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Diakonie Bundesverband

Brot für die Welt

ccme
churches' commission for migrants in europe

Guidelines on Labour Migration and Development

Social Services for People Between Countries and Cultures

Content

3 Guidelines for Labour Migration and Development Summary

5 Introduction

6 Political Views and Assessment
6 Global Justice
7 Global Migration
8 Linkages between Migration and Economic Development
10 Social and Cultural Impacts
10 Migration Policy in the European Union
12 Prospects for Shaping Immigration to Germany
12 Need for Education Regarding the Effects of Migration on Health and Welfare Systems
13 Demographic Change and the Need for Qualified Workers
13 Cross-Border Mobility and the Law as it Relates to Aliens

15 Guidelines for Labour Migration and Development
Leitmotifs and Explanations, Potential Means of Implementation

25 Outlook

26 Sources

29 Project Group

31 Publishing Information

Guidelines for Labour Migration and Development Summary

In Germany and other European countries, concepts and instruments are being considered for the targeted recruitment of workers from third countries. These debates are also being argued from a development economics point of view. Diakonie would like to introduce the following guidelines to the discussion:

1. Migration and mobility belong to the history of the human race. At all times in human history, some part of the world's population has been on the move.
   From the beginning, human history has been characterised by migratory movement. This understanding has found its way into the biblical appreciation of man being only a temporary resident. Man's various experiences of migration inform the manifold biblical accounts: flight and exile, migration to escape famine, starting a family and returning to family, curiosity and a thirst for adventure, the call to departure and to prophecy. Many innovations and developments in history are unthinkable without migration. This goes for art and culture, architecture, and to the survival of natural disasters, wars and conflicts.

2. People and the inalienable rights with which they are endowed must be central to migration policy.
   According to Christian understanding, all people are God's creation, possessing a special dignity and, consequently, possessing human rights. Migrants follow their own life plans, hopes and aspirations. They have a right to primarily shape the course of their migration themselves. In places where human rights are ensured, guaranteed and protected, development becomes possible.

3. The right to free movement involves both the right to stay and the right to go.
   Migration is one possible way for an individual to adapt to changing circumstances in life and is thus an expression of the pursuit of freedom and self-determination. One goal of the advocacy for global justice and freedom, therefore, is to enable people to migrate on their own terms while simultaneously minimising incidents of being forced to leave their homes.

4. Diakonie gives advice and support to migrants in hardship and supports them in safeguarding their interests.
   Diakonie advises and assists people in need of guidance and support as well as those who have fallen into hardship and crisis situations. It promotes the integration and participation of migrants and runs programmes for international exchanges and encounters. In line with its mission, Diakonie advocates policies that protect refugees, both in Germany and abroad. It uses its knowledge and experience to influence German and EU migration policy.

5. Whenever migrants initiate and promote the development process in their home countries, they should be granted support.
   International migration is an important dimension of human development in the areas of economics, society and culture. In home countries as well as destination countries, it can function as an engine of growth and development. With the sizeable remittance of their savings and the experiences and qualifications they bring with them upon returning, many migrants contribute to the potential for economic development in their home countries. Diaspora organisations are deeply involved in development projects. These achievements should be honoured and supported sustainably.

6. The recruitment strategies of economically powerful countries should not be at the expense of the countries of origin.
When robust economies recruit doctors, nurses or other qualified professionals from abroad in order to reduce the costs of education, training or salaries at home, they promote shortages in the countries of origin ("brain drain"). To counteract the loss of workers and their know-how, development strategies are needed in the countries of origin. Otherwise, such recruitment must be avoided altogether. Recruiting countries should respond to worker shortages by improving the situation in the professions affected, making these more attractive for the German labour market, or they should take measures to mitigate the disruption in the countries of origin.

7. People from other countries are welcome in our immigrant society, both temporarily as well as with prospects for permanent residence and integration into society.
As not every migration is long-term, a limited first residence permit can be a useful regulation tool. After some years have passed, however, the right to freedom of movement and the right to a family life according to Art. 8 of the European Convention on Human Rights must take priority over the desire to regulate, especially since interpersonal relationships develop in such a period of time, relationships with great societal value. The – overwhelmingly positive – experience of the European Union's Freedom of Movement Act could be taken as encouragement to experiment with more liberal regulations. The prospect of permanent residence is conducive to social harmony.

8. Migration policy must reflect the fact that migration is often not a long-term, one-time act, but one that is temporary and undertaken multiple times.
In today's globalised world, migration has become more varied and accelerated. The global exchange of goods, services and workers has become reality in many areas, such as for seasonal labourers and harvest hands. When shaping legal migration, the courage to allow more freedom of movement, to ease regulatory demands and to simplify entry, return and re-entry is imperative.

9. The international labour standards protecting both migrants and domestic workers from exploitation and abuse must be ratified and fully implemented.
The standards agreed in international conventions stipulate that migrants may not be put at a disadvantage compared to domestic workers. These standards must be observed, regardless of a person's residence status – equal work, equal pay. In turn, this can protect the jobs of the resident population.

10. As an employer, Diakonie advocates equal conditions and opportunities in the workplace, as they are decisive for living together in a plural society and contribute to the fulfilment of Diakonie's specific societal mission.
This aim must be reflected both in labour policies and their implementation as well as in human resources recruitment and development. Within the framework of opening up Diakonie's institutions at an intercultural level, particular attention must be paid to giving appropriate consideration to job applications from migrants.

Introduction

In Germany and other European countries, concepts and instruments are being considered for the targeted recruitment of workers from third countries. Some of the arguments in favour of this are based on development policy. A project group was given the task of coming up with “Guidelines for Worker Immigration to Germany and its Effects and the Potential for Development in the Countries of Origin” which resulted in the development of this Diakonie text.

The guidelines demand (alt.: demand the rights of migrants to become the focus…?)that the rights of migrants become the focus of attention while also considering the needs of the countries of origin. The guidelines are concerned with migration from third countries, not from other EU countries (see Sources section for Diakonie publications on this topic). The Protestant Agency for Social Services and Development currently being founded will concern itself with international migration.

The guidelines were preceded by a consultation process between the National Diakonie Association, Bread for the World, the Protestant Church in Germany (EKD) and the Churches’ Commission for Migrants in Europe (CCME), which lasted several years. The conference on migration, integration, refugees and asylum of the EKD member churches and their agencies (KMIFA) initiated the process. Workshops took place in Hannover, Hamburg and Berlin, with the Church Development Service and other ecclesiastical and non-ecclesiastical migration and development experts participating, in order to develop common points of view of the interconnections between migration and development.

These guidelines are intended as a contribution to the debate and address political decision makers as well as the subdivisions and members of the National Diakonie Association. They affect not only ecclesiastical and social service–oriented migration and development work, but also Diakonie’s role as an employer. They include answers to questions on the need for immigration, what kind of regulations are needed to protect migrants, and which factors need to be considered, both for the labour market in Germany as well as with regard to the long-term effects of migration on the countries of origin. The guidelines include statements on which measures of human rights should be applied to the requirements for entry and residence and on whether the influx of workers may be regulated according to utilitarian criteria at all.

General observations and appraisals of justice and global migration are used to approach the topic. The basic patterns of international migration and their interactions with development processes are discussed first. Next come evaluations of migration policy in the European Union and in Germany. These are followed by the guidelines, each of which is flanked by a brief explanation as well as an illustration of how it may be implemented.

