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Grundlagen und Handlungsbedarf im Kontext eines
Einwanderungsgesetzes

Abstract

The refugee crisis of recent years has shaped the overall migration debate in Germany. Broad swathes of the population have come to fear that significantly increased immigration is burdening social systems and leading to conflicts, while the potential advantages of migration with regard to the challenges of skilled-labor shortages and demographic change have fallen from view. However, skeptics and optimists might be able to agree on one thing: In an increasingly globalized and digitally networked world, better organization and management of differently motivated migration flows is more necessary than ever. Even if the issue of asylum today dominates the public debate today, the policy issue of labor migration from third countries cannot be neglected.

Above all, when the Baby Boomer generation reaches pension age in a few years and the size of the economically active population abruptly shrinks, this threatens to have a negative impact on the labor market. Therefore, a future-oriented, integrated strategy for ensuring the supply of skilled labor is needed. In this regard, native and foreign skilled workers should not be played against each other. Rather, they must be regarded as complementary elements. Longer working lives, greater investments in education, and improvements in the ability to combine family and career must thus be given a prominence in the catalog of measures at least as great as that of immigration. With regard to skilled-worker migration, the core issues here are whether Germany needs a new Immigration Act, and how this should look.

Labor-market integration must be the guiding principle of immigration management. This is because migrants' integration and participation in the labor market provides for fairness toward all participants (destination country, migrants and country of origin), and contributes to the domestic population's acceptance.

Along with a growing economy, a unified and transparent legal framework for the management of labor immigration is a fundamental requirement for making Germany attractive to skilled workers from non-European countries. Although the German Immigration Act is liberal in international comparison, the incremental, ad hoc additions made to the law in recent years have made it very complex and non-transparent. For example, there are currently more than 40 different options for labor-related immigration. This cannot be effectively communicated to skilled workers interested in immigration, to domestic companies or to local-level

public administrations. Thus, we as a country are not living up to our claims of having an effective and transparent immigration-management process. Germany therefore needs an Immigration Act that reorganizes and simplifies the entry options available to skilled workers, and makes it possible to obtain the skilled workers who will benefit our country economically, demographically and societally.

With regard to the details of the Immigration Act, it appears most useful to reconfigure the existing law using the EU Blue Card as the central pillar, and thus carry out further development within the current structure. Various figures have called for the introduction of a point system in which points would be awarded for certain criteria and used to make determinations on entry (rather than simply the offer of a job, as today). However, this currently makes no sense, as it would mean a complete change in Germany's system of immigration management, with corresponding transitional inefficiencies in its implementation, and no evident improvements with regard to effectiveness, administrative efficiency or transparency.

An Immigration Act that improves labor migration must be transparent, effective, attractive, efficient and flexible, and to this end ensure that immigration receives regular democratic legitimation. A restructuring with only a few residence-permission options, given a distinct label such as the "Black-Red-Gold Card," could produce greater transparency and comprehensibility (for migrants, businesses and the administration). To ensure that the Immigration Act is effective and that our country obtains the workers it needs, immigration options for persons with vocational training must be improved, and the range of official qualifications accepted in the context of residence permits for the purposes of a job search be expanded (for non-academic skilled workers, as well). For an Immigration Act to be attractive to migrants, it must lead to permanent residence more quickly and more simply than has previously been the case. In addition, the pathway to naturalization must be made simpler, and dual nationality permitted. The Immigration Act must be efficiently and uniformly implemented by the public administration. Pooling migration-policy responsibilities into a single, strong Federal Ministry for Migration, Asylum and Integration could help in this regard, as would the creation of a central approval agency for residence permits. Regular parliamentary debates on the issue of immigration strengthen the degree of acceptance within the domestic population and help give immigration greater legitimation. The target ranges for legally regulated labor migration should also be discussed in this context. These ranges should be specified annually, and could additionally help migration-management efforts adapt to changing circumstances (both with respect to migration volumes and labor-market needs).