

German Greens state premier votes for tougher asylum laws

By Martin Krieckenbaum
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The upper house of the German federal parliament (Bundesrat) has recently passed tighter asylum laws, thanks to the vote of the Green Party's premier of Baden-Württemberg, Winfried Kretschmann. The new legislation upgrades the Balkan states of Serbia, Macedonia and Bosnia-Herzegovina to the status of "safe countries of origin". Consequently, asylum applications of refugees from these countries will be collectively regarded as "manifestly unfounded" and rejected, and the applicants will face immediate deportation.

The Bundesrat—composed of representatives from each of the 16 German federal states—was constitutionally tasked with either approving or vetoing the revised asylum legislation that had been proposed by the grand coalition and already passed in the lower house of parliament (Bundestag). However, as the states represented in the Bundesrat and ruled by the Social Democratic Party (SPD) and Christian Democratic Union (CDU) are not in the majority, a state in which the Greens or the Left Party shared government was required to support the bill.

More than two decades after parliament's so-called asylum compromise, it is significant that the Greens are now responsible for curtailing the right to asylum. The Green Party, once associated with the idea of a multicultural society, was viewed by the public as the movement that supported migrants and asylum seekers against arbitrary treatment from state officials. But the Greens backing of Bundesrat legislation tightening asylum laws exposes their humanitarian palaver as pure hypocrisy.

The concept of "safe countries of origin" was part of the 1993 "asylum compromise", which the CDU-Christian Social Union (CSU) coalition aided by the SPD had enforced in the face of opposition from the Greens. At the time, the constitutionally enshrined right to asylum was severely limited as a result of the legislature's decision simply to designate certain countries of origin as regions where no political persecution was taking place and no asylum claims thus needed to be considered. So far, only the European Union (EU) member states as well as Ghana and Senegal have been listed as "safe countries of origin", but the inclusion of the western Balkan countries heralds a flood of more to come.

Kretschmann's stated grounds for supporting the new

legislation reveal that he agrees with the reasoning of the federal interior ministry, headed by Thomas de Maiziere (CDU). "Even now," said Kretschmann, asylum applications "of the vast majority of refugees are rejected as manifestly unfounded. In recent years, the asylum acceptance rate of people fleeing these countries has been at 0.3 percent".

He thus consciously implies that the acceptance rate is being kept artificially low due to arbitrary decisions on the part of state officials, whereby applications are often hastily and improperly processed, and the courts churn out streams of rejection notifications.

Kretschmann also declared he "considered the ruling on safe countries of origin a mistaken policy, although it does have constitutional justification". With the same reasoning one could accept the racial laws of the Nazi regime. He thereby reveals the Greens submissive attitude to the authoritarian state, which they are prepared to defend at all costs.

He also referred to the "real improvements for the refugees", which the Greens were supposed to have achieved in negotiations with the federal government prior to the upper house vote. But on closer inspection, the alleged improvements turn out to be a damp squib.

The residence requirement, prohibiting refugees from leaving their assigned area without official permission, was by no means abolished. As the ProAsyl refugee aid organisation declared, the only "achievement" was a "decriminalisation of visits paid to relatives".

It is already possible under current law to grant refugees freedom of movement, but most federal states refuse to exploit this possibility. The obligation to "take up residence" in a designated locality will continue to cause much suffering. Just as in the past, refugees will have no prospect of being allowed to change their residence in order to take up a job or attend a school or a training centre. In addition, authorities will be able to rapidly reinstitute the residence requirement in cases where refugees are accused of breaking the law or threatened with imminent deportation.

The principle of receiving state support in the form of goods rather than money also remains in force, despite Kretschmann's claims. The new legislation merely provides for a "preference for cash benefits" to apply; exclusively

non-cash forms of support (e.g. food and clothing) thus continue to be at the discretion of local authorities. Also remaining in force is the Asylum Seekers Benefits Act, through which refugees are systematically subjected to discrimination, are marginalised and receive only very limited access to medical care.