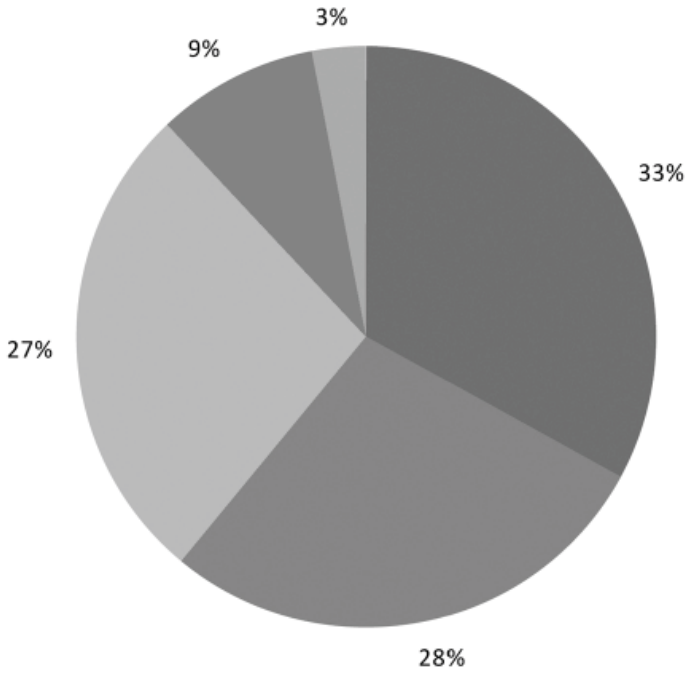
Workshop for Ecclesiastical Migration and Development Work 2009 in Hanover with ecumenical partners Photo: Bread for the World

Political Views and Assessment

Global Justice

All human beings have the right to leave any country, including their own, and to return to their country (Art. 13, para. 2, Universal Declaration of Human Rights). At first glance, this makes it difficult to understand why the declaration does not, on the other hand, lay down the right to enter another country. This would, however, present an unacceptable infringement of the principle of sovereignty if states were required to allow (labour) migrants into their territories without regulation. The Geneva Convention on Refugees, however, represents a significant deviation. In the convention, states commit themselves to not turning those persons away from their borders who have a particular need for protection, but rather to grant them protection and security.

Destination regions of international migration
Total: 215.8 million



Figures: World Bank Development Prospects Group's Bilateral Migration Matrix data (2010)

To make use of their right to emigrate, people must have a destination country that either supports them or at least tolerates their immigration. Otherwise, they are forced to choose risky, informal means of reaching their destination. In doing so, they often put their lives in the hands of criminal smugglers and endure life-threatening escapes over routes like the Mediterranean.

Differences in development and employment opportunities are the main deciding factors for international migratory movement. The desire to seek out employment in countries with better living and working conditions is a motive that is both understandable and fundamentally legitimate. Well-educated workers may not be able to put their expertise to use in their countries of origin; jobseekers may not find employment or sufficient pay. Weak rule of law or a lack of access to health care and education fuel the desire to emigrate. Although migrants cannot be held responsible for them, these circumstances serve as a justification for destination countries to refuse entry or to deny migrants a way out of illegality and the accompanying exploitative working conditions.

A policy geared toward isolation seems equally questionable against the backdrop of unequal rights. People from OECD states enjoy nearly unconditional freedom of movement and are able to travel the world as tourists, while citizens of developing countries with a desire for mobility are universally suspected by industrial countries of planning a permanent residence and are required to demonstrate positive plans of return in order to obtain permission to travel.

The principle that all people are equal is done an injustice by the fact that extreme poverty and wealth stand in opposition, separated by national borders and an enormous imbalance of power. In order to prevent marginalisation, borders must

become more permeable. When people see no alternative means of freeing themselves from poverty and dire straits, migration must be a possible and legal survival strategy. It must not be forgotten, however, that the poorest are not the ones who decide to immigrate, as they do not possess the means, social contacts, educational requirements and robust health necessary for establishing a new livelihood in a foreign country.

Due to increasing international interdependence and global interconnectedness, interstate agreements on shaping migration are needed that take the interests of all parties into consideration..

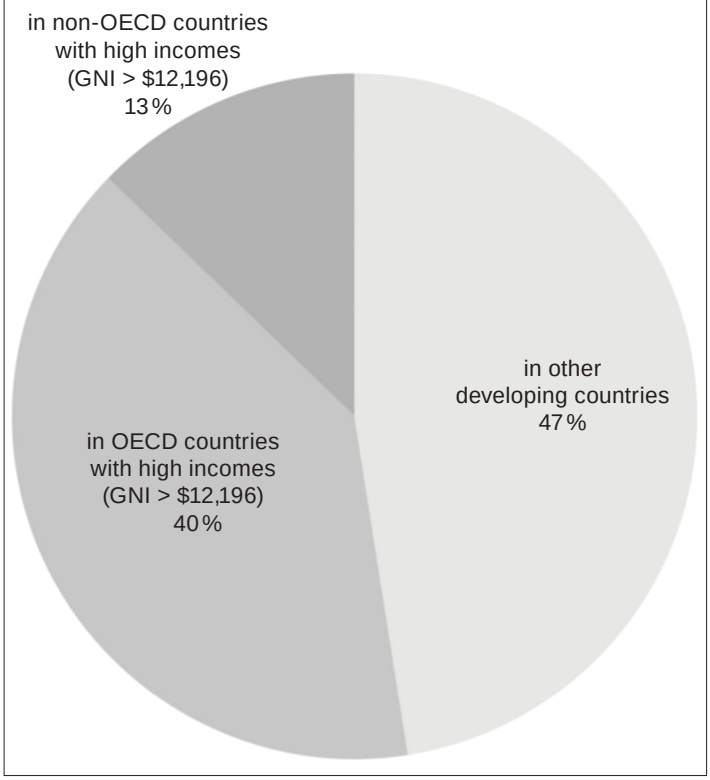
Global Migration

The International Organisation for Migrants estimates there were 214 million migrants worldwide in 2010. That represents three per cent of the world's population.[1] Migrant workers and their families account for about 90 per cent of all migrants. Only between seven and eight per cent of all people who reside abroad for an extended period of time are recognised refugees or asylum seekers.[2] The proportion of women has now nearly caught up with that of men.[3]

Migration is a global phenomenon and is in no way confined to Europe. Every year, there are approximately 1.3 million "new" international migrants from Asian countries alone. This number represents only 0.3 per cent of the Asian population, but this group's share of global migratory movements is tremendous.[4] Most of these migrants move within Asia or to the Gulf States, not to Europe.

About half of all migrants from developing countries migrate to other developing countries, usually those located nearby.[5] According to statistics, an industrial country is the destination in only every third case.

Migrants from developing countries worldwide
in millions



Source: Dilip Ratha and William Shaw: South–South Migration and Remittances, World Bank Working Paper No. 102, Washington DC 2007, p. 5

In 2005, the Global Commission on International Migration named three main causes of migration: development, demography and democracy.

Oftentimes migration is the answer to the desire for a higher income and better opportunities to apply one's own skills and knowledge. These opportunities are more likely to be found in a foreign country. At the same time, migration is also the result of extreme burdens and threats to life. It must be understood as an adaptation to failed development in the

1 International Organization for Migration (Ed.): Communicating Effectively about Migration. World Migration Report 2011, Geneva 2011, p. 49

2 International Organization for Migration (Hrsg.): Communicating Effectively World Migration Report 2011, Geneva 2011, p. 49

3 International Labour Office (Ed.): International labour migration: A rights-based approach, Geneva 2010, p. 2

4 IOM Independent Network of Labour Migration and Integration Experts (LINET) Anna Platonova und Guiliana Urso: Recent Migration from the Colombo Process Countries to the European Union, www.labourmigration.eu/research/reports/articles, (April 19.2012)

5 Dilip Ratha und William Shaw: South–South migration and remittances, World Bank Working Paper No. 102, Washington DC 2007 p. 14

country of origin. Unjust distribution of resources, worsened by rapid urbanisation, the lack of job opportunities, natural disasters, the consequences of climate change, lack of food security, famine and violent conflict present many people with no other choice than to leave their homeland.

