crime with rhetoric and plans but with little action. "The international community, preoccupied as it was with East-West competition

²⁵⁴ United Nations. *Charter of the United Nations and Statute of the International Court of Justice*. New York. Department of Public Information. 1945, 3-4.

²⁵⁵ Ibid., 5-6.

²⁵⁶ Ibid., 34.

²⁵⁷ Ibid., 37.

²⁵⁸ United Nations. *Charter of the United Nations and Statute of the International Court of Justice*. New York. Department of Public Information. 1945, 41.

and with regional conflicts, has been slow to come to terms with the new challenge posed by transnational criminal organizations. One major initiative in bringing the threat to public attention, however, was the World Ministerial Conference on transnational organized crime held in Naples from 21 to 23 November 1994"²⁵⁹ at which representatives assembled. A Political Declaration and Action Plan "designed to initiate more effective measures to prevent and control cross-border criminal activities" were the fruits of the meeting.²⁶⁰ These papers contained a "series of recommendations that can be initiated in response at the national, regional and global levels" which highlighted the "reasons why organized crime has taken on a transnational character as well as the kinds of challenges it poses to national and international security".²⁶¹ The papers also highlighted the need to incorporate national activities that both prevent and control international crime and "the need for inter-state cooperation against transnational organized crime, but also identifies the impediments to cooperation, many of which come down to concerns over sovereignty."²⁶² The UN report stresses the importance of regional cooperation as transnational crime takes "different forms in different regions.... There have already been some very positive regional initiatives, which have extended the bounds of cooperation beyond purely bilateral. These include the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime."²⁶³ "Bilateral, regional and multilateral forms of cooperation all have certain advantages and ... they should be regarded as complementary."²⁶⁴ Decisive action taken against transnational organized crime in many countries and the "attention devoted to it by the Commission on Crime Prevention and Criminal Justice and the legislative bodies of the United Nations, in particular the General Assembly and the Economic and Social Council, demonstrate that the issue is a major priority for member

²⁵⁹ Paul Williams and Ernesto U. Savona. *The United Nations and Transnational Organized Crime*. London. Frank Cass.1996, viii.

²⁶⁰ Ibid., viii.

²⁶¹ Ibid., ix.

²⁶² Ibid., ix.

²⁶³ Paul Williams and Ernesto U. Savona. *The United Nations and Transnational Organized Crime*. London. Frank Cass.1996, 147.

²⁶⁴ Ibid., x.

states."²⁶⁵ The UN continues to offer an opportunity for the sharing of ideas regarding transnational crime, but remains ill suited for regional actions required in Europe to address the need for coordinated immigration policies.

December 12-15, 2000, 124 countries signed the UN Convention Against Transnational and Organized Crime, only 81 member countries signed the protocol against trafficking persons and only 78 member countries signed the protocol against smuggling migrants.²⁶⁶ Unfortunately, the UN's Millennium Development Goals fails to include addressing transnational crime and immigration issues.²⁶⁷ And the current UN Security Council efforts center on important localized conflicts throughout the world and not the question of transnational crime and illegal immigration.²⁶⁸ The solution to the immigration issues in Europe requires action, not declarations, therefore the UN remains ill suited to offer a solution, but regional focused institutions in Europe offer that opportunity.

3. The Organization for Security and Cooperation in Europe

"With 56 participating States from Europe, Central Asia and North America, the (OSCE) forms the largest regional security organization in the world. The OSCE is a primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in its area. It has 19 missions or field operations in South-Eastern Europe, Eastern Europe, the Caucasus and Central Asia. The Organization deals with three dimensions of security - the politico-military, the economic and environmental, and the human dimension. It therefore addresses a wide range of security-related concerns, including arms control, confidence- and security-building measures, human rights, national minorities, democratization, policing strategies, counter-terrorism and economic

²⁶⁵ Paul Williams and Ernesto U. Savona. *The United Nations and Transnational Organized Crime*. London. Frank Cass.1996, 156-7.

²⁶⁶ UN Website. <http://www.unodc.org/palermo/convmain.html>. Accessed 17 September 2007.

²⁶⁷ UN Website. <http://www.un.org/millenniumgoals>. Accessed 17 September 2007.

²⁶⁸ UN Website. [http://www.un.org/Docs/sc/unsc_resolutions05\(06\)and\(07\).htm](http://www.un.org/Docs/sc/unsc_resolutions05(06)and(07).htm). Accessed 17 September 2007.

and environmental activities. All 56 participating States enjoy equal status, and decisions are taken by consensus on a politically, but not legally binding basis."²⁶⁹