Improved access to the labour market had already been legislated. Further evidence of the Greens window dressing is provided by their celebration of the abolition of the “priority review” for refugees who have been in the country for 15 months. This arrangement excluded from the labour market refugees whose residence in Germany was tolerated, only because their deportation could not be effected. But hardly any asylum procedure takes longer than 15 months. Moreover, the lifting of the ban on work continues to be at the discretion of the immigration authorities, and the ban on training for young refugees also remains in force. This new regulation will operate for only three years, after which it will be subject to revision.

Finally, following negotiations on revenue sharing between the federal government and the states, discussion will focus on how to relieve the states and municipalities from the financial burden of providing health care for refugees. However, this will do nothing to alter prevailing conditions, whereby refugees are largely excluded from medical care except for emergency treatment. There is absolutely nothing here amounting to the “substantial improvements” that Kretschmann trumpets.

The media portrayed Kretschmann’s stated position as a crucial test for the Greens, although federal parliamentary deputy Volker Beck was quoted as saying that the Bundesrat’s new law meant that “the right to asylum had been sold for an apple and an egg”. Nevertheless, the Greens continue to masquerade under the guise of their supposedly humane refugee policies.

It was by no means only Kretschmann among the Greens, who was responsible for the tightening of the asylum law. The Baden-Württemberg prime minister had beforehand received the go-ahead from the party leadership in Berlin. The night before the Bundesrat vote, the Green Party executive council had decided that “the federal government’s proposal was indeed inadequate”, but “while distancing oneself from this position, (one) could respect the right of states where Greens shared government to come to another view”.

Kretschmann also won approval from the party leadership and other state associations after the ballot. Bettina Jarasch, chairperson of the Green Party in Berlin, welcomed Kretschmann’s stance, as did Kai Klose, leader of the Greens in the state of Hesse. Both praised the alleged improvements for refugees in the country. But in doing so, they are attempting to conceal the fact that the statutory classification of western Balkan states as “safe countries of origin” will have brutal consequences for the people there. Not only human rights organisations such as Amnesty International and ProAsyl, but also the European Council, have repeatedly drawn attention to

the plight of the Roma in these countries. Minorities there are left to defend themselves against racist attacks, and systematically denied access to work, housing, education and medical care.

Nevertheless, Greens federal leader Cem Özdemir told the *Die Welt* newspaper: “... our negotiators have achieved concessions that our party would have been happy with during the SPD-Green Party years of government”.

The bankruptcy of the Greens refugee and asylum policy could hardly have been expressed more clearly. During the seven years of the SPD-Green Party coalition from 1998 to 2005, the Greens supported then interior minister, Otto Schily’s (SPD) every attack on the fundamental right to asylum. It was the Greens who hastened through the Bundestag Schily’s Immigration Act, which facilitated deportations and enabled the establishment of police state measures against refugees and migrants, as well as the curtailment of the rights of foreigners to freedom of expression. Supported by the Greens, Schily also significantly contributed to the expansion of “Fortress Europe”, at whose walls thousands of fleeing migrants die every year. During this period, the number of asylum seekers continued to sink to new lows, and this was hailed by the government of the time as indicative of the success of its restrictive refugee policy.

Only a few weeks ago, the Greens-dominated district council in Berlin-Kreuzberg also backed a police operation against defenceless refugees, who were protesting their imminent deportation. A negotiated agreement on right of residence was also thwarted by the Greens.

The Greens exploit their allegedly humanitarian refugee policy to play an important role in enforcing the interests of the state against the welfare of the weakest members of society. In doing so, the Green Party—once known as the pacifist ecological party—has long since jettisoned all its principles in order to subordinate itself to the established order. When it comes to foreign policy, the Greens push for the return of militarism and support German operations in wars that drive hordes of people into flight, just as they defend the European Union and its barbaric refugee deportation policies.

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