

Transatlantic Discourse on Integration

**The Migration-Security Nexus
in the Light of the German EU-Presidency.
A Conference Report**

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european forum for migration studies

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1. Introduction

Since 2003, the *European forum for migration studies (efms)* has been organising the workshop series "Transatlantic Discourse on Integration" which is supported by the *German Marshall Fund of the United States*. The aim of these workshops is to bring together scientific and practical insights on integration issues and to promote the exchange of European and American expertise. As part of this series, the *efms* organised the workshop "The Migration-Security Nexus in the Light of the German EU-Presidency" in cooperation with the Heinrich Böll Foundation. This one-day workshop took place in the premises of the *Heinrich Böll Foundation* in Berlin on March 19, 2007. It brought together 34 European and American academics and policymakers, as well as representatives of non-governmental organisations and the media.

The workshop was aimed at discussing the latest security related policies and measures in the U. S. and Germany with regard to their impact on immigration and integration of migrants. In this context, the more administrative perspective as well as the human rights perspective has been illuminated as well as the situation of Muslims in the U.S. and Germany in the post-9/11 era. The future of migration-security issues has been debated in the light of the EU working programme under the German EU-presidency. The workshop continued a discussion which started in earlier conferences and aims at adding policy orientated aspects:

- ▶ "Immigration and Security - European Challenges and International Perspectives" (March 2006, Heinrich Böll Foundation)
- ▶ "Belliago Dialogue on Migration" (June/July 2006, German Marshall Fund of the United States)

This project report will summarize the presentations of the workshop and provide information on the participants and their evaluation of the workshop.



2. Contents of the Workshop

The workshop programme was divided into the four sessions: “Security Measures in Germany and the U.S. – Securitizing Migration Policy?”, “Security and its Relevance for Migration Affairs”, “Comments on Situation of Muslims in the U.S., Germany and Europe” and “Security in the EU – where do we go?”.

9.00 - 9.30 Welcome and introduction

Mekonnen Mesghena (Head of Department Migration & Intercultural Democracy, Heinrich Böll Foundation, Berlin)

Prof. Dr. Friedrich Heckmann (Director of european forum for migration studies, Bamberg)

9.30-10.45 Security measures in Germany and the U.S. – securitizing migration policy?

Dr. Steffen Angenendt (Stiftung Wissenschaft und Politik - German Institute for International and Security Affairs, Berlin)

Integration, security and migration reform in Germany

Prof. Rey Koslowski (Rockefeller College of Public Affairs and Policy, Albany)

Immigration reforms and border security technology in the U.S.

Questions & Discussion

Coffee Break

11.00-12.15 Security and its relevance for migration affairs

Martin Lauterbach (Federal Office for Immigration and Refugees, Nuremberg)

The cooperation of security services and authorities responsible for migration affairs

Dr. Ruth Weinzierl (German Institute for Human Rights, Berlin)

Human rights – purpose, standard and boundary of security and migration policy

Questions & Discussion

Lunch

13.15-15.00 Comments on situation of Muslims in the U.S., Germany and Europe

Arsalan Iftikhar (Council on American-Islamic Relations, Washington D.C.)

A view from the Council on American-Islamic Relations

Oguz Üçüncü (Islamic Community Milli Görüs, Kerpen)

A view from the Islamic Community Milli Görüs

Prof. Dr. Friedrich Heckmann (european forum for migrationstudies, Bamberg)

The concept of the Deutsche Islam Konferenz

Dr. Thomas Schwarz (European Union Agency for Fundamental Rights, Vienna)

Islamophobia in Europe

Questions & Discussion

Coffee Break



15.15-16.30 Security in the EU – Where do we go?

Mathias Schaef (Federal Ministry of the Interior, Berlin)

The EU working programme in the field of migration and security under the German EU-Presidency

Tony Bunyan (statewatch, London)

EU police and judicial corporation in criminal matters: data-gathering, databases and data protection