"The OSCE traces its origins to the détente phase of the early 1970s, when the Conference on Security and Co-operation in Europe (CSCE) was created to serve as a multilateral forum for dialogue and negotiation between East and West. Meeting over two years in Helsinki and Geneva, the CSCE reached agreement on the Helsinki Final Act, which was signed on 1 August 1975. This document contained a number of key commitments on politico-military, economic, environmental and human rights issues that became central to the so-called 'Helsinki process'. It also established ten fundamental principles (the 'Decalogue') governing the behavior of States towards their citizens, as well as towards each other. Until 1990, the CSCE functioned mainly as a series of meetings and conferences that built on and extended the participating States' commitments, while periodically reviewing their implementation. However, with the end of the Cold War, the Paris Summit of November 1990 set the CSCE on a new course. In the Charter of Paris for a New Europe, the CSCE was called upon to play its part in managing the historic change taking place in Europe and responding to the new challenges of the post-Cold War period, which led to its acquiring permanent institutions and operational capabilities. As part of this institutionalization process, the name was changed from the CSCE to the OSCE by a decision of the Budapest Summit of Heads of State or Government in December 1994."²⁷⁰ Like NATO, through this process OSCE demonstrated its ability to transform to the needs of the regional community it supported. Of note Spain, Germany and France were admitted to the CSCE on 25 June 1973.²⁷¹ The backbone of the OSCE could provide a strong and appropriate foundation for immigration policy coordination among the European Nations.

²⁶⁹ OSCE Website. <http://www.osce.org/about/19298.html>. Accessed 16 September 2007.

²⁷⁰ OSCE Website. <http://www.osce.org/about/19298.html>. Accessed 16 September 2007.

²⁷¹ Ibid.

a. Interpol

Interpol, the world's largest international police organization, was created in 1923, and "it facilitates cross-border police co-operation, and supports and assists all organizations, authorities and services whose mission is to prevent or combat international crime" among its 186 member countries.²⁷² "Interpol aims to facilitate international police co-operation even where diplomatic relations do not exist between particular countries."²⁷³ In theory, Interpol's global police communications system should provide police with a common platform to "share crucial information about criminals and criminality", but it is only as beneficial if it is used.²⁷⁴ The organization's databases and services "ensure that police worldwide have access to the information and services they need to prevent and investigate crimes. Databases include data on criminals such as names, fingerprints and DNA profiles, and stolen property such as passports, vehicles and works of art."²⁷⁵ "Interpol supports law enforcement officials in the field with emergency support and operational activities, especially in its priority crime areas of fugitives, public safety and terrorism, drugs and organized crime, trafficking in human beings and financial and high-tech crime. A Command and Co-ordination Centre operates 24 hours a day, seven days a week."²⁷⁶ "Interpol provides focused police training initiatives for national police forces, and also offers on-demand advice, guidance and support in building dedicated crime-fighting components. The aim is to enhance the capacity of member countries to effectively combat serious trans-national crime and terrorism."²⁷⁷ The "sharing (of) knowledge, skills and best practices in policing through Interpol channels and the establishment of global standards on how to combat specific forms of crimes" is a great first step toward cooperation and coordination.²⁷⁸ Although Interpol provides a secure system that allows the national centers to exchange information and

²⁷² Interpol Website. <http://www.Interpol.int/public/icpo/default.asp>. Accessed 18 September 2007.

²⁷³ Ibid.

²⁷⁴ Ibid.

²⁷⁵ Ibid.

²⁷⁶ Ibid.

²⁷⁷ Ibid.

²⁷⁸ Ibid.

focuses on training, there is still room for improvement. In order to destroy the international organized crime groups, coordination of international and domestic investigations is required; Interpol could eventually transform into an effective conduit to achieving this goal.²⁷⁹

b. Europol

"Europol is the European Union law enforcement organization that handles criminal intelligence. Its aim is to improve the effectiveness and cooperation between the competent authorities of the Member States in preventing and combating serious international organised crime and terrorism. The mission of Europol is to make a significant contribution to the European Union's law enforcement action against organised crime and terrorism, with an emphasis on targeting criminal organizations."²⁸⁰ This vague mission statement has enabled Europol to change with the needs of the region. "The establishment of Europol was agreed in the Maastricht Treaty²⁸¹ on European Union of 7 February 1992. Based in The Hague, Netherlands, Europol started limited operations on 3 January 1994 in the form of the Europol Drugs Unit (EDU) fighting against drugs. Progressively, other important areas of criminality were added. As of 1 January 2002, the mandate of Europol was extended to deal with all serious forms of international crime as listed in the annex to the Europol Convention. The Europol Convention was ratified by all Member States and came into force on 1 October 1998. Following a number of legal acts related to the Convention, Europol commenced its full activities on 1 July 1999."²⁸²

"Europol supports the law enforcement activities of the Member States mainly against: illicit drug trafficking, illicit immigration networks, terrorism, forgery of

²⁷⁹ Paul Williams and Dimitri Vlassis. *Combatting Transnational Crime Concepts, Activities and Responses*. London. Frank Cass. 2001, 275.

²⁸⁰ Europol Website. <http://www.europol.europa.eu/index.asp?page=facts>. Accessed 18 September 2007.

²⁸¹ This treaty was one of the founding treaties of the European Union. Other agreements regarding currency and political union followed.

²⁸² Europol Website. <http://www.europol.europa.eu/index.asp?page=facts>. Accessed 18 September 2007.

money (counterfeiting of the Euro) and other means of payment, trafficking in human beings (including child pornography), illicit vehicle trafficking, and money laundering. In addition, other main priorities for Europol include crimes against persons, financial crime and cybercrime. This applies where an organised criminal structure is involved and two or more Member States are affected."²⁸³ Europol's transformation of missions could be further increased to address illegal immigration issues directly.