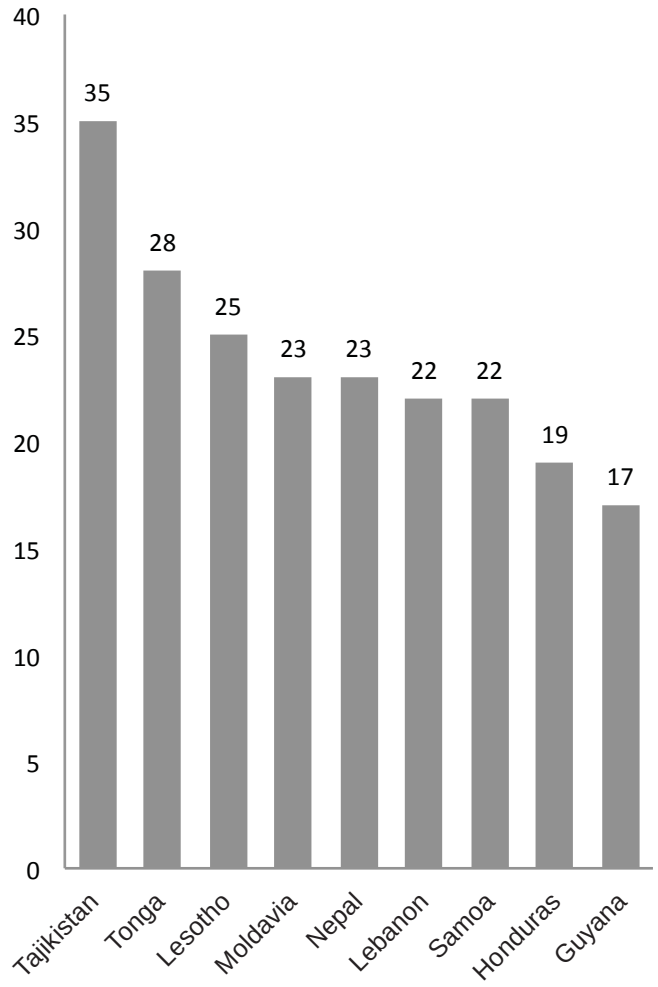
International law defines a refugee as a person living outside the country of which that person is a citizen or permanent resident, and who has a well-founded fear of persecution due to race, religion, nationality, belonging to a particular societal group or due to political beliefs, and who cannot seek protection by this state or who cannot return due to this fear of persecution.

International disparities in income, wealth, rule of law, human rights and security are known as push factors. Those persons who seek a way out of poverty and oppression by migrating are described disparagingly as economic refugees in European immigration societies and perceived as a burdensome threat in the media discourse. These immigrants are assumed to exploit the social welfare system.

The demand for well-educated, highly qualified persons is growing worldwide. However, less qualified jobseekers from countries with less developed economic structures also follow the demand in countries with booming economies. Demand for workers is great in the construction and industrial sectors (in the Arab Emirates, for example, for workers from India, Sri Lanka or the Philippines) and in agriculture (in Spain, for example, for workers from Morocco and Colombia).

Top ten recipient countries of remittances from abroad

as a percentage of gross national product



Source: World Bank (Ed.): Migration and Remittances Factbook 2011, Washington DC 2011

Linkages between Migration and Economic Development

Migration is an important factor for national, regional and international areas of politics, such as economy, social policy and culture. It can act as an engine of growth and development in both developing and industrial countries.

In destination countries, migrants add to the youth and strength of the labour force. They boost entrepreneurship and support the social welfare system with their contributions. In the countries of origin, the positive effects are in large part connected with the money transferred by emigrants. But also the transfer of investments, technology and knowledge by migrants who return to their home countries after living abroad can generate positive development impacts.

The remittances[6] that migrants send to family members and relatives left behind are mainly used for better living situations, food and consumption. Estimated to have been about

6 Here, the flow of funds from migrant labourers to their relatives in the countries of origin is meant.

60 billion dollars in 1990, these remittances to developing countries rose to 328 billion in 2008 and have since dropped only a small amount, despite the global economic crisis.[7] This given situation has made money transfers from abroad one of the most important sources of foreign currency. They have long represented several times the amount of official development aid. In contrast to direct investments, they flow with regularity.

For many families in the countries of origin, remittances from abroad have become a primary source of income. Those who are part of the diaspora feel a strong sense of obligation to family members left behind – especially because they often paid for the migrant's travel and provided the starting capital.

It is difficult to measure the impact of these remittances on the economic situation in the countries of origin. Financial institutions also profit, as they often charge high fees for the money transfers. When a formal banking system is unavailable, too insecure or expensive, capital flows make their way to their destinations by informal means.

Interactions with local economies are complex. Negative impacts are possible if the flow of foreign currency and increased consumption result in rising food prices or an unintended appreciation of the local currency. Family members in the diaspora do not always send currency to their homelands, but often goods that are more expensive or of lower quality when purchased at home. In some degree markets in the countries of origin suffer from this. On the other hand, it has been shown that migrants abroad have a higher demand for products from their countries of origin, thus stimulating exports.

If remittances are paid continuously and in sufficient amounts, and if the most pressing needs are fulfilled, it becomes possible to finance the children's school and further education as well as improved health care. Funds from the diaspora can then also be invested in the social infrastructure of the countries of origin or used to support local business structures.

Finally, migration can have a positive effect on the labour market and wages in countries of origin. In Pakistan, for example, immigration to the Gulf States led to increased wages for qualified construction workers and likely also for unskilled workers in construction and agriculture.[8]

There is no way to confirm or refute the assertion that the emigration of workers and the accompanying loss of know-how has fundamentally negative effects for the countries of origin ("brain drain"). Depending on the sectors involved, the countries of origin are affected to differing degrees. It is assumed that 56 per cent of well-educated migrants living in OECD countries originally came from developing countries. In the late nineties, it was assumed that approx. 400,000 scientists and engineers from developing countries worked in industrial countries, while 1.2 million of this group remained in the developing countries. According to World Bank figures, the smaller Caribbean states have lost as much as 60 per cent of their highly qualified workers due to emigration. States face great losses if they invest in the education and training of their citizens, only to have them emigrate abroad. The World Health Organisation persistently points out the dramatic lack of health sector workers in various developing countries. It reports a lack of medical personnel in 57 states. Thirty-six of these are in Sub-Saharan Africa. Over half of Ghana's and Jamaica's health care workers live abroad.

When skilled and university-educated workers cannot find employment appropriate to their skill level in their own countries and therefore emigrate, it does not necessarily lessen the potential of the countries of origin, but rather takes pressure from the local labour market and can even be useful.

Many migrants return to their home countries after a period abroad, thus compensating the "brain drain" if they find employment at home that makes use of their qualifications. In some cases, this can even bring about an improvement compared to the situation before their emigration ("brain gain"). These effects, however, are difficult to prove empirically with the available statistics. Whether or not these returns contribute to development in the countries of origin depends on the circumstances. Changed conditions in the country of origin, such as an improved economic climate or progress made in the rule of law, play a significant role. If those returning have saved enough capital or gained skills needed on the home labour market, the requirements for a successful new beginning may well be met. It seems clear that a voluntary return tends to contribute far more to development than a forced end to residence abroad.

7 World Bank (Ed.): Migration and Remittances Factbook 2011, Washington DC 2011

8 International Labour Office (Ed.): International Labour Migration: A Rights-Based Approach, Geneva 2010

Social and Cultural Impacts

Remittances from abroad stand in opposition to the social costs borne by parents, partners or children who are left behind. Dire economic situations mean that increasingly, both parents feel forced to leave their children behind. The care of children is then left to grandparents or other relatives. Oftentimes the existing social fabric cannot provide a replacement for the parents' role. Children are then left to their own devices. The situation for relatives in need of care is similar: sometimes migrants hire a third party to provide home and health care – income from remittances is then reduced by the amount of these additional expenses.

In some countries in Eastern Europe, higher divorce rates have been observed as a result of migration. Some regions lose especially high numbers of young women or men, which results in fewer people starting new families.

Women in particular face a great deal of obstacles and dangers. Nonetheless, the number of migrating women is nearly as high as that of men in most developing countries. They often work in the domestic sector, where they are almost invisible and the observance of worker protection laws is difficult to monitor. They are susceptible to becoming victims of abuse and exploitation.[9]

To embark on a new life in new surroundings in a different culture demands tremendous effort, especially to establish and maintain social contacts in the destination country. Traditions and customs that inform our identities take on new meaning.

Nonetheless, cultures may benefit as well when traditional roles and expectations are loosened. The role of women may be assigned greater value when they have taken on paid work outside their own home, thus gaining a degree of self-determination.

Migrants abroad form associations or clubs and work to bring about development in their countries and regions of origin. They invest in small and medium-sized start-up companies in their homelands and influence political discourse.

The Internet makes keeping in touch with family, friends and business partners easier and helps to maintain bonds, thus contributing to well-nurtured relationships between people in the diaspora and in their countries of origin.