Questions & Discussion

16.30-17.00 Concluding Discussion

17.00 Adjourn



2.1. Security Measures in Germany and the U.S. – Securitizing Migration Policy?

The opening presentation was held by **Dr. Steffen Angenendt**, research fellow at the Stiftung Wissenschaft und Politik – German Institute for International and Security Affairs in Berlin. First, Angenendt went into the main debates on immigration, integration and security in Europe. He identified four different but interconnected debates: the debate on the link *between migration and terrorism* was initiated by 9/11 and especially the Madrid and London bombings which were amongst others operated by terrorists with a migration background. A second debate refers, according to Angenendt, to the fight against *illegal migration*. The third debate, cited by Angenendt, is the *demographic debate* which relates to security in a broader sense and refers to the fear of the ageing, and in some European countries, the shrinking of non-immigrant majority which sees their national identities threatened by immigration and higher birth rates of some immigrant groups. As a fourth debate Angenendt highlighted the debate on real or perceived *integration deficits* of immigrants. The non-immigrant majority fears that feelings of rejection and exclusion could lead to isolation of immigrants, ghettos, parallel societies, more criminality and political radicalisation, a spread of militant Islamism and to a new home grown terrorism.

Whereas some scholars argue that security related debates are abused by governments to justify a more ridged exclusion of immigrants and therefore diagnose an ongoing securitization of migration policies, Mr. Angenendt argued that the policies are not centred too much on security, but on the wrong aspects of security. In his point of view, the notion of security should be extended towards economic, social, cultural and demographic aspects.

In the second part of his presentation Angenendt addressed the specific German debates on migration, integration and security citing the reports of the law enforcement agencies which distinguish between four immigration related security challenges: immigrant criminality, anti-immigrant violence, extremist migrant organisations and non-acceptance or discrimination of immigrants. Without neglecting the risks emanating from these phenomena, Angenendt criticised that many Germans are convinced that integration has failed in the past ignoring that many immigrants are successfully integrated.

In the following Angenendt analysed the governments' reaction on immigration related security challenges as well as on challenges regarding the integration of migrants: Within the most recent German migration reform two security packages were introduced which aiming at uprooting terrorist elements and keeping them out of Germany. They not only expand the power of the government to ban religious extremist groups but also have implications on immigration and asylum policies, especially concerning data collection and data exchange on visa and asylum proceedings. In addition, Germany took a leading part in shaping the European cooperation in the field of immigration and security. Germany is especially interested in enhancing the cooperation of law enforcement agencies and reinforcing controls at the EU external borders by a coordinated visa policy and improved document security.

Analysing the migration policy reform concerning the integration challenges, Angenendt identified some shortcomings. Until now Mr. Angenendt lacks a clear definition of what integration really means as well as a concept of how the integration activities of the different levels within Germany's federal system should be coordinated. Furthermore, Mr. Angenendt criticised that integration activities are too much concentrate on increasing German language skills while other integration aspects,



like labour market integration, housing and living conditions as well as political participation are more or less ignored. What is more, Angenendt criticised that the German migration and integration policy does not recognise enough the diversity of migrants: the different live screening and specific needs of “new versus long-standing immigrant” or “high skilled versus low-qualified migrants” are not sufficient met.

Concluding his presentation, Angenendt asked for a broader concept of security which allows a more realistic and strategic debate on migration and integration and the development of adequate policies to be prepared for the increasing ethnic and cultural diversity all European societies will be faced with in the future.

Rey Koslowski, associate Professor for Political Science, Public Policy, Informatics at the Rockefeller College of Public Affairs and Policy at the University of Albany, illustrated in his presentation the challenges of the Migration-Security Nexus in the US. He explained the two most important and cost-intensive implementations of new border information technologies: the US-VISIT-Programme and the Secure Border Initiative (SBI), which are apart of the Immigration Reform by Senate in 2006.

The US-VISIT is a virtual system which collects biographical and biometric data from foreign visitors who enter the U.S. with a non-immigrant visa. Koslowski pointed out that the entry-exit tracking system at the core of US-VISIT was initially envisioned to identify visa overstayers and enforce immigration law, but it was not until after the September 11th attacks that the system began to be developed and take on a counter-terrorism role. By June 2006 US-VISIT had processed more than 60 million foreign visitors and more than 1,170 criminals or immigration violators had been stopped at entry to the US. Koslowski underlined some shortcomings of US-VISIT. There is no registration of departures at land borders, which remains possibly the most vexing problem for full implementation of US-VISIT, as enrolment on to the system is required for those travelling on a regular visa and for nationals of the 27 countries in the Visa Waiver Program, but it is not required of U.S. citizens or visa-exempt Canadians and Mexicans with border crossing cards. Koslowski highlighted that “it becomes very important to make sure that the Americans, Canadians and Mexicans who are exempt from US-VISIT are in fact who they say they are”.