"Europol supports (crime reduction) by facilitating the exchange of information, in accordance with national law, between Europol liaison officers (ELOs); ELOs are seconded to Europol by the Member States as representatives of their national law enforcement agencies; providing operational analysis in support of operations; generating strategic reports (e.g., threat assessments) and crime analysis on the basis of information and intelligence supplied by Member States and third parties; and providing expertise and technical support for investigations and operations carried out within the EU, under the supervision and the legal responsibility of the Member States concerned. Europol is also active in promoting crime analysis and harmonization of investigative techniques within the Member States."²⁸⁴ "The Europol Convention states that Europol shall establish and maintain a computerized system to allow the input, access and analysis of data. The Convention lays down a strict framework for... data protection, control, supervision and security. The Europol computer system (TECS) has three principal components: an information system, an analysis system, and an index system. Europol is funded by contributions from the Member States according to their GNP."²⁸⁵ The 2007 budget is 70.5 million Euros. ²⁸⁶ Europol's infrastructure and mission statements is very well suited to address crime and issues related to illegal immigration on a regional level.

²⁸³Europol Website. <http://www.europol.europa.eu/index.asp?page=facts>. Accessed 18 September 2007.

²⁸⁴ Europol Website. <http://www.europol.europa.eu/index.asp?page=facts>. Accessed 18 September 2007.

²⁸⁵ Interpol Website. <http://www.Interpol.int/public/icpo/default.asp>. Accessed 18 September 2007.

²⁸⁶ Ibid.

F. GERMAN USE OF INTERNATIONAL EUROPEAN ORGANIZATIONS TO INCREASE SECURITY AND DECREASE IMMIGRANT RELATED CRIME

1. German Involvement in the EU

Since the late 1940s, Germany's desire to establish its position in the world has affected both its foreign and security policies.²⁸⁷ Those policies exemplify Germany's "firm commitment to co-operation within multilateral institutions and by a rejection of the use of military force as a tool of foreign policy."²⁸⁸ Since the reunification of Germany on 3 October 1990, German foreign policy has changed substantially; "politicians have pushed the armed forces to take on more responsibility in securing international stability, and German military personnel are now found in all corners of the world, alongside those of the country's multilateral partners."²⁸⁹ Germany, due in part to its lack of a UN Security Council permanent seat, relies on its influence on other states within multinational institutions to ensure that its desires are realized in world politics.²⁹⁰ Current U.S. unilateral actions and the "mission defines the coalition" rhetoric do not benefit Germany.²⁹¹ Germany continues to forge "multilateral agreement through its involvement in small-group co-operation with leading states, such as in the NATO Quad (USA, UK, France, Germany) or in the so-called *directoire* (leading group) of the CDSP with France and the UK."²⁹² German economic and political might resounds at the center of the EU.²⁹³ Germany continues to fill international leadership roles; Germany "held the Presidency of the Council of the European Union in the first half of 2007."²⁹⁴

²⁸⁷ Simon Green, Dan Hough, Alister Miskimmon and Graham Timmins. *The Politics of the New Germany*. New York. Routledge. 2008, 157.

²⁸⁸ Simon Green, Dan Hough, Alister Miskimmon and Graham Timmins. *The Politics of the New Germany*. New York. Routledge. 2008, 157.

²⁸⁹ *Ibid.*, 157.

²⁹⁰ *Ibid.*, 171.

²⁹¹ *Ibid.*, 171.

²⁹² *Ibid.*, 171.

²⁹³ *Ibid.*, 1.

²⁹⁴ German Embassy Website Washington D.C.
http://www.germany.info/relaunch/politics/eu/eu_latest_news.html. Accessed 21 February 2008.

Under German leadership the EU Reform Treaty was addressed, and this treaty "is intended to lay new foundations for making the EU ready for the challenges of the 21st century. The common goal is to make the European Union more democratic, transparent and efficient."²⁹⁵ The EU with its open internal borders is addressing immigrant-related crime through its agencies and institutions. Germany has taken a leadership role in many of these arenas.

a. German Interaction with European Police College (CEPOL)

The EU established CEPOL as an EU agency in 2005 "to bring together senior police officers from police forces in Europe - essentially to support the development of a network - and encourage cross-border cooperation in the fight against crime, public security and law and order by organizing training activities and research findings."²⁹⁶ The German Police University hosted the 2007 CEPOL European Police Research and Science Conference, which "focused on issues regarding a European approach to police science and was dedicated to discuss the report tabled by the respective CEPOL Project Group."²⁹⁷ To address the need of EU member states to train their police academically and scientifically, "CEPOL established a temporary project group in 2005, called 'European Approach to Police Science'."²⁹⁸ On 19 October 2007, the strategic cooperation agreement between CEPOL and Europol was signed

to enhance the cooperation between Europol and CEPOL in strengthening the training of senior police officers, in particular by organizing courses, seminars and conferences and developing and implementing common curricula and course material... The agreement will also allow for the exchange of information between CEPOL and Europol and access to the European Police Research and Science Database (eDoc) at CEPOL. This agreement will further strengthen the collaboration between Europol and

²⁹⁵ German Embassy Website Washington D.C.
http://www.germany.info/relaunch/politics/new/pol_EU_Lisbon_Treaty_10_2007.html. Accessed 21 February 2008.