Migration Policy in the European Union

Since the late nineties, common European policies for migration and asylum have been in development. At the same time, freedom of movement for citizens of the EU – that is, migration within the EU – has been assigned greater value. With the exception of the interim regulations for Bulgaria and Romania still in effect, EU citizens enjoy the right to freedom of movement: they do not need a permit in order to accept employment in another EU country. If they can provide proof of employment or of sufficient income, they have the right to settle in any other EU country. The European rules for recognising social insurance, such as health insurance and pension schemes, make migration within the EU easier.

What's more, the EU defines itself as a community of diversity, as an area of freedom, security and justice. Since 2000, it has created guidelines for regulating the protection from discrimination based on origin, religion and belief, age, gender, disability and sexual orientation in various areas of public life. These regulations apply to all persons in EU countries, meaning also to citizens of third states who have immigrated to an EU country and are treated as the equals of EU citizens.

These advantages, however, do not apply to people who merely want to enter an EU country. The EU's institutions and member states have generally been more successful in agreeing on restrictive measures that limit migration than on areas dealing with the rights of external third-country citizens and persons in need of international protection. This tendency is reflected in the EU guidelines.

When internal border controls were abolished (Schengen Agreement), a common system for granting visas has been developed and the Schengen Information System was established, in which entry bans are noted. On the other hand, entry visas are usually valid for all Schengen member states.

9 International Labour Office (Ed.): International Labour Migration, A Rights-Based Approach, Geneva 2010, p. 27 f. and Deutsche Gesellschaft für die Vereinten Nationen: Barrieren überwinden: Migration und menschliche Entwicklung, Bonn 2009

The 2003 directive on reuniting families regulates the conditions for allowing family members to join their relatives already in possession of residence permits for the EU as third-country citizens. The guideline grants the member states a great deal of discretionary leeway in making visas dependent on requirements that are often difficult to meet. In Germany and Austria, proof of language skills is required prior to entry. This proof, however, cannot be brought forth by many marriage partners. In defiance of Art. 8 of the European Convention on Human Rights (right to family life) and Art. 7 and Art 24 (3) of the EU Fundamental Rights Charter, therefore, thousands of applications are denied in Germany, making the reunion of families an exception, and not the rule.

In the case of refugee protection, the guidelines become minimum standards for terms of admission; the definition and status of persons requiring international protection, asylum proceedings, and the Dublin II Regulation for determining which member state has jurisdiction for a case are all debated contentiously. In particular, their inconsistent and insufficient implementation in the member states must be questioned.

Numerous decisions, guidelines and measures have been agreed with regard to deportation policy. The 2008 Return Directive is at the core of European deportation law. However, readmission agreements with third states, reciprocal recognition of deportation orders by a member state, the organisation and implementation of common deportation measures (EU charter flights) and the extension of the EU's border protection agency FRONTEX's mandate to cover deportation all show that many member states have made these policies a priority.

Accordingly, any evaluation of EU policies must be ambivalent: the freedom-of-movement rules and EU expansion have improved conditions for the majority of migrants from EU states, such as the right to a family life. As a result, there is more temporary migration for educational or employment purposes. But for citizens of third states, both entry and residence have become more difficult in many cases. The strict control of the EU's outside borders has meant that more people have attempted to enter the European Union via life-threatening routes in recent years. The strict controls and surveillance measures in place within member states have meant that men and women who enter without papers, work without a permit and raise their children in the EU, live in constant fear of losing their security and means of existence.

EU institutions recognise the disproportion in this situation and have made declarations of their intent to establish regulated migration and refugee resettlement. However, the practical implementation has fallen far short of the stated goals. It has been prevented by several member states, including Germany.

The 2005 Amsterdam Programme saw the EU's institutions, as well as Germany, turn their attention to the integration of migrants and agree on programmes for and indicators of integration. A great deal has happened in this area since then. It must be noted, however, that integration policy is still shaped more by demands made of migrants than by a common process involving natives and newcomers – despite all rhetoric to the contrary.

The third EU five-year programme on migration, the Stockholm Programme, which remains in effect until 2014, also intends to strengthen the right to freedom of movement and the other rights of EU citizens. The admittance of third-country citizens is to remain limited, and the "external dimension" will even be expanded through so-called readmission agreements, regional refugee protection programmes and an expansion of the EU's border control agency FRONTEX's competence outside EU territory. The Stockholm Programme recognises that worker immigration can contribute to greater competitiveness and economic growth and that immigration policy measures are needed that take Europe's demographic challenges into account. According to the European Council, Europe needs a flexible, coherent policy that allows migrants to tap their full potential. The goal is to promote synergies between migration and development and to gear international migration more to the attainment of the Millennium Development Goals. The Stockholm Programme and the European Commission's proposals for migration and development identify the goal of promoting circular migration, temporary EU residence and, in some cases, periods of EU residency for citizens of third states that may be repeated. With this in mind, migration partnerships are also being propagated, allowing temporary legal migration (such as with the Mali pilot project). In the November 2011 Global Approach to Migration and Mobility (GAMM), the EU Commission committed itself to a coherent policy approach geared toward migrants.

Prospects for Shaping Immigration to Germany

Currently, population growth due to immigration is still low. The National Register of Foreign Nationals reports 280,000 people annually who come from abroad to reside for at least one year in Germany, thus officially qualifying as "immigrants".[10] This is equivalent to about 0.3 per cent of the resident population. Just as many, however – including foreigners and Germans – leave the country again, so that immigration and emigration nearly balance each other out. Germany is not only an immigrant society, but also an emigration society.

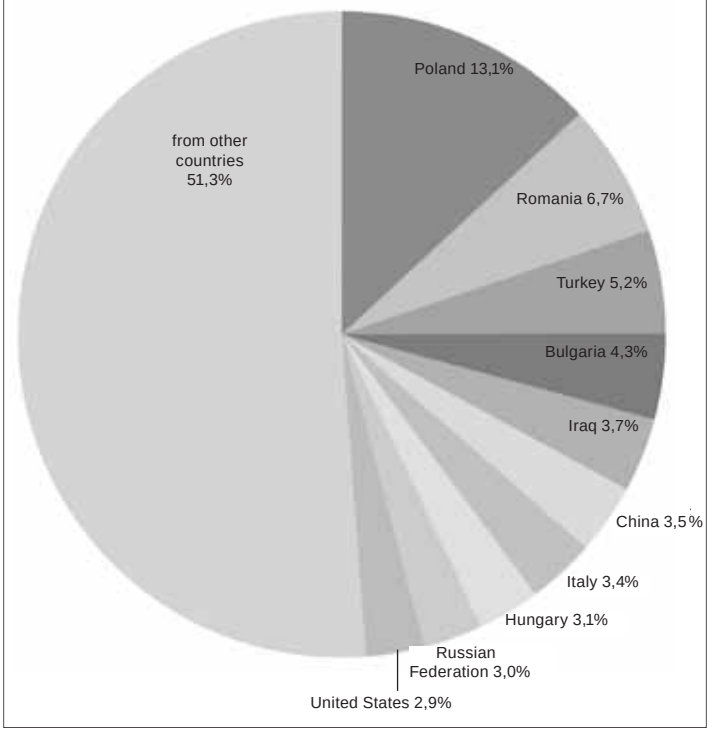
Within the expert discourse, it is agreed that international migration yields positive economic effects for the destination countries. The Global Commission on International Migration confirms this insight in its report.

Need for Education Regarding the Effects of Migration on Health and Welfare Systems

The influx of workers from abroad is received with reserve by the native population. It is assumed that immigrants receive social welfare benefits more frequently than native citizens. A study commissioned by the European Commission shows, however, "the relatively low use of welfare by migrants vis-à-vis comparable natives (in spite of higher poverty rates)".[11] According to statistical calculations, immigrants and foreigners pay more into social welfare funds than they receive in benefits, despite the fact that the unemployment rate among foreigners is above average.[12]

Another fear is that workers recruited from abroad at low pay will take away jobs from native workers. The Institute for Employment Research (IAB) in Nuremberg has evaluated a great number of empirical studies and comes to the following conclusion: "One of the most interesting results of both the older and more recent migration research is that the impact of migration on the job market is, overall, very small or possibly even neutral. This could be due to the fact that not only the job market adapts to immigration. In open economies, the capital and goods markets also adapt. As a result, the growth in labour supply due to migration is, on the macroeconomic level, neutral for the factors work and capital."[13] On balance, immigration up to the present day has in no way led to increased unemployment among the native population, whose wages have even grown a bit over the long term.