In the second part of his presentation Koslowski explicated the newly established Secure Border Initiative (SBI), which will deploy a combination of surveillance technologies, data analysis systems and dispatching systems to help stop illegal migration between ports of entry. These are systems that the Senate bill describes as a “virtual fence”. Koslowski pointed out that a complete implementation of SBI can be considered impossible, because of the long land borders between the U.S. and Mexico as well as the U.S. and Canada. He outlined that virtual fencing is irrelevant to almost half of illegal migrants, who cross the borders legally, but stay on, although their visa has expired. Koslowski said that “without a complete secure entry-exit system, a future virtual fence may be circumvented by travel document fraud and visa abuse”.

To conclude, on the one hand Koslowski remarked that full system deployment of both US-Visit and SBI may have a significant effect on illegal migration and hinder the entry of terrorists. On the other hand the implementation beyond what has already been accomplished is not only economically very expensive but often politically difficult as well. He argued for more cost-effective alternatives, like an effective employment eligibility verification system and labour regulations.



2.2. Security and its Relevance for Migration Affairs

Martin Lauterbach, civil servant within the Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, bamf), provided interesting insights in the work of his unit, which is responsible for the cooperation of the Federal Office for Migration and Refugees with security authorities and deals with two major issues of the migration-security nexus. The first is investigation of single asylum cases in order to contribute to the combat against terrorism and serious crime, and second the analysis of illegal migration.

New legal regulations initiated the foundation of this unit in 2002, the first being the Counter Terrorism Act of 2002. The Counter Terrorism Act enlarged the possibility of data transmission between the Federal Office for Migration and Refugees and the Federal Office for the Protection of the Constitution. In addition to that, further expulsion rules and new grounds for exclusion from asylum have been established not only by the Counter Terrorism Act but also by the Immigration Act, which has been in force since 2005 and bypassed decisions of the Federal Constitutional Court aiming at improving the identification and expulsion of “dangerous” asylum seekers or foreigners. In 2006 21,000 asylum seekers applied for the first time for asylum. 750 of them were reported by the Federal Office for Migration and Refugees to the Federal Office for the Protection of the Constitution. 212 of these cases were reported to the police and 68 decisions were made in 2006 which excluded an asylum seeker based on security reasons. Additionally, the Federal Office for Migration and Refugees cooperates with security services in gathering information on migration movements, travel routes, smuggling operations and visa fraud to analyse illegal migration.

According to Mr. Lauterbach the legal framework is sufficient but there is a lack of communication between the relevant authorities. Therefore liaison personnel of the Federal Office for Migration and Refugees is deployed in Berlin within the Joint Counter-Terrorism Centre, launched in 2004, and the Joint Centre for Illegal Migration Analysis and Policy, launched in 2006, where different authorities dealing with security and migration are working together. In the working group “legal status” of the Joint Counter-Terrorism Centre, for example, the Federal Office for Migration and Refugees cooperates with the Federal Police Office and the Federal Office for the Protection of the Constitution with the aim to review residence status of foreign extremists and to determine at an early stage whether it is necessary to take measures under foreigners or asylum law. Since the Foreigners Authorities of the Länder, who are in charge of residence and passport related measures, are not at the table, the working group can only suggest actions concerning the foreign law and has no jurisdiction apart from the asylum decisions. The working group has already examined 150 cases so far. In 20 cases the asylum status was withdrawn, in 11 cases the working group suggested an expulsion order to the Foreigners Authorities of the Länder. Mr. Lauterbach emphasised that the small figures show that the working group is only dealing with single cases, which are examined carefully: “Believe me they are really the bad guys! If you have a closer look at the cases, you are very convinced. You want them to leave the country.” Additional to this working group on the federal level similar working groups have been established on Länder level. The Bavarian working group, where the local Foreigners Offices and the Federal Office for Migration and Refugees are involved, issued 57 expulsions since October 2005, 28 of them were deported or left the country on a regular base.

Finally, Mr. Lauterbach pointed out that the Federal Office for Migration and Refugees does not only follow the path of security but tries to combine protection, security and integration: “On the one hand be tough to the real bad guys and on the other hand make a serious offer for integration.”