²⁹⁶ CEPOL Website. (Council Decision 2005/681/JHA of 20 September 2005 established CEPOL).
http://www.cepol.europa.eu/About_CEPOL/index.php. Accessed 21 February 2008.

²⁹⁷ CEPOL Website. http://www.cepol.europa.eu/knowledge/kr_rs_conferences_2007.php Accessed 21 February 2008.

²⁹⁸ Ibid.

*CEPOL in the training of senior police officers in Europe to encourage the cross-border cooperation in the fight against crime, public security and law and order.*²⁹⁹

During the first half of 2007, Germany held the Presidency of CEPOL. The existing CEPOL curriculum is being improved to include Management of Diversity and other very difficult international police issues.³⁰⁰ "The Common Curriculum on Police Cooperation and Europol aims to support CEPOL partners to establish and develop national and international training about Europol and its role in the international law enforcement cooperation."³⁰¹ Germany and other countries will continue to capitalize on the power of CEPOL to educate law enforcement personnel; this education can assist police professionals to reduce the incidence and the severity of immigrant-related crime.

b. German Interaction with EUROJUST

In 2002, the EU created EUROJUST "to enhance the effectiveness of the competent authorities within Member States when they are dealing with the investigation and prosecution of serious cross-border and organised crime."³⁰²

EUROJUST stimulates and improves the co-ordination of investigations and prosecutions between competent authorities in the Member States... by facilitating the execution of international mutual legal assistance and the implementation of extradition requests" which allows "investigations and prosecutions (to be) more effective when dealing with cross border crime...EUROJUST is the first permanent network of judicial authorities to be established anywhere in the world. EUROJUST hosts meetings, with translation facilities, between investigators and prosecutors from different states dealing with individual cases and at a strategic level and specific types of criminality. EUROJUST fulfils a unique role as a new permanent body in the European legal area. Its mission is to enhance the development of

²⁹⁹ Europol Website. http://www.europol.europa.eu/index.asp?page=news&news=pr071022_2.htm. Accessed 21 February 2008.

³⁰⁰ CEPOL Website. www.cepola.europa.eu/news/newsitem/ni0008.pdf. Accessed 21 February 2008.

³⁰¹ CEPOL Website. http://www.cepola.europa.eu/knowledge/kr_rs_conferences_2007.php. Accessed 21 February 2008.

³⁰² Eurojust Website. <http://eurojust.europa.eu>. Accessed 21 February 2008.

*Europe-wide co-operation on criminal justice cases... The national members are senior, experienced prosecutors or judges; some national members are supported by Deputies and Assistants.*³⁰³

Since its inception, Germany has been and continues to remain involved in EUROJUST. Germany participated in a February 2003 EUROJUST coordination meeting in Finland.³⁰⁴ However, some German laws complicate implementation of decisions made by EUROJUST.³⁰⁵ In 2002-2003, Germany was the country with the second highest number of requests submitted to EUROJUST.³⁰⁶ Germany continues to support and utilize EUROJUST in its efforts to address transnational crime of different sorts. The increased coordination across borders reduces the possibility of immigrant criminals to flee from one area of jurisdiction to another and therefore reduces the likelihood of heinous immigrant-caused crime.

c. German Interaction with Europol

Although EUROPOL was established in 1992, it did not begin to fulfill all its requirements until 1999.³⁰⁷ Coordinated action through EUROPOL can address crime and has been achieved quite recently. EUROPOL is well suited to address and reduce immigrant related crime.

Germany supports EUROPOL through its personnel. In 2007, just under sixty employees of EUROPOL were German Nationals.³⁰⁸ The graph below shows that this is quite supportive as compared to most other nations.

³⁰³ Eurojust Website. <http://eurojust.europa.eu>. Accessed 21 February 2008.

³⁰⁴ UK Parliament Website.
<http://www.publications.parliament.uk/pa/ld200304/ldselect/ldcom/138/138.pdf>. Accessed 21 March 2008.

³⁰⁵ Ibid.

³⁰⁶ Ibid.

³⁰⁷ Europol Website. <http://www.europol.europa.eu/index.asp?page=facts>. Accessed 21 March 2008.

³⁰⁸ Ibid.