Foreigners who immigrated to Germany in 2009 with a residence of at least one year
Total: 284,884



Source: National Register of Foreign Nationals

10 Federal Office for Migration and Refugees, Migration Report of the Federal Office for Migration and Refugees, Commissioned by the Federal Government (Migrationsbericht 2010), Berlin/Nuremberg 2011, p. 37

11 IZA-Forschungsinstitut and The Economic and Social Research Institute, Study on Active Inclusion of Migrants, Bonn/Dublin, September 2011, p. xvi.

12 Bonin, Holger, Der Finanzierungsbeitrag der Ausländer zu den deutschen Staatsfinanzen: Eine Bilanz für 2004, IZA Bonn and DIW Berlin Discussion Paper; cf. Statistisches Bundesamt, Wirtschaft und Statistik 11/2006, p. 1149. The solidarity of the social security system is in no way called into question by this argument.

13 Brücker, Herbert, Arbeitsmarktwirkungen der Migration, in: Aus Politik und Zeitgeschichte (APuZ 44/2009), p. 122

This assessment must be more precisely differentiated, however. While native workers (not including those who haven't completed any vocational training) experience a slightly positive effect, additional worker immigration can have a negative impact on foreign workers already present, especially those with a low skill level. One reason could be that due to similar preconditions such as little knowledge of the German language, a lack of professional training in Germany, unrecognised foreign vocational training, or due to discrimination, new immigrants compete more closely with other foreigners than with native workers.

Demographic Change and the Need for Qualified Workers

Demographic change will lead to a significant decrease in the potential working population until 2050. Since this process is gradual, it is assumed that the economy will be able to adapt. It must be feared, however, that the unfavourable ratio of workers to pensioners will open up gaps in the pension and health insurance systems. In order to mitigate this danger, sustainable immigration that raises the number of persons in the labour force is one of various important adaptation strategies. The size of the labour force can only be sustainably increased by immigration if immigration policy's one-sided fixation on and limitation to highly qualified workers is conquered.

According to the German Federal Statistical Office's population calculations, the proportion of people in Germany over the age of 65 will double by 2050. And the age group of persons over eighty will triple according to these calculations. We must therefore expect a sharp increase in the number of people in need of care in the coming years.[14] The number of hospital stays will also rise.[15] In contrast, the labour supply will decrease significantly. Depending on the model used to calculate, there are varying prognoses for the size of the working population.

Supply and demand estimates show that the increased demand for personnel cannot be absorbed by additionally employing unskilled or semi-skilled caregivers.[16] Even the high gains in non-specialist workers thus far will not be enough to meet the need after 2018. The lack in caregiving workers will be about 152,000 in 2025.[17] The nursery day-care field can also expect rising demand for skilled workers – especially for the care of infants and toddlers. We must distinguish analytically, however, between the decrease in the labour force due to demographic change and due to the sector-specific need for skilled workers arising from inadequate conditions in those sectors.

The native working population will not be able to meet labour requirements on its own in a few years. Recruitment strategies from abroad will be of increasing importance, especially in parts of Germany with high rates of emigration.

As a prerequisite for sustainable worker immigration, instruments must be provided to balance out any possible discrepancies in foreign job seekers' qualifications and employers' requirements. It is equally important to simplify procedures for recognising qualifications obtained abroad, as they are still confusing and long-drawn-out for many professional fields. Several federal states are striking new ground with migration-friendly policies. They are showing the way in the areas of intercultural openness, recognition of degrees, later qualification and advisory services. On the federal level, there are also some signs of a departure from past policies of isolation. In late 2011, the federal government passed measures to ease the immigration of foreign skilled workers.[18]

Cross-Border Mobility and the Law as it Relates to Aliens

In a global society characterised by ever-greater mobility, migration is often not a one-time and finalised act. Someone who has immigrated to Germany will not necessarily stay in the country permanently, since the underlying employment

14 Statistisches Bundesamt, Bevölkerung Deutschlands bis 2050, 11. koordinierte Bevölkerungsvorausberechnung, Wiesbaden 2006, p. 23

15 Anja Afentakis and Tobias Maier, Projektionen des Personalbedarfs und -angebots in Pfl egeberufen bis 2025, in der Zeitschrift Wirtschaft und Statistik 11/2010 des Statistischen Bundesamtes

16 Anja Afentakis and Tobias Maier, Projektionen des Personalbedarfs und -angebots in Pflegeberufen bis 2025, in der Zeitschrift Wirtschaft und Statistik 11/2010 des Statistischen Bundesamtes

17 Statistisches Bundesamt, Pressemitteilung Nr. 449 vom 06.12.2010, http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/DE/Presse/pm/2010/12/PD10__449__23621,templateId=renderPrint.psml

18 Federal Ministry of the Interior, Press Release dated 7 December 2011, http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2011/mitMarginalspalte/12/fachkraefte.html?nn=109632, accessed 28 March 2012

agreements are often for a fixed term. Furthermore, repatriations do not preclude a return to Germany at a later time. Ten per cent of foreigners from third states have “already left Germany at least once and then immigrated once again.”[19]

Certain segments of the job market have been characterised by cross-border mobility for decades. The German Federal Statistical Office records around 700,000 immigrations and emigrations yearly, most of which can be traced to seasonal labour and other temporary residencies, such as for construction work.

The law pertaining to foreign nationals does not do justice to the often sporadic and repetitive nature of migration. Too focused on repelling and repatriating, it does not provide enough flexibility or secure residence to make room for cross-border professional and family affairs.[20] Many foreigners who want to travel to their home countries or other countries think better of it because they might endanger their ability to return, and thus, their residence and livelihood. The Federal Office for Migration and Refugees study already cited states, “It can be assumed that the opportunity to utilise the right of residence again, even after a longer absence, would ease circular migration.” The study refers to a “paradox of permanency”. “Experience in Australia, Canada and Spain has shown that migrants who are granted a permanent residence permit or citizenship in the host country are more likely to migrate circularly, moving back and forth between home and host countries, than migrants with uncertain residence status.”[21]

19 Federal Office for Migration and Refugees, Zirkuläre und temporäre Migration, Working Paper 35, Nuremberg, January 2011, pp. 8 and 54

20 Cf. Ein Jahr Zuwanderungsgesetz – Anmerkungen und Empfehlungen des Diakonischen Werkes der EKD zur Umsetzung des Zuwanderungsgesetzes, 27 January 2006; Stellungnahme des Deutschen (DCV) und des Diakonischen Werkes der EKD (DW) zum Entwurf eines Gesetzes zur Umsetzung aufenthalts- und asylrechtlicher Richtlinien der Europäischen Union, Berlin and Freiburg, 15 May 2007

21 Federal Office for Migration and Refugees, Zirkuläre und temporäre Migration, Working Paper 35, Nuremberg, January 2011, p. 30

Guidelines for Labour Migration and Development Leitmotifs, Explanations, Potential Means of Implementation

1. Migration and mobility belong to the history of the human race. At all times in human history, some part of the world's population has been on the move.

From the beginning, human history has been characterised by migratory movement. This understanding has found its way into the biblical appreciation of man being only a temporary resident. Man's various experiences of migration inform the manifold biblical accounts: flight and exile, migration to escape famine, starting a family and returning to family, curiosity and a thirst for adventure, the call to departure and to prophecy. Many innovations and developments in history are unthinkable without migration. This goes for art and culture, architecture, and to the survival of natural disasters, wars and conflicts. Biblical traditions also give guidance to the realisation that migration and the cohabitation of different peoples, cultures and religions require some kind of shaping force.

Leitmotifs and Explanations

In the beginning was the Word. And the Word calls people to leave their familiar life circumstances. It expels Adam and Eve from Paradise, it compels Abraham to depart for a foreign land. Jacob must flee, Joseph is kidnapped. The people of Israel follow the Word of freedom out of oppression and forced labour. Ruth and Naomi leave their home in search of work and bread.

In biblical tradition, the fact of cross-border mobility is a central, fundamental condition of human life. With its manifold motives and experiences, migration not only frames many stories, but it also has had a direct influence on the development of theological thought. From Exodus until Exile in Babylonia, the Word of God accompanies people throughout their migratory movements. It does not deny the horrors that force people to flee, but it also prosaically accepts that the wish to leave home for a better living situation is a human need. At the same time, the biblical view is broadened beyond that of individual fatefulness, and with the peoples' pilgrimage (Isaiah 3), it even takes on an apocalyptic perspective: when an entire people strikes out for Mount Zion to hear the Word of God, it conquers the real territorial, cultural and linguistic borders in universalistic breadth.