Dr. Ruth **Weinzierl**, from the German Institute for Human Rights in Berlin, dealt with the workshop topic from the human rights point of view. First of all Mrs. Weinzierl argued that human rights must be a purpose of security policy since it aims to protect the “ordre publique” of a society and human rights themselves represent a part of the “ordre publique” within all countries of the European Union. What is more, human rights are a purpose of migration policy, especially the protection, respect and fulfilment of human rights of forced migrants.

Human rights, Mrs. Weinzierl pointed out, are not only a purpose, but also a standard of and limit to migration and security policy. Mrs. Weinzierl highlighted three vulnerable fields in the migration-security nexus: the *right to control entry, residence and deportation of aliens* (1) is limited by human rights if substantial grounds have shown, that an expulsion, extradition or refusal of entry at the border bears a real risk of serious human rights infringements in a third state. This so-called principle of non-refoulement is anchored in customary international law as well as *the principle of non-discrimination* (2) which encompasses the protection against discrimination for reasons of race, colour, sex, religion, political opinion and national or social origin. The *right to data protection* (3) limits data gathering as well as any act of processing and transferring personal data.

Analysing the current security and migration policies, Mrs. Weinzierl concluded that security considerations may lead to a restriction and even infringement of the human rights of migrants and may be able to hinder immigration and integration. According to Mrs. Weinzierl the main reasons for human rights infringements concerning migrants through security policy can be traced back to the complexity of the migration-security nexus: What aspects of migration are involved - legal immigration into the European area of Freedom, Security and Justice, illegal immigration or integration of migrants living within the European Union? What aspects of security are involved? Are we talking about a threat for security deriving from illegal immigration assuming that immigration as such is a security threat? Or are we talking about a threat deriving from migrants, which are radicalized terrorists? Is there a nexus between illegal immigration and terrorism?

What is more, Mrs. Weinzierl identified a lack of willingness to address human rights carefully, when security legislation is passed and implemented. Therefore she formulated three main requirements addressing the German EU-Presidency: 1) a further development of the judicial review system in the field of immigration, asylum as well as in the field of police and judicial cooperation in criminal matters, 2) a further development concerning data protection, especially in the area of the third pillar, police and judicial cooperation in criminal matters, and 3) a further enhancement of the monitoring of the external borders of the European Union, especially the practice of per-boarder controls.



2.3. Comments on Situation of Muslims in the U.S., Germany and Europe

Arsalan Iftikhar is the national legal director of the Council on American-Islamic Relations (CAIR) an American Muslim civil rights and advocacy group with 32 offices in the United States and Canada. Mr. Iftikhar first presented some socio-demographic data on the Muslim community in the US: There are around 8 million American Muslims living in the United States today. Approximately 33% of them are of south Asian origin, from the Indian subcontinent, India, Pakistan, Bangladesh and Sri Lanka. 25% of American Muslims are African American Muslims and 25 % are of Arab decent – 17 % are of Latino and European decent. 60-70% of American Muslims today were born in the United States. The American Muslim Diaspora is by far the most socially, politically and economically empowered Muslim Diaspora in the world. Over 57% of American Muslims make over 75,000 Dollars a year. 51% of American Muslims have a graduate degree of some sort in addition to their bachelor and college degree.

Mr. Iftikhar pointed out that after 9/11 there was no other demographic group in the US that was more severely affected than the Muslim Community. He mentioned that directly after 9/11 over 2,300 men of Arab and south Asian origin were summarily arrested and rounded up by the Attorney General. Not one terrorist conviction came from this massive roundup.

According to Mr. Iftikhar, the "Special Registration program" is another measure by the American government to target the Muslim Community. This programme required all male foreign visitors, already in the US, aged 16 and older from specified countries to register at designated immigration offices within a given time period. There was a list of nationals from 25 countries who had been identified to report to designated US immigration offices to register. Except for North Korea, nearly all of the countries designated in Special Registration are predominantly Arab and Muslim.

This programme targeted absconders, which means people who have overstayed their visa and are therefore considered deportable. According to Mr. Iftikhar, less than 2% of the estimated 300,000 absconders in the US are from Arab or Muslim nations: "It was those 2% that were targeted by Ashcroft's Justice Department shortly after 9/11." In the end, 83,000 persons took part in this registration process, 15,000 of those were placed into deportation proceedings.

