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Germany's new old coalition: Continuity or change for its role in EU migration policy?

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Following the inauguration of the new cabinet and the re-election of Angela Merkel as Chancellor, Germany's new coalition government is finally set to start work. Some of the most pressing issues it faces revolve around Germany's future course on migration, both at the national and European level. This blog post traces how the heated electoral campaign on the topic influenced the new government's coalition agreement and assesses its proposals on EU migration policy.

1 A changing discourse on migration: from opportunity to challenge

The arrival of [1.400 000 people seeking asylum since 2015](#) has certainly contributed to a shift in the public discourse about migration in Germany. Promoting anti-immigrant sentiments, the country's right-wing populist party, Alternative for Germany (AfD), and nationalistic groups such as PEGIDA (an *anti-Islamisation* group founded in 2014) grew in membership and influence. At the same time, terrorist attacks in Paris, Brussels, London and Berlin, as well as the [Cologne incident](#), have led large parts of the population to perceive the arrival of a predominantly male and Muslim group of immigrants as potentially destabilising for society. As is the case in many other European countries, the debate over migration was soon linked to the issue of security and a widespread impression that the state had lost control over the situation. This development was prominent also in the electoral campaign leading up to the September 2017 elections in Germany: in a television debate between the two major parties' candidates, Angela Merkel and Martin Schulz, migration was the most discussed topic – [taking up some 31,3% of the debate](#). Quite tellingly, the discussion on migration was followed by a debate on Islam (9,2%) and Germany's relations with Turkey (10,8%).

The prominence of a security narrative goes against the widely praised 'welcome culture', which characterised Germany's immediate response to the large inflow of people in 2015. It also differs from the way in which migration was referred to under the former coalition agreement between CDU, CSU and SPD of 2013, which defined immigration as an 'opportunity' and demanded an 'intercultural opening' of state and society. In stark contrast, the new coalition agreement stresses the need not to overstrain the country's capacity for integration. In a similar vein, it emphasises that freedom of movement within the EU can only be guaranteed once the Union's external borders are secured. Consequently, the frame of reference for migration shifted from it being perceived as beneficial for the country's welfare and cultural diversity, towards an implicit focus on the need to limit immigration numbers.

Placed in a wider context, Germany's changing public discourse is intimately related to the crisis-born approach that has shaped the EU's response to migration since 2015. The growing pessimism towards immigration in Germany can partly be explained by the image of an open Western Balkan route, which allowed the majority of refugees now living in Germany to enter and travel through the EU. Despite the closure of this route – and regardless of its devastating human rights consequences – [a recent poll](#) shows that the German public still considers 'refugees' to be the greatest foreign policy challenge the country is currently facing. The new government's focus on 'governing' and 'reducing' immigration therefore reflects a situation in which 54% of the population perceive regulating and reducing 'illegal' immigration to Germany as particularly important, while 56% support a cap to the number of refugees allowed to stay in Germany.

2 The agreement: what it says and what is left unsaid

The shift in tone of Germany's public discourse on migration is mirrored in the policy initiatives put forward by the new coalition agreement. Across the five pages dedicated to the topic 'Governing immigration – demanding and supporting integration', the coalition agreement carves out a policy that makes preventing a similar situation to 2015 its prime objective.

2.1 The immigration cap that isn't

Perhaps most striking in this sense is the introduction of a cap on immigration numbers, which states that annual figures shall not exceed 180 000 to 220 000 (excluding labour migration). The somewhat awkwardly formulated paragraph justifies these numbers by referring to average immigration statistics, 'experiences of the past twenty years' and the 'immediately controllable part of immigration'. However, all coalition parties declared that asylum cases will continue to be checked on an individual basis and the coalition agreement states that the Geneva Convention will remain untouched. In practice this means that actual immigration numbers might still exceed the envisioned ceiling. The immigration cap is therefore hardly applicable by law. It must instead be seen as a symbolic benchmark, based on past immigration numbers and predictions of future inflows. Its rather vague terminology is the outcome of a compromise between the CDU/CSU, which promised to introduce a 'breathing ceiling' on immigration, and the SPD, which pledged not to agree to such a measure. Being a result of the changing narrative on migration, the immigration cap remains a rhetoric device to reassure the electorate that control is back in the hands of the government.