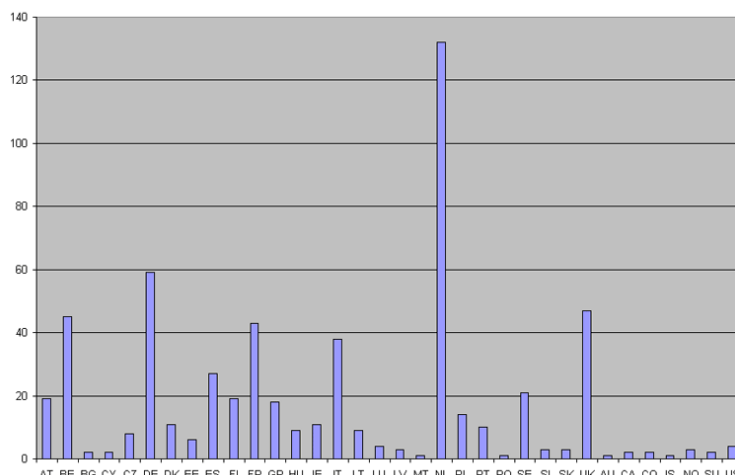


Figure 12. EUROPOL Staff by Nationality.³⁰⁹

Currently, Germany also holds a noteworthy leadership role at EUROPOL. "The Directorate of Europol is appointed by the Council of the European Union (Ministers for Justice and Home Affairs). It currently consists of Director Max-Peter Ratzel (Germany) and the Deputy Directors Mariano Simancas (Spain), Michel Quillé (France) and Kevin O'Connell (United Kingdom)."³¹⁰

German cooperation with EUROPOL has resulted in great dividends in fighting crime. In January 2006, a EUROPOL-supported German and Dutch investigation resulted in raids of four production and storage locations of illegal synthetic drugs, the arrest of 21 people, and the end of a "major criminal group."³¹¹ As previously noted, Germany requested EUROPOL support of German security for the FIFA World Cup 2006 that was hosted by Germany; the football³¹² tournament was a security success

³⁰⁹ Europol Website. <http://www.europol.europa.eu/index.asp?page=personnel>. Accessed 21 March 2008.

³¹⁰ Europol Website. <http://www.europol.europa.eu/index.asp?page=facts>. Accessed 21 March 2008.

³¹¹ Europol Website. [http://www.europol.europa.eu/publications/Annual_Reports/EuropolAnnualReport 2006.pdf](http://www.europol.europa.eu/publications/Annual_Reports/EuropolAnnualReport%202006.pdf). Accessed 21 March 2008.

³¹² Author's Note: Football here refers to soccer and not American Football.

thanks to the cooperation with EUROPOL.³¹³ German surveillance teams coordinated through the EUROPOL liaison bureau to assist in the arrest of persons transporting explosives from Denmark to Switzerland in a vehicle.³¹⁴ In this author's opinion, it is just a matter of time until this documented cooperation includes an incident of violent crime committed by immigrants crossing borders or involving illegal actions in multiple nations. German contributions to EUROPOL efforts do not stop at the action level but reach into helping EUROPOL become a better organization to enable action.

German efforts have also improved EUROPOL's infrastructure. As previously noted, Germany has also assisted in the enhancement of EUROPOL Information Systems, and "in 2006 the German and Dutch data loaders began operation and Spain and Denmark started development and testing of their data loaders... EUROPOL plans to add a number of enhancements to the information system, including an audit tool as well as upgrades requested by users."³¹⁵ Germany shares cases from its "national data network into the Europol information system."³¹⁶ Germany's shared information with other nations through EUROPOL strives to reduce international drug trafficking, organized crime, and international terrorism.³¹⁷ The sheer volume of information that Germany is sharing is nothing short of impressive. This year it is projected that the "overall number of transactions will exceed 12,000."³¹⁸

G. SUMMARY OF GERMAN INTERNATIONAL COORDINATION EFFORTS

Germany's coordination with other European nations and European security institutions remains on par with the security threat that immigrant-related crime has posed in recent years. The presence of Non-Governmental Organizations (NGOs) that are also

³¹³ Europol Website.
http://www.europol.europa.eu/publications/Annual_Reports/EuropolAnnualReport2006.pdf. Accessed 21 March 2008.

³¹⁴ Ibid.

³¹⁵ Ibid.

³¹⁶ Ibid.

³¹⁷ Ibid.

³¹⁸ Ibid.

supported by the German Government unequivocally shows German resolve to not only address the issues at hand, but also protect the individual citizens of Germany (illegal or not) who are affected by immigrant-related crime. The research findings contained in this thesis show that all elements of German society acknowledge the problem and that German security institutions, and political parties in coordination with concerned citizens, are looking both within and beyond the country's borders for resolution of the issues at hand. In conclusion, continued international coordination in attempts to decrease immigrant-related crime can be expected in the future. The impact of Germany's leadership role within European security institutions is recognized in the European community and the international press. It can be expected under the leadership of Angela Merkel the trend of German efforts to enhance security will continue in the foreseeable future.

H. PAST MOVEMENT TOWARDS COOPERATION ON IMMIGRATION

After the Treaty of Rome in 1957, and a series of bilateral agreements in Europe, the Schengen agreement in 1985 was the next milestone regarding migration in Europe, however many view the Schengen Agreement "skeptically in many quarters. The soft spots in the external frontiers mean that abandoned frontier checks will require compensatory mechanisms and intelligence sources to enable police to cope with the anticipated increase in transnational organized crime making use of safe havens in the vulnerable pockets of immigrant ghettos."³¹⁹ "The Schengen Agreement envisaged the removal of intra-EC borders in exchange for strengthening the region's external borders."³²⁰ "After the signing of the Schengen Agreement, the Ministers Responsible for Immigration created the Ad Hoc Immigration Group of Senior Officials (AHIG) as the organizational vehicle for pursuing cooperation on immigration policies. During the next two years the AHIG attempted to devise measures and principles on visa policy, external borders, and common rules to determine the member state responsible for examining an

³¹⁹ Alasdair Stewart. *Migrants, Minorities and Security in Europe*. UK. Research Institute for the Study of Conflict and Terrorism. June 1992, 13.