Additionally, Mr. Iftikhar cited legal measures introduced for the purpose of fighting terrorism, like the US PATRIOT ACT or as he called it the "Domestic Spying Program" that as Mr. Iftikhar believes is in contravention to the US constitution. As a result, there were several high profile terrorism arrests that turned out to be nothing but damaged the American Muslim Community. "The problem that we have faced again and again is not only our governments' lack of accountability for the actions that they take but also the misperceptions that they have fed to the general American public."

The Muslim Community experienced a rise of Islamophobia and hate crime after 9/11. The increasing Islamophobia is not only reflected in negative public utterances of opinion in the media but also in opinion polls. Mr. Iftikhar quoted the results of a recent poll by the Gallup Organization: 55% of the Americans said that they do not want to have American Muslims as their neighbours.

Concluding, Mr. Iftikhar required an intellectually honest debate on integrating Muslims in Western societies with the aim to "rebuild the bridge of trust that unfortunately has been burning from both sides." Therefore it is essential, according to Mr. Iftikhar to understand that integration is a two way-street where the government has responsibilities towards the community and the community has responsibilities towards the government.



Mr. Oğuz Üçüncü is the Secretary-General of the Islamic Community Milli Görüş e.V. (IGMG). He presented views based on personal experiences on the situation of Muslims in Germany especially in the aftermath of the 9/11 terror attacks in New York and Washington. On that day in 2001, Mr. Üçüncü said, he was in Dortmund-Mengede meeting with local politicians in order to convince them to support a mosque project there, because there had been reservations in the neighbourhood to house a mosque which is part as a local branch of the IGMG. The initiative of the organization was mentioned as a threat of the constitutional order of the Federal Republic of Germany in diverse publications and newspaper articles. It took the organisation another five years to finally get the permission to open the Community Centre in Dortmund- Mengede.

Mr. Üçüncü mentioned that the IGMG has been observed by the secret services from the very beginning and that there are published reports about the organisation annually. According to Mr. Üçüncü the IGMG was used to this observation but after the 9/11 terror attacks the organisation for the first time was mentioned in a context of a terrorist threat for the society. He stated that especially the “Sleeper”-discussion deepened the gap between society and IGMG, which appeared at least contradictory or ambivalent and that this impression amplified the atmosphere of distrust. Mr. Üçüncü pointed out that the main reason for this distrust is due to the fundamental difference between the self conception of IGMG and the public opinion “mainly influenced by the released publications of the ministries of the interior”. He stated that the support in judicial issues dealing with questions like coeducational physical education, the Islamic veil and the relation of the organisation to Turkey lead to valuations of IGMG as a political Islamist organisation. According to Üçüncü, especially in the German context Islamism is seen as a threat to the institutional orders of the Western World. He mentioned the definition of Islamism given by the International Crisis Group, which includes three categories of Islamism: political, missionary and djihastic. Üçüncü considers these categories an ambiguous classification and that there is the necessity of a clarification of the definition and criteria of the classification in the light of the actual judgements of the German constitutional court, because of the consequences for the organizations and members affected by that.

Mr. Üçüncü pointed out that the situation of Muslims became worse after the murder of Theo van Gogh in the Netherlands and the terror attacks in London. Concerning the “home-grown terrorism” it was no longer a discussion about a limited number of Muslims and organizations but a discussion whether it will be ever possible to succeed with the efforts to integrate the Muslim population. Mr. Üçüncü remarked: “What once started as a debate about strengthening internal security developed to a socio-political dispute about the need for an Islamic enlightenment dealing now with issues like freedom of press, freedom of art, parallel society, gender equality, forced marriages and honour killings”. According to Mr. Üçüncü even the German Conference with Islam is mainly dealing with these issues instead of concentrating on the legal and political integration of Islam.

Mr. Üçüncü mentioned the citizenship tests in Hessen and Baden-Württemberg and the so called “control days” in Niedersachsen and Baden-Württemberg, where policemen do control visitors of the Friday prayers and register their personal data, as outstanding examples of means and provisions that antagonize Moslems.

To come to a conclusion, Mr. Üçüncü argued that “Muslims are and will be an integral part of European societies, and with regard to the demographic changes their contribution for the development of our societies is essential”. To emphasise his concerns Mr. Üçüncü closed his presentation with a quotation from a song by Elvis Presley: “We can’t go on like this with suspicious minds”.