In the turn taken by the New Testament, the Word of God itself becomes a subject of migration: in the beginning was the Word and the Word was flesh and dwelt among us. From this perspective, becoming a person can be understood as an immigration: the Word leaves its heavenly home in order to dwell in the human world. It finally becomes tangible and understandable in the life of the man from Nazareth. Thus, the itinerant preacher who has not where to lay his head (Matthew 8:20) becomes an allegory for successful life in the face of the reality of God.

Against this backdrop, church positions on the legal and political structuring of migration have a double aim: on the one hand and in accordance with gospel, they take the reality of migratory movement as a given, without elevating it theologically or dressing it up ideologically. On the other hand, the church places itself in the tradition of God's migrating people who know of the limited significance of state borders and hurdles. After all, we have "here no continuing city, but we seek one to come" (Hebrews 13:14). Thus, at the core of its existence, it defies borders, is at least internationally oriented and in the best case cosmopolitan, which in the debate on the labour force leads to an almost inescapably relaxed position on regulations.

Potential Means of Implementation

Both in migration policy and in ecclesiastical social service-related statements, an overly restrictive focus on migration prevention must be avoided. Migration should be perceived as a task in shaping development policy. Fewer conflicts and more democracy and development do not necessarily lead to less occasion for migration. Often the reverse is the case.

A certain level of education and income promotes migration at least until the opportunities of an entire country are sustainably improved for the long term.

Combating the causes of flight and protecting against forced displacement in the countries of origin are and remain basic principles of church action. Programmes for conflict management and the protection of refugees are necessary here.

2. People and the inalienable rights with which they are endowed must be central to migration policy.

According to Christian understanding, all people are God's creation, possessing a special dignity and, consequently, possessing human rights. Migrants follow their own life plans, hopes and aspirations. They have a right to primarily shape the course of their migration themselves. In places where human rights are ensured, guaranteed and protected, development becomes possible.

Leitmotifs and Explanations

Made in the image of God, man is endowed with special dignity. From the biblical point of view, this dignity is founded in the relationship to God and demands protection against all interests that violate, relativise or deny it. This dignity dwells in all people, regardless of origin, gender, culture or religion, and no one can have it taken from them. After all, it represents the starting point for all considerations on the structuring of migration policy. For out of these inalienable human rights arise the rights and freedoms set down in the United Nations' Universal Declaration on Human Rights. International declarations, pacts and conventions on human rights apply to all people without exception, including those who find themselves outside their home country.

Potential Means of Implementation

It is understandable and necessary that European governments have an interest in directing and regulating worker migration. On the other hand, the measures they take must not violate human dignity and must respect the principle of proportionality.

Measures taken in ecclesiastical social service work must be guided by a human rights approach and keep the especially vulnerable in mind. Rights in situations of forced displacement, exploitation, human trafficking and keeping a family together must be addressed explicitly.

3. The right to free movement involves both the right to stay and the right to go.

Migration is one possible way for an individual to adapt to changing circumstances in life and is thus an expression of the pursuit of freedom and self-determination. One goal of the advocacy for global justice and freedom, therefore, is to enable people to migrate on their own terms while simultaneously minimising incidents of being forced to leave their familiar environment.

Leitmotifs and Explanations

All people have the right to leave any country, including their own, and to return to their country (Art. 13, 2 UDHR). The Universal Declaration on Human Rights claims universal validity. International human rights treaties apply to all people in all signatory countries.

Potential Means of Implementation

This basic right must be respected in the implementation of the right to freedom of movement in labour migration policy[22] and in Diakonie's work, as well as in refugee policy, development policy and all other fields of international policy.

Guaranteeing international refugee protection is a central task. The EU and its member states must grant access to fair asylum proceedings for all people who reach the EU. The Dublin II Regulation (which stipulates that the member state where the asylum-seeker crossed the border is responsible for conducting asylum proceedings) should be changed, and the distribution of asylum-seekers should take family, cultural, humanitarian and other bonds to the sought-out member

22 Cf. Guideline 7 and Guideline 4 on Diakonie's work

state into greater account. Conflict management programmes are necessary to fight the causes of flight.

Through their treaties with the countries of origin on repatriation and/or deportation, the EU and its member states restrict freedom of movement even within these countries. The possibility of "South-South migration" between third countries must not be obstructed by EU policies to steer migration, but rather should be encouraged. Mobility partnerships must take this into account.

Likewise, insofar as they result from EU agriculture export subsidies and other parts of EU economic and trade policy, the causes of involuntary migration must be decidedly counteracted.

4. Diakonie gives advice and support to migrants in hardship and supports them in safeguarding their interests.

Diakonie advises and assists people in need of guidance and support as well as those who have fallen into hardship and crisis situations. It promotes the integration and participation of migrants and runs programmes for international exchanges and encounters. In line with its mission, Diakonie advocates policies that protect refugees, both in Germany and abroad. It uses its knowledge and experience to influence German and EU migration policy.

Ecumenical offices, such as the World Council of Churches' programme for just and inclusive communities, consistently call for cross-border church solidarity. "It is part of the church's mission to receive migrants and refugees. We need a strong foundation that does not divide the church or turn people away, but rather helps us to understand and accept each other while we pursue the ecumenical goal 'called upon to be one'."[23]

Potential Means of Implementation

International migration is normal, a circumstance out of which social work's duties arise. Giving advice regarding a foreigner's legal status and during asylum proceedings is just as much a part of this as is advice on issues of repatriation or further migration. Diakonie's special services for migrants give advice and support to people with foreign roots living in Germany.[24]

A man or woman's decision to leave his or her familiar home is far-reaching and fraught with risk. It is easy for those who wish to emigrate to have unrealistic expectations about Europe. The job prospects and earning opportunities that await them here often bear no proportion to the efforts they must go to in order to arrive.

In order to empower these people and to offer them guidance, there need to be new advice services in the countries of origin. In line with Article 33 of the UN Migrant Workers Convention, migrant labourers have a right to receive information on their documented rights and on the legal and admittance regulations that apply to them. These services are also in the best interest of the destination countries. They must be in alignment with standards for social work and be in the hands of independent providers who work for the best interest of those seeking advice. The main concern is facilitating access to information that gives those who wish to emigrate a realistic evaluation of their chances on the EU Single Market or at their desired destination, taking their abilities and qualifications into account. Assistance should also be provided in contacting authorities and learning the German language. Providers must also educate people on the potential dangers and the prospects relatives left behind will face. This is also useful for the family members wishing to join the migrants at a later date.

As an internationally active organisation, Diakonie has a network throughout a range of countries that can enable the establishment of such advice-giving structures. In cooperation with domestic migration services, offices that provide information and unbiased advice to potential emigrants could be established or sponsored.

Article 13 of the Universal Declaration of Human Rights

1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

23 Sarah Silomba Kaulule, Vice Chairwoman of the WCC Commission for Faith and Church Governance, World Council of Churches, Migration Changes the Church Landscape, 15 December 2011, Geneva

24 Cf. Diakonie in der Einwanderungsgesellschaft, Rahmenkonzeption Migration, Integration und Flucht, Diakonie Texte 17.2007, Berlin 2007, pp. 42-47

5. Whenever migrants initiate and promote the development process in their home countries, they should be granted support.

International migration is an important dimension of human development in the areas of economics, society and culture. In home countries as well as destination countries, it can function as an engine of growth and development. With the sizeable remittance of their savings and the experiences and qualifications they bring with them upon returning, many migrants contribute to the potential for economic development in their home countries. Diaspora organisations are deeply involved in development projects. These achievements should be honoured and supported sustainably.

Potential Means of Implementation

Public and ecclesiastical development cooperation lends itself to working more closely with diaspora networks. It would be helpful if the ecumenical social service structures were to promote and simplify the inclusion of migrant organisations.

International development cooperation can contribute to relieving some of the everyday struggles faced by families living in different countries by encouraging the establishment of a networked banking system that enables affordable and reliable international money transfers across the board. Church organisations doing ecumenical work can also use their international infrastructures to contribute to the simplification of transferring remittances.