2.2. Preventing a repetition of 2015

The coalition agreement's objective to prevent a repetition of 2015 resembles a formulation of the [2016 Bratislava Declaration](#), in which EU heads of states agreed 'never to allow return to uncontrolled flows'. In a series of initiatives, Germany underscores its willingness to adhere to the rather strict policy agreed in Bratislava, thus reiterating the similarity between both documents. First, it calls for an expansion of means for the EU's border management agency Frontex, with the objective to develop it into a proper European border guard. Yet, the German proposal makes no specific suggestions how to elaborate the [Regulation for a European Border and Coast Guard](#), which had already been adopted by the European Commission in 2016.

Second, it makes support for a reform of the Dublin Regulation conditional on the establishment of a system based on solidarity as well as harmonised asylum procedures and standards. Under the existing Dublin Regulation, irregular secondary movement can [result in a transfer of responsibility](#) to the state of physical presence, if that state is unable to hand back the person in question within the first six months after his or her arrival. By contrast, [the proposal currently tabled by the European Commission](#) suggests abolishing a possible transfer of responsibility and instead proposes supporting countries of first arrival through a corrective allocation mechanism for asylum seekers. The coalition agreement's explicit call for a 'fair relocation mechanism' comes as no surprise, since the Commission's proposal is basically mirroring the German plea to spread responsibility across EU member states. Whether Germany would receive less asylum seekers under the new system remains unclear though, as long as the criteria for relocation are not further specified. The high number of arrivals in 2015 were much more a result of Germany's decision to voluntarily suspend the Dublin Regulation based on humanitarian grounds, rather than an outcome of a forced transfer of responsibility. Maintaining the country of first arrival principle and ensuring effective relocation nevertheless constitute German priorities for a reform of the Dublin Regulation. Both imply processing asylum claims at the European periphery and preventing a situation in which people can essentially vote with their feet.

Third, the coalition agreement introduces a set of more restrictive measures to handle asylum procedures in Germany. Following his remarks that ['Islam does not belong to Germany'](#), the country's new Minister of the Interior, Horst Seehofer, promised three focus areas as part of his self-declared 'master plan' on migration: limit immigration numbers (i), consequent and effective returns (ii) and no 'social romanticism' for criminals (iii). The focus of these measures lies very much on the domestic response to the 'migration crisis'.

However, the external dimension of Germany's migration policy has also gained importance as part of a wider strategy to reduce migratory flows. The coalition agreement states that cooperation with the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) as well as with countries of origin and transit should be expanded and assures that resettlement places will be made available – although dependent on the overall number of asylum applications. Illustrative of a growing importance of development cooperation on the African continent is the proposed establishment of a 'commission on the root causes of displacement', which should advise government and parliament. Efforts to mediate the structural factors inducing forced migration are combined with an attempt [to facilitate the return of failed asylum seekers and irregular migrants](#). In this regard, the coalition agreement intends to declare Morocco, Tunisia, Algeria and other countries with a recognition rate below five percent as safe third countries. Negotiations on a common European list of safe third countries are currently suspended, but would have been unlikely to include the Maghreb countries, as rarely any of [the 12 EU member states that apply safe third country lists](#) include one of the three countries (the only exception being Bulgaria, which enlists Algeria). Whether the German initiative will come into effect is an open question. A previous legislative proposal failed because it was blocked by the Green Party in the German Federal Council.

Left unmentioned with regard to migration management in third countries is the EU-Turkey 'deal'. Despite it being a prominent topic during the election campaign, the coalition agreement merely states that new chapters on Turkey's accession talks with the EU should neither be opened nor closed unless unspecified 'appropriate criteria' are fulfilled. Regardless of Turkey's authoritarian turn, Germany's new government seeks to continue cooperation in the framework of the EU-Turkey agreement. Germany is [the largest member state sponsor to the EU Facility for Refugees in Turkey \(FRIT\)](#), which delivers humanitarian assistance to refugees in the country. Germany's support to improving the living conditions for refugees in Turkey shows that it has a vested interest in reducing incentives for onward migration to Europe. To pursue this objective in the longer term, Germany and the EU will have to decide on the extent to which [current emergency funding](#) is turned into a sustainable instrument to prevent protracted refugeehood in Turkey.

3 Germany's migration policy in the EU context: managing the status quo

To follow through with its proposals at the European level, Germany needs the support of other member states. After the rather turbulent coalition talks the question is: where does the new coalition agreement place Germany within the patchwork of different migration-related interests of other member states and its key European partner France? [In light of ongoing negotiations](#) on the reform of the Dublin Regulation, a subsequent question is whether Germany will be able to play a mediating role between opposing blocs of member states.