Prof. Dr. Friedrich Heckmann, Director of the *European forum for migration studies* (efms) in Bamberg, gave a statement on The German Conference with Islam – die Deutsche Islam Konferenz (DIK). This is an initiative of the German state, which wants to achieve the improvement of inter-group relations and the integration of Muslim people in general. To underline this, Heckmann quoted the current Interior Minister of Germany Wolfgang Schäuble, “Islam is a part of Germany and a part of Europe, it is a part of our present and of our future. Muslims are welcome in Germany. They should be able to develop their talents and to help our country to develop”.

The conference is intended to be a long term process of negotiations and communication between the Federal Government, the Länder and representatives of Muslims living in Germany. In its core the conference consists of 15 representatives of the German state and 15 Muslim representatives. It will last two to three years and will meet twice a year and will occupy itself with documents produced in four working-groups, consisting of: 1) The social order and basic values, 2) Religious issues and the German constitution, 3) media and the economy in the integration process, and 4) Security and Islam. Heckmann himself is a member of working-group three.

He stressed that the conference is not intended as an inter-religious dialogue, but as a communication between the largely secular state and a group of its citizens. The institutionalization of the DIK shows the confirmation of a new reality in German religious-cultural life. Heckmann stated that this new definition of the situation is “also recognition of people, their religion and culture, has a psychological side of giving recognition and feeling recognized”. This means that the state is talking with Islam, not about Islam.

Politics of recognition, as another element of the DIK, might also contribute to prevent alienation of descendants of immigrants, prevent the reception of extremist ideologies, referring to the problem of so-called home-grown terrorists. A final document at the end of the DIK will be a major achievement but the process of commonly arriving at such a document has its own value: the opportunity to establish relations of trust and networks among elites that can be used for improving inter-group relations.

To conclude, Heckmann perceived the German Conference with Islam as a “great opportunity to strengthen societal cohesion and security” and feels “optimistic about the prospects and success for this undertaking”.

Dr. Thomas Schwarz is head of Sector Data Collection at the European Union Agency for Fundamental Rights (FRA) in Vienna. The FRA is a body of the European Union and is being built on the European Monitoring Centre on Racism and Xenophobia (EUMC). In his presentation Schwarz illustrated the major key findings and recommendations of two EUMC reports published in 2006: “Muslims in the EU – Discrimination and Islamophobia” and “Perceptions of discrimination and Islamophobia”. Both incorporate collected data through RAXEN (European Racism and Xenophobia Information Network) during 2004 and 2005, and other sources in Islamophobic incidents and the situation of Muslims in areas of social life.

“*Muslims in the EU – Discrimination and Islamophobia*” gives a review of the situation of Muslims in the 25 EU Member States, concerning available research and statistical data on the situation of Muslims in employment, education, housing, Islamophobic incidents and good practices and positive initiatives. Several major key findings could be established. Muslims are often victims of negative stereotyping, vulnerable to manifestations of prejudice and hatred in form of threats, violent attacks and property damage. Young Muslim people particularly, are faced with limited opportunities for social advancement, social exclusion and discrimination, which could generate feelings of hope-



lessness and alienation. Statistical data show that Muslims have higher unemployment rates than average and often jobs that require lower qualifications, thus they are overrepresented in low-paying sectors of the economy. They also have educational achievement below average and are often disproportionately represented in areas with poor housing conditions.

The second report *“Perceptions of discrimination and Islamophobia”* is based on in-depth interviews with members of Muslim organisations and Muslim youth groups in ten EU Member States. Several key respondents’ messages could be defined. Schwarz pointed out that the situation of Muslims has deteriorated over the last five years. He also mentioned that citizenship is critical to ensuring a sense of belonging and that the demand to ‘integrate’ might be counterproductive, if it is not accompanied by equal treatment. The law is an important tool to challenge discrimination. Schwarz stated that many Muslims acknowledge that they themselves also need to do more to engage with wider society. There is a new generation of progressive young people who are committed to a cohesive and just multicultural society, but there is also the risk that this could be eroded by persisting discrimination.

Schwarz stated several key recommendations. One is a framework decision on defining a common criminal law approach to racism in the EU. Another, the political parties should sign and implement the “Charter of European Political Parties for a Non-Racist Society”. There should be development of official mechanisms recording incidents of racism, xenophobia, anti-semitism and Islamophobia. Measures, especially at the local level, for migrants and minorities, including Muslims, in order to improve their social situation and develop respect for European values should be provided. Furthermore, the media and internet service providers should ensure that complaints procedures are accessible to vulnerable groups and implement training programmes for staff. Muslim communities should develop representative organisations that reflect their diversity and empower women and youth in particular to participate actively.