Services for returning migrants to facilitate their integration in their countries of origin can help them use the qualifications and experiences from abroad to promote development processes at home. They are especially needed when migrants return without any means or with unfulfilled expectations. The barriers and discrimination returnees often face must be torn down.

6. The recruitment strategies of economically powerful countries should not be at the expense of the countries of origin.

When robust economies recruit doctors, nurses or other qualified professionals from abroad in order to reduce the costs of education, training or salaries at home, they promote shortages in the countries of origin ("brain drain"). To counteract the loss of workers and their know-how, development strategies are needed in the countries of origin. Otherwise, such recruitment must be avoided altogether. Recruiting countries should respond to worker shortages by improving the situation in the professions affected, making these more attractive for the German labour market, or they should take measures to mitigate the disruption in the countries of origin.

Potential Means of Implementation

In cases of cross-border recruitment strategies, the effects on health care services in the countries of origin must be taken into account. The code of conduct "Ethical Cross-Border Recruitment and Retention in the Hospital Sector"[25] can be used as a guideline for internationally responsible worker recruitment. The European Federation of Public Service Unions and the European Hospital and Healthcare Employers' Association signed this code of conduct on 7 April 2008.

There is always a danger when recruiting nurses and caregivers from abroad that gaps will emerge or expand in the health care systems of those countries. For this reason, Norway has formulated a basic rule that the destination country must finance – or refinance within the framework of development aid – the education of caregivers trained abroad. Service providers and institutions should not recruit personnel from countries in which there is already a lack of nurses and caregivers.[26] In 2010, the World Health Organisation issued a global code of conduct for international recruitment of health

25 European Hospital and Healthcare Unions and Employers sign a code of conduct, http://www.epsu.org/a/3718, accessed on 2 February 2012

26 The Directorate for Health and Social Affairs, Recruitment of Health Workers: Towards Global Solidarity, Department of health and social services personnel/Secretariat for international work, Oslo, August 2007, http://www.helsedirektoratet.no/publikasjoner/recruitment-of-healthworkers-towards-global-solidarity/Publikasjoner/recruitment-of-healthworkers-towards-global-solidarity.pdf, accessed on 19 April 2012

Course and advice offerings at Diakonie in Pristina, Kosovo, March 2012. The project "Arriving Prepared in Your New Home" is geared to immigrants from Turkey and Kosovo. Photo: Diakonie Baden

care workers, which is aimed at ensuring that caregivers are not recruited against the interests of the countries of origin.[27]

Partnerships for Education and Training

Diakonie maintains a range of partnerships with social and church organisations in the eastern and southern hemispheres. Building upon this, cooperation on the education and training of skilled workers – which exists to some extent already – could be expanded, potentially as mobility partnerships. Foreign students, for example, have the opportunity of completing internships in Diakonie offices. It must be evaluated whether suitable young people chosen by foreign partner organisations can be trained and/or educated in Germany.

Within the framework of such a partnership for education and training, young people should be ensured a subsequent job in their country of origin. In this manner, the participating partner organisations receive trained skilled workers, and Diakonie contributes to the support of these partner organisations. The training sponsor could also employ the skilled workers for one year after the completion of training, in this way allowing both sides of the partnership to profit from the arrangement. The integration of foreign trainees in Diakonie's vocational schools will require additional efforts, however. These will primarily include a supplemental course offered to improve German language skills before and during the course of training.[28]

27 WHO Global Code of Practice on the International Recruitment of Health Personnel, May 2010, http://www.who.int/hrh/migration/code/code_en.pdf, accessed on 2 February 2012

28 More information on Diakonie's responsibilities in Guideline 10

7. People from other countries are welcome in our immigrant society, both temporarily as well as with prospects for permanent residence and integration into society.

As not every migration is long-term, a limited first residence permit can be a useful regulation tool. After some years have passed, however, the right to freedom of movement and the right to a family life according to Art. 8 of the European Convention on Human Rights must take priority over the desire to regulate, especially since interpersonal relationships develop in such a period of time, relationships with great societal value. The – overwhelmingly positive – experience of the European Union's Freedom of Movement Act could be taken as encouragement to experiment with more liberal regulations. The prospect of permanent residence is conducive to social harmony.

In light of demographic change, members of the labour force from third states can also contribute to the badly needed stabilisation of the social welfare system.

Potential Means of Implementation

To make clear that Germany welcomes immigration, a change to the specific purpose anchored in Section 1 of the Residence Act may be in order. The purpose of the act should not be the "direction and limitation of immigration", but only its "direction". This kind of change to the law could be an important signal to the aliens registration authorities that they use their discretionary leeway not to turn people away, but rather in the interest of the labour market and for superior motives.

There needs to be a legally codified possibility of immigrating in line with transparent and predictable procedures, such as a point system.[29] In order to give a chance to jobseekers living in uncertain circumstances in their countries of origin, there should be an annual quota for giving internationally mobile persons entry visas and work permits.

A person who lives in Germany for a certain period of time, say five years, should then be able to obtain a secure residence status, and after a little while longer, attain German citizenship. To this end, periods of residence interrupted due to visits abroad should be added together.

In order to give a chance to international jobseekers living in uncertain circumstances in their home countries, agreements could also be made with countries outside Europe within the framework of the Employment Regulations. This would enable Germany to react effectively to crisis situations like the "Arab Spring", which bring about these uncertain circumstances. Interstate discussions should sound out the interests of the countries of origin and take them into account. This can also take place at the European level, as EU treaties on "mobility partnerships" have shown. Plans should include measures to prepare skilled workers for their professional and social integration in Germany.

The right to a family life as per Article 8 of the European Convention on Human Rights must not be restricted by legal regulations pertaining to foreigners. Underage children especially suffer when such restrictions are imposed, but also marriages and partnerships must endure a great deal of strain due to long periods of separation.

Demanding Equal Rights, Abolishing Discrimination

The fact that integration has been on the political agenda for a few years now is great progress. Unfortunately, integration policy is not free of expectations arising from mistrust. It often seems that one-sided demands are made of the immigrants. With a clear focus on equal rights policy under the term "social inclusion", express protection from discrimination is needed. Government strategies such as the Federal Integration Programme according to Section 45 of the Residence Act and the 2012 National Action Plan for Integration (NAP-I) lack clearly formulated goals and measures for protection from discrimination. Strong political and social structures are needed as well as sustainably financed measures to fight racism in Germany.

29 This has been the Social Service Agency of the Protestant Church in Germany's position since 1997, which it expressed in its framework concept, Migration and Refugees, Diakonie Korrespondenz 09/97, Stuttgart 1997

8. Migration policy must reflect the fact that migration is often not a long-term, one-time act, but one that is temporary and undertaken multiple times.

In today's globalised world, migration has become more varied and accelerated. The global exchange of goods, services and workers has become reality in many areas, such as for seasonal labourers and harvest hands. When shaping legal migration, the courage to allow more freedom of movement, to ease regulatory demands and to simplify entry, return and re-entry is imperative.

Potential Means of Implementation

Improving Residence Security and the Possibility of Permanent Residence

The Residence Act could be adapted to meet the need for security and more flexibility in migration by doing away with the rule that a residence permit expires after six months of residence. Men and women would then no longer have to make their life plans dependent on changing circumstances or on an irreversible migration decision. Thus, those with a desire for mobility could be assured that they could return to Germany with certainty, even after a longer period of absence. Bilateral mobility partnerships must not create straightjackets with regard to life plans or freedom of movement – otherwise they are doomed to fail.

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When a job offer exists, jobseekers who have already left Germany once to return to their homelands should be given a legal right or some other means to immigrate again. If dual citizenship were made possible in general, it would make the lives of families living across borders easier.

Improving Conditions for Graduates of Foreign Universities

A residence permit for seeking employment after completing a degree programme could be extended from one year to two. This would give foreign students a real chance to find an entry-level job suitable to their qualifications, even in hard economic times. Equipped with this kind of work experience, graduates from Eastern Europe, Asia, Africa or Latin America would have better chances for a successful start to their professional lives in their countries of origin. When scholarship awards are not bound up with repatriation requirements, scholarship recipients gain the opportunity of acquiring work experience before they return, which enhances their utility for their countries of origin.