3.1 An answer to Macron

Much of the discussion around Germany's new coalition agreement has focused on the extent to which it offers an answer to the reform plans of French President Emmanuel Macron. [Speaking at the Sorbonne](#) just after the German elections, Macron outlined some of his main objectives for the EU's migration policy. His idea of a common area of borders, asylum and migration is mirrored in many respects by the German coalition agreement.

Macron's proposal for gradually building a common European border police force matches the demands of the German coalition agreement. Whereas significantly more resources and competences have been granted to Frontex since 2015 in order to deal with the effect of the 'migration crisis', [the agency is still not fully 'European'](#), as it continues to rely on member state personnel. Encouraging member states to finalise the nomination of border guards for the [Rapid Reaction Pool](#) and to deploy resources for ongoing and future operations would be significant steps towards full operability of the European Border and Coast Guard.

Similarly, the two governments agree on enhancing measures preventing secondary migration of asylum seekers. To achieve this, both parties reiterate calls, existent since the Amsterdam Treaty, for the further harmonisation of asylum procedures and standards. President Macron adds to this by proposing the establishment of a European Asylum Office and a common European security database to review asylum cases already processed in other EU member states. The French proposals are aimed at complementing [already existing EU initiatives](#) from the June 2016 European Migration Package and the European Agenda on Security.

Unlike Germany, France [only received about 6% of all asylum applications](#) lodged in the EU since 2015. A look at the relocation numbers reveals that France has nevertheless lent its support, not only politically but also practically, to Germany in the attempt to share the responsibility of hosting refugees. Germany and France are the two countries that have taken in the largest share of refugees under the current EU relocation scheme. While France relocated 4,944 refugees from Italy and Greece, [Germany relocated 10,279](#) – more than twice as much (as of 16 February 2018). Taken together, that amounts to almost half of the 33,721 refugees who were relocated since late 2015

Common ground also exists on the external dimension of EU migration policy. The two governments are aware that pooling diplomatic and civilian resources is necessary in order to mitigate the structural causes of displacement. Yet, especially the use of development assistance to alleviate migratory pressures needs to be viewed with caution. It remains to be seen in this regard, whether Germany's envisioned 'commission on root causes' will further enhance the use of [development assistance as a means to externalise migration control](#). Recent initiatives, such as the [Marshall Fund with Africa](#), and the fact that Germany is [the largest member state contributor](#) to the EU Emergency Trust Fund for Africa underscore an increased readiness of Germany to get involved on the African continent. This opens up the possibility of stronger cooperation between France and Germany in the region. In particular, Germany needs French support to pursue the replication of the EU-Turkey agreement with transit countries in sub-Saharan Africa. For one, because of the French ties in the region and for the other, because such a German initiative might be interpreted as yet another unilateral move to push its own agenda at the European level and might therefore result in opposition by other member states.

Whereas similar interests thus exist, especially with regard to the protection of external borders and the mitigation of root causes, the two countries developed slightly different priorities concerning the EU's overall policy on migration. Repeated terrorist attacks in the country have led France to focus more on the security dimension, whereas Germany has made an effort to find a common European solution for integrating refugees. Despite a general consensus, it is therefore unlikely that migration will become the defining element of future Franco-German cooperation. Against this backdrop, it is also difficult to imagine any landmark projects coming from the two countries that go beyond preserving the current situation of relatively low arrival numbers.

3.2 Bridging the East-West divide?

In light of its share of relocated refugees, Germany in particular is pushing for more solidarity in the current debate on a renewed or permanent relocation mechanism under the Common European Asylum System (CEAS). German Chancellor Merkel has expressed her opposition to a [proposal of the Visegrád countries](#) (Czech Republic, Hungary, Poland, Slovakia), which foresees an extra EUR 35 million of financial assistance to EU border control in case a reform of the existing Dublin Regulation does not entail mandatory relocation quotas. A decision on the matter has been deferred because of continued disagreement. In case no ['comprehensive deal on migration'](#) is agreed upon in the European Council meeting in June, Germany might attempt circumventing

the stalled discussion by shifting its focus. One proposal in this regard is making the distribution of cohesion funds under the Multiannual Financial Framework (MFF) [partially dependent on the integration of refugees into local communities](#). That way, regions which integrated a larger share of refugees would receive additional financial rewards.