³²⁰ Demetrios Papademetriou. *Coming Together or Pulling Apart? The European Union's Struggle with Immigration and Asylum*. Washington DC. Carnegie Endowment for International Peace. 1996, 24.

asylum application. Emphasizing the connections between border controls and immigration, the AHIG insisted that each member state consider measures necessary to compensate for potential security risks to the other members should its own external border policies fail."³²¹ Unfortunately, to this day the region's external borders of the EU remain somewhat permeable to transnational criminals and illegal immigrants.

Another "principal catalyst for increased intergovernmental cooperation on immigration policies among EC member states was the February 1986 signing of the Single European Act (SEA), which entered into force on July 1, 1987. The Act marked the first major reform of the EEC's "constitutional" framework since the 1957 Rome Treaty... To abolish frontiers between EC countries would in turn convince member states of the need to cooperate on admission and other border control measures, thus creating a context for subsequent efforts to bring immigration policy into the institutional framework of the EC. Although the Act did not include mention of common immigration policies, Article 8a of the SEA set policy goals that, realistically could not (and cannot) be fully realized without EC-wide policies on immigration."³²² Article 8a created an "area without internal frontiers in which the free movement of goods, persons, services and capital is ensured" and resulted in immediate conflict regarding the Article's interpretation.³²³ "Although the Act did not create a common immigration policy, the implications of its priority objectives- particularly in the security realm- generated sufficient cause for subsequent attempts to bring immigration matters into the ambit of Community competence." ³²⁴

I. CONCLUSION AND SUMMARY OF FINDINGS

Coordination of immigration policies is necessary for success in Europe due to the porous borders. Scholars agree that "the best evolution in this regard would be for the

³²¹ Demetrios Papademetriou. *Coming Together or Pulling Apart? The European Union's Struggle with Immigration and Asylum*. Washington DC. Carnegie Endowment for International Peace. 1996, 25.

³²² Ibid., 22-3.

³²³ Demetrios Papademetriou. *Coming Together or Pulling Apart? The European Union's Struggle with Immigration and Asylum*. Washington DC. Carnegie Endowment for International Peace. 1996, 23.

³²⁴ Ibid., 24.

EC processes and institutions to become the primary European setting for immigration policy development and implementation. This would place immigration squarely into the framework where overarching issues of regional concern are handled. It would also overcome the deficiencies of the intergovernmental process... In this connection, the Maastricht right of co-initiative should be fully utilized".³²⁵ The EU and Europol offer the infrastructure of well established institutions that are capable of addressing immigration policy cooperation. "Establishing immigration systems and policies in Europe should be the path to effective facilitation and regulation of migration flows that are inevitable and to incorporating immigration effectively into a nation's economic and social goals. Nevertheless, Fortress Europe could also be the outcome if policy implementation is not generous and is driven by xenophobia."³²⁶ Effective and united cooperation addressing regional immigration issues could avoid future conflict and enhance the benefits of legal immigration and working in the regions. "Should the idea of a quota system take hold, levels of annual immigrant admissions could be proposed by the EC Commission, after consultation with the European Parliament, to the EC Council of Ministers. Or, the EC could establish a new position of High Commissioner for Immigration, with duties that would include making recommendations for meetings the EC's immigration needs. A Migration Convention might also allow for a non-EC national legally residing in a member state to work in another EC country, thereby increasing the labor pool within the EC able to respond to the region's labor demands," but this may result in more rhetoric than less action.³²⁷ The (European) immigration problem "requires harmonization of legal systems (to provide a)... substitute for the lack of a 'hard' external frontier. Immigration, drugs and crime cannot be tackled in sequence but must all be addressed at the same time; (which)... demands international co-

³²⁵ Doris M. Meissner et al. *International Migration Challenges in a New Era*. New York. Trilateral Commission. 1993, 62.

³²⁶ Ibid., 63-4.

³²⁷ Doris M. Meissner et al. *International Migration Challenges in a New Era*. New York. Trilateral Commission. 1993, 65.

operation, information exchange and at least bilateral cross-frontier arrangements.... Only a strong efficient EC can produce the surplus to aid the rest of Europe and meet its global responsibilities." ³²⁸

"A comprehensive, multi-layered approach to international cooperation in criminal justice and law enforcement in the fight against transnational organized crime" is needed to address the illegal immigration problem in Europe.³²⁹ "Ideally, a truly effective international approach would be composed of a web of bilateral, regional and multilateral agreements complementing and promoting one another....Bilateral and multilateral forms of cooperation are complementary rather than mutually exclusive, but whether international cooperation can evolve in ways that allow a response to transnational criminal organizations commensurate with the threat depends on the capacity of states to understand that criminal justice and law enforcement systems can no longer be viewed as purely national concerns."³³⁰ Immigration is a regional issue that requires a regional forum to ensure cooperation and desired effect. Immigration policies within a region are only as strong as the weakest link.