Gearing Social Security to the Temporary Nature of Labour Migration

Immigration also means "immigration to the social welfare system". In most cases of labour migration, this is a positive effect, as every additional worker subject to social insurance contributions strengthens the social welfare system. Accounting for the fact that migration is often temporary, it soon became possible for immigrant workers to take their eligibility for a pension with them when they returned to their countries of origin. This "portability" of social welfare services and the reimbursement of contributions paid into the national pension plan have only been possible to a certain extent. Fundamentally speaking, basic social security, social assistance, allowance for parents, child benefits and other benefits are tied to residence in Germany.[30] There must be a thorough examination of which improvements to portability would make sense and do greater justice to the reality of temporary residence.

30 Cf. the more thorough discussion: Federal Office for Migration and Refugees, Zirkuläre und temporäre Migration, Working Paper 35, pp. 36 ff.

9. The international labour standards protecting both migrants and domestic workers from exploitation and abuse must be ratified and fully implemented.

The standards agreed to by international conventions stipulate that migrants must not be put at a disadvantage compared to domestic workers. These standards must be observed, regardless of a person's residence status: equal work, equal pay. By complying with these standards and a consequent monitoring unfair labour practices such as paying lower wages or social security contributions can be contained; in turn, this can protect the jobs of the resident population.

Potential Means of Implementation

In lower income segments, there must be measures to stabilise lower wage groups and/or a minimum wage in order to prevent wage dumping and outsourcing. In order to win skilled and highly qualified workers in the competitive global labour market, attractive remuneration and job conditions are a basic requirement. Ensuring attractive and respectable wages is the surest instrument for using immigration to sustainably meet the need for workers who are then registered by for- and non-profit employers and for preventing desirable workers from avoiding Germany altogether. Wage agreements that give workers greater purchasing power and the introduction of minimum wages can contribute to protecting native and immigrant workers in lower wage groups from wage dumping.

There need to be better investments in education and vocational training, including for native students with a foreign background.

The International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families strengthens existing norms. The UN convention deals with emigration, residence in the destination country and repatriation, when applicable. It regulates rights regardless of legal residence status as well as the information and cooperation obligations between countries of origin and destination. Most industrial countries have not yet ratified the convention. Germany should take this step, however.

10. As an employer, Diakonie advocates equal conditions and opportunities in the workplace, as they are decisive for living together in a plural society and contribute to the fulfilment of Diakonie's specific societal mission.

This aim must be reflected both in labour policies and their implementation as well as in human resources recruitment and development. Within the framework of opening up Diakonie's institutions at an intercultural level, particular attention must be paid to giving appropriate consideration to applications from migrants. It fosters credibility in the fulfilment of its specific societal mission if Diakonie accepts its role as employer in this manner and sets a good example.

Potential Means of Implementation

As an employer, Diakonie shares responsibility for the shaping of an open immigration society and its labour market. The demands made of politicians and the policies practised in Diakonie workplaces must be in harmony with each other.

In the church and in Diakonie's offices, services and associations, there must be a welcoming culture and greater openness for workers from abroad. The hand-out "Intercultural Openness in Diakonie's Fields of Work", which is directed at all offices, services and associations, contains guiding principles (theses) for processes to generate more intercultural openness and touchstones for changing the status quo.

The ramifications for recruiting workers must be derived from these principles. Qualifications and German language skills are crucial for an applicant's suitability. Membership in the church is also a requirement.[31] It is now the association's task to determine to what extent the canonical rules on employment eligibility are practically applicable.

Measures for winning personnel must be organised and modified in such a way that they directly speak to people with foreign origins, and especially young people. The requirements for entering a profession and training regulations for social service professions should be re-evaluated to determine whether they are discriminatory to people with foreign origins.

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31 Cf. Charakteristika einer diakonischen Kultur, Diakonie Texte 01.2008, Berlin, January 2008, and Perspektiven zur Mitarbeitendengewinnung in der Diakonie, Diakonie Texte, 05.2010, Berlin, May 2010

International migration often demands a dismantling of bureaucracy. Photo: Christoph Püschner/Bread for the World

Diakonie offices can evaluate to what extent they are able to give access to employment to legally tolerated persons as well as for integration purposes as part of resettlement programmes.

Diakonie's areas of work tend to involve a great deal of communication. Good knowledge of the German language is an indispensable qualification, as Diakonie workers must be able to communicate with the people they encounter – such as in nursing and child care situations – well enough to empathise with and evaluate situations and problems. In the context of an immigration society, good knowledge of further languages is also desirable, but these cannot be a substitute for German language skills. Based on these considerations, worker recruitment should draw on the as yet unexhausted potential presented by those residents of Germany with foreign roots who already have sufficient German language skills or who have completed their schooling here.[32]

Fair Recruiting from Abroad

When recruiting skilled workers from abroad, these must not be put at a disadvantage compared to their native counterparts. In particular, cuts must not be made to agreed wages (such as labour contract guidelines). Recruiting workers from abroad is no substitute for improving conditions for the nursing sector in Germany. Nursing sector jobs must be made more attractive. First and foremost, this will require an im-provement in working conditions and wages that fairly reflect performance. This will require that service providers

32 Cf. Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege, Ansätze und Überlegungen zum Umgang mit der Fachkräftesituation in Kindertageseinrichtungen, Berlin, 8 March 2011, p. 6 f.

take the performance-based payment of employees into account during wage negotiations. Refinanced staffing and negotiated pay will be decisive in ensuring the basic qualitative requirements in the provision of nursing care.

The Qualification of Foreign Skilled Workers at Diakonie

Diakonie should become more involved in the area of supplemental training of nursing and children's caregivers. The demand for supplementary qualifications has grown in the context of labour migration and family reunions, especially for skilled health care workers. Despite existing qualifications obtained abroad, foreign degrees are often not fully recognised. In these cases, supplementary programmes at German health care training institutions must be completed. By offering such programmes, Diakonie would have an opportunity to gain additional skilled workers with professional experience and foreign language skills.

Instruments for supplementary qualifications in the nursing sector could also serve to find employment for recognised refugees and persons granted subsidiary protection. Diakonie could also support the 2011 resettlement programme, which will run for an initial three years with a quota of 300 persons annually, by offering such qualification programmes and thus fostering the integration of these persons into the labour market and society. Together with special migration services and assistance programmes for seniors, this idea could be tested in pilot schemes. People who live in danger of deportation due to their uncertain residence status would then be able to obtain permanent work in the nursing or social service sectors. In this way they could demonstrate sufficient means to secure their own livelihood and thus gain the right to remain in the country.

Outlook

Migration and the effects it generates can be planned and directed only to a small degree. The interplay between push and pull factors can hardly be influenced from the outside, nor is it possible to change the manifold motivations and causes of migration. We therefore should not create the impression that we are able to exert a significant influence on migration or prevent it. But we can support people in life situations informed by migration and shape many things for the better, as migrants are all bearers of inalienable rights.

Strong relationships and bonds develop between countries due to transnationally oriented citizens, their family networks, and plural affiliations over the course of their lives. As actors and ambassadors for the economic, social and cultural relations to their countries of origin, the people living in destination countries act as bridges to their former homelands. This great potential and opportunity deserves recognition. Common goals and undertakings are possible. Education and training, for example, can become a common task for countries of origin and destination. Economic development can profit from openness and from a transfer of knowledge and experience.

The dialogue between people and institutions in countries of origin and destination should be conducted as a discussion among equals. The parties must consult on concepts for migration policy and weigh the positive and negative effects against each other. Despite different starting points within international relations and the remnants of a colonial past, fair solutions can be found in dialogue if the interests of all participants are revealed and considered with respect.

These guidelines are an approach for demonstrating new potential and insights for structuring ecumenical social service work at home and abroad. They must be discussed with decision makers in public administration and ministries, and also at the EU level. This includes discussions with Bread for the World's international partner organisations. It is possible that the positions presented in this position paper will have to be developed further.

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Project Group

On 2 March 2012, the Steering Committee of the Centre for Family, Integration, Education and Poverty in the Social Service Agency of the Protestant Church in Germany agreed upon these guidelines. The text was developed by a project group and given the working title, “Guidelines for Worker Immigration to Germany and Its Effects and the Potential for Development in the Countries of Origin”.

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