Germany's position reflects the gradual change in its domestic discourse, which has come to represent Germany as bearing a disproportionate share of responsibility for the integration of refugees. Now a forerunner in the call for more European solidarity, Germany's interests clash with those of member states such as Slovakia, Czech Republic, Hungary or Poland, which refuse the European Commission's proposal to automatically allocate asylum seekers across EU member states. To break this deadlock, the Bulgarian EU presidency has set up a working group in order to [prepare a political consensus on the Dublin reform](#). Thus far the working group has come up with a plan that includes a three-phased approach for relocation, similar to [an earlier proposal by the Estonian EU presidency](#). Depending on the level of inflows, successive phases are introduced in order to manage relocation. In a first phase, the primary responsibility of the country of first arrival to process asylum applications is reconfirmed. In a second phase, relocation would take place on a voluntary basis. A mandatory relocation quota would only be introduced in a potential third phase, which sets in if immigration numbers in one of the frontline states exceeds a certain threshold. Disagreement still exists on the level of immigration numbers that is required to move from one phase to the other, as well as on the recognition rate that is needed for a person to qualify for relocation.

The current East-West divide places Germany in a peculiar situation. Insisting on pushing its own agenda, through qualified majority voting (QMV) on the CEAS in the European Council, could lead to further fragmentation between Eastern and Western member states. Another avenue, though not mutually exclusive to QMV voting, would be to push for more conditionality under the MFF. Yet, this could easily be interpreted as a direct move to sanction countries that have taken in fewer refugees. At the same time, Germany is weary of strengthening the family reunification criteria, which are thus far rarely applied under the Dublin Regulation. Advocated for by the European Parliament, an increasing number of family reunifications could help alleviate Southern member states from the burden of their primary responsibility to process asylum applications. Given the delicate nature of the topic, German efforts are likely to concentrate on a compromise that allows managing the status quo, by keeping arrival numbers low, while not further driving a wedge between the diverging interests of Western and Eastern member states.

Conclusion

In light of an increasingly sceptical public discourse on immigration, the new German government devised a migration policy that focuses on stricter external border controls and shared solidarity, based on a fair relocation mechanism in Europe. Although reinforced by the aftermath of the 'migration crisis', its proposals at the European level are by no means new. Rather, they are very much a continuation of what Germany has been arguing for in Brussels since the 1990s. Much effort is thereby put into displaying that the government is back in charge on immigration in order to prevent a 'second 2015'. The heated electoral campaign and the growing presence of an anti-immigrant jargon in the German parliament represent a new challenge to Chancellor Merkel, as she finds herself increasingly under pressure to convince the electorate that her policies can effectively control and reduce immigration. The rather restrictive nature of the agreement might also be an indicator for Germany's position in the forthcoming negotiations on the Justice and Home Affairs Council's strategic guidelines, which are to be adopted in June 2019.

Although the substance of its proposals has not changed in comparison with previous German positions, the intensity with which Germany is advocating for more solidarity at the EU level has changed. As a matter of fact, Germany has become a driving force behind the reform towards a more balanced relocation scheme, preferably as similar as possible to its own national refugee allocation system. To keep arrival numbers in the country at a relative low, it is pushing for a

step-by-step reform of the CEAS in order to ensure that the country is not again left alone to welcome the bulk of new arrivals to Europe. The new coalition agreement is sufficiently vague not to pre-empt any compromises at the European level. Yet, as long as Germany insists on its position to keep the country of first arrival principle, a workable solution that is both ‘fair’ and ‘based on solidarity’ also to the Southern member states will be difficult to achieve. Given its own agenda, Germany has only limited capacity to play a mediating role in the current negotiations on the CEAS. To allow for progress, it agreed to [discuss less controversial issues first](#), such as family reunification, and postpone a decision on relocation quotas to the June 2018 European Council meeting. It can be doubted though, whether this will be enough to revert the strong stance of the *Visegrad* countries. As long as no agreement on the Dublin reform exists, the Schengen area will continue to witness internal border controls. In the longer term, division between Eastern and Western member states might also cause problems in the negotiations and eventual implementation of the [Global Compact for migration](#). Whereas Germany is advocating reform initiatives that aim at preserving the current status quo, by maintaining comparatively low arrival numbers, it is careful not to cause any further divisions among the member states.