"Multiculturalism, which is so constantly and passionately promoted, can sometimes amount to an abandonment and denial, a flight from one's own heritage. However, multiculturalism cannot survive without common foundations, without a sense of direction offered by our own values." ³³¹ "Integration, this wonderful concept so beloved by the liberal West, is really a form of imposition. And what about dialogue, tolerance, respect, and reciprocal offers to meet and learn from each other?" ³³²

The age of migration could be marked by the erosion of nationalism and the weakening of divisions between peoples. Admittedly there are countervailing tendencies, such as racism, the 'fortress Europe' mentality,

³²⁸ Alasdair Stewart. *Migrants, Minorities and Security in Europe*. UK. Research Institute for the Study of Conflict and Terrorism. June 1992, 25.

³²⁹ Paul Williams and Ernesto U. Savona. *The United Nations and Transnational Organized Crime*. London. Frank Cass.1996, 157.

³³⁰ Paul Williams and Ernesto U. Savona. *The United Nations and Transnational Organized Crime*. London. Frank Cass.1996, 157.

³³¹ Joseph Ratzinger and Marcello Pera. *Without Roots The West , Relativism, Christianity, Islam*. New York. Basic Books. 2006, 79.

³³² Ibid., 17.

*or the resurgence of nationalism in certain areas... But the inescapable central trends are the increasing ethnic and cultural diversity of most countries, the emergence of transnational networks which link the societies of emigration and immigration countries and the growth of cultural interchange.*³³³

"For a person to be integrated into society, one must first be clear and firm about what he or she is being integrated into. Integration cannot be accomplished by just saying that our house is so hospitable, so big, so divested of its own symbols (starting with the crucifix), with room enough for the visitor or anyone else to do whatever they may want. Such an attitude, as you say, amounts to 'a flight from one's own things'. Integration is different, profoundly different from aggregation. Integration presumes that there is a dialogue that takes the host's position as a starting point. The only thing that aggregation presumes that there is a dialogue that takes the host's position as a starting point. The only thing that aggregation presumes is indulgence. Integration does not mean having equal departure points. It means sharing an equal willingness to accept the common arrival point." ³³⁴ Because of European citizens' rights and prosperity, Europe will continue to draw immigrants for the foreseeable future.³³⁵

³³³Stephen Castles and Mark J. Miller. *The Age of Migration: International Population Movements in the Modern World*. New York. The Guilford Press. 1998, 298.

³³⁴ Joseph Ratzinger and Marcello Pera. *Without Roots The West, Relativism, Christianity, Islam*. New York. Basic Books. 2006, 90.

³³⁵ Ibid., 89.

APPENDIX

A SELECTION OF ANTI-JEWISH LAWS, DECREES AND ORDINANCES IN THE THIRD REICH³³⁶

Date	Title of Law, Decree or Ordinance	Purpose	
1933			
7 April 1933	Law for the Restoration of the Professional Civil Service	Excludes “non-Aryan” civil servants (exceptions for “privileged non-Aryans”)	Excludes of “non-Aryan” teachers (exceptions for “privileged non-Aryans”)
7 April	Law Regarding Admission to the Legal Profession	Excludes “non-Aryan” lawyers (with exceptions)	
22 April	Decree Regarding Physicians’ Services with the National Health Insurance	Excludes “non-Aryan” doctors from panel practice (with exceptions)	
25 April	Law Against the Overcrowding of German Schools	Introduces <i>Numerus Clausus</i> (1.5 percent)	
14 July 26 July	Law Regarding Revocation of Naturalization and Annulment of German Citizenship Decree to same law	Basis for the revocation of naturalization of eastern European Jews	
22 September	Law Regarding the Establishment of a Reich Chamber of Culture	Basis for excluding “non-Aryans” from art, music, literature, etc.	
29 September	Law Regarding Peasant Holdings	Excludes “non-Aryans from farm labor and ownership of land	
4 October	Law Regarding Editors	Excludes “non-Aryans” from journalism and the media	
23 March 1934	Law Regarding Expulsion from the Reich	Basis for deportation of eastern European Jews	

³³⁶ The Jewish Black Book Committee. *The Black Book: The Nazi Crime Against the Jewish People*. New York. Duell, Sloan and Pearce. 1946. Information provided by Dr. Carolyn Halladay of Penn State University on 07 May, 2008.