To summarize, Schwarz pointed out that integration is a two-way street and discrimination and racism are illegal and fundamentally contradicting European values. He emphasised that strengthening social cohesion by respecting diversity, upholding fundamental rights and guaranteeing equal opportunities for all are key challenges.



2.4. Security in the EU – Where do we go?

Mathias Schaeff from the Federal Ministry of the Interior (BMI) held a presentation about the “EU working programme in the field of migration and security under the German EU-Presidency”. The work programme in the first half of 2007 pursues objectives, like fighting international terrorism and cross-border crime. Managing migration together, shaping the dimension of external relations and strengthening administrative cooperation are also other aims. Furthermore it is important to promote integration and intercultural dialogue and the future of European domestic policy.

Schaeff declared that a European information network is being built through connecting databases of Member States, granting optimum access for police and security agencies of Member States and Europol to the central European information systems SIS (Schengen-Information-System), VIS (Visa-Information-System), CIS (Custom-Information-System) and Eurodac. He also emphasised that Germany within its EU-Presidency is going to stand up for transposing the Treaty of Prüm into European legislation. The treaty was signed in the German town Prüm on 27 May 2005 by seven European states, including Austria, Belgium, France, Germany, Luxembourg, the Netherlands and Spain). Eight more Member States (Finland, Italy, Portugal, Slovenia, Sweden, Bulgaria, Romania and Greece) since then have declared their intention to accede to the treaty. The major contents of the Treaty of Prüm concern the indentation of cross-border collaboration, particular in fighting terrorism, cross-border criminality and illegal migration. This means full and direct online read access to vehicle registration data, access to DNA analysis files and dactyloscopic (fingerprint) data bases in what is called a hit/ no-hit system.

Furthermore, there are efforts to provide the sharing of information about potential perpetrators of terrorist attacks and for granting executive powers to police officers of other Member States. One European information network – the Schengen Information System– was explicated in more detail by Schaeff. The SIS is a common search system for persons and objects. The fact that the SIS has been enlarged to integrate new Member States which joined the EU on 1st May 2004 necessitates new technical possibilities, thus the implementation of a second-generation Schengen Information System (SIS II). Networks which shall bring forward the Schengen Information System are SISNET and s-TESTA. SIS II should start in December 2008.

Another aim of the work programme of the Federal Ministry of the Interior is the strengthening of practical cooperation, through Europol, Frontex and initiatives, like “Check the Web”. This initiative enhances the cooperation between the Member States in monitoring and analysing open sources regarding terrorist use of the Internet. This will be achieved by: 1) Development of an “Information portal, 2) Expert meetings at regular intervals and 3) Subprojects for analysing specific topics under division-of-labour-principles. Lastly, Schaeff pointed out the importance of strengthening Europol. This shall be attained through implementing the three Amending Protocols of the Europol Convention and replacing the latter by Council decision.



Tony Bunyan is director of the NGO statewatch. Statewatch monitors the EU policy making processes in Brussels in the fields of justice and home affairs and civil liberties. Statewach provides news, features and access to primary sources in order to encourage an informed discussion and debate in civil society.

Mr. Bunyan criticised the EU measures implemented after 9/11 which in his opinion, are leading to a lack of balances between security and civil liberties. In his point of view, the EU is going down an authoritarian road which is endangering our democratic way of life. In substantiating his point of view Mr. Bunyan argued that the measures taken in the purpose of tackling terrorism do not only deal with terrorism but with any crime. In implementing these measures the whole system of data protection, the whole system of police cooperation and of legal cooperation is being changed – all under the cloak of the war on terrorism.

Furthermore in the fight against terrorism, two separate communities – the intelligence services and the law enforcement agencies like the police or the customs offices, are mixed up. The law enforcement agencies are contaminated by security intelligence concerns. But as foot soldiers the law enforcement agencies are not in the core of fighting with the terrorism we are confronting. As a result the extension of legal measures target communities and ideological stereotyping groups.

Comparing the situation in the EU and in the US, Mr. Bunyan pointed out that the EU is one step forward. Whereas fingerprinting US citizens via passport application and mandatory data retention of phone-calls, e-mails, mobile phone calls