Date	Title of Law, Decree or Ordinance	Purpose	
21 May 1935	Defense Law	Excludes “non-Aryans” from military service	
26 June	Reich Labor Service Law	Excludes “non-Aryans” from the Labor Service	
15 September	Reich Law on Citizenship	Changes Jews’ legal status from citizen to subject	
15 September	Law for the Protection of German Blood and Honor	Criminalizes intermarriage	
14 November	First Decree Supplementing Reich Law on Citizenship	Compulsory retirement of all Jewish officials	Introduces and explains racial categories
28 March 1938	Law on the Legal Status of Jewish Communities	Deprives Jewish communities of status as “bodies of public law”	
22 April	Decree against Aiding Concealment of Ownership of Jewish Enterprises	Prohibits non-Jews from concealing Jewish business ownership	
26 April	Decree Regarding Registration of Jewish Property	Enforces registration of Jewish domestic and foreign property over 5,000 RM	
6 July	Law on Industrial Enterprises	Excludes Jews from industry	
23 July	Third Notice Regarding Identification Cards	Special ID cards for Jews	
25 July	Fourth Decree Supplementing Reich Law on Citizenship	Cancels licenses for Jewish doctors, with exceptions for care of Jewish patients	
17 August	Second Decree Supplementing Law Regarding Change of Names	Compulsory “Jewish” first names	
27 September	Fifth Decree Supplementing Reich Law on Citizenship	Revokes bar admission for Jews, with exceptions for representing Jewish clients	
12 November	Decree Regarding the “Atonement Fine” for Jews	Imposes a fine of 1 billion RM on all German Jews	

Date	Title of Law, Decree or Ordinance	Purpose	
12 November	Decree Regarding the Elimination of Jews from German Economic Life	Removes all remaining Jews from German economy	
12 November	Decree Regarding Restoration of Jewish Place of Business	Orders Jews to restore at their own cost all damages caused by "Crystal Night" pogrom	
15 November	Ordinance Regarding School Attendance of Jewish Children	Excludes all Jewish children from German schools	
28 November	Police Decree Regarding the Appearance of Jews in Public	Bans Jews from certain districts; restricted hours when Jews could appear in public (shopping, etc.)	
3 December	Decree Regarding Utilization of Jewish Property	Compulsory sale and restricted disposal of Jewish property	
21 February 1939	Third Ordinance Regarding the Registration of Jewish Property	Confiscates gold and valuables owned by Jews	
4 March	Decree Regarding the Employment of Jews	Introduces forced labor for Jews	
30 April	Law Regarding Leases with Jews	Basis for exclusion of Jews from non-Jewish dwellings and establishment of Jewish districts	
4 July	Tenth Decree Supplementing Reich Law on Citizenship	Establishes Reich Association of Jews in Germany as sole representative of all Jewish affairs	
2 February 1940	Decree Regarding the Emigration Tax for Jews	Establishes special emigration tax for Jews	
6 February	Decree Regarding Clothing Rationing for Jews	Withholds ration cards for clothing from Jews	
1 September 1941	Police Decree Regarding Identification Badges for Jews	Compels all Jews over the age of six to wear Star of David badge	
31 October	Decree Regarding the Employment of Jews	Fixes stringent regulations on the employment of Jews	
25 November	Eleventh Decree Supplementing the Reich Law on Citizenship	Deprives Jews residing abroad of their status as German subjects	

Date	Title of Law, Decree or Ordinance	Purpose	
17 April 1942	Ordinance Regarding Identification of Jewish Apartments	Requires marking of Jewish dwellings with Star of David	
17 April	Decree Regarding Use of Public Conveyances	Prohibits use of public transit to Jews	
15 May	“Nuisance” decree	Prohibits Jews from keeping pets	
29 May	“Nuisance” decree	Prohibits Jews from using the services of non-Jewish hairdressers	
19 June	Decree	Confiscates electric appliances, typewriters and bicycles owned by Jews	
9 October	“Nuisance” decree	Prohibits Jews from buying books	
1 July 1943	Thirteenth Decree Supplementing the Reich Law on Citizenship	Denies Jews protection of courts and puts them under police jurisdiction	

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Interviews

24 March 2008 1500-1830 Interview with Andre Ott (student of University-Political Science specialization) in Berlin.

25 March 2008 1030-1210 interview with Senior Lecturer Dr. Heiko Biehl of German Command and Staff Academy in Hamburg in Berlin.

25 March 2008 1400-1420 discussion at Kinderwelten with Aysegul Arslanoglu (Lernwerkstatt) in Berlin.

26 March 2008 1100-1210 interview at Friedrich-Naumann-Stiftung with Csilla Hatvany (Referentin Liberales Institut) and Carl Philipp Burkert (Leiter Virtuelle Akademie) in Potsdam.

26 March 2008 1400-1510 interview with Mr. Hebeker Head of Hanns Seidel Stiftung (CSU) and PHD journalist in Berlin.

27 March 2008 0900-0910 discussion with Petra Wagner (Projektleitung) at Kinderwelten in Berlin.

27 March 2008 1500-1610 interview with Dr. Heike Schmidt (Orijektbeauftragte Fur Zuwanderung und Integration) at Konrad Adenauer Stiftung – supports CSU in Berlin.

27 March 2008 1700-1820 interview with Ministry of the Interior Representative in Berlin. The views expressed during his interview are his own views and not that of the German government.

28 March 2008 1100-1210 interview with Dr. Ursula Muench (Comparative Domestic Politics Professor) in Munich.

28 March 2008 1230-1300 discussion with Bundespolizeidirektion Munchen Aufbaustab in Munich. The views expressed during the discussion were his own and not the views of the German government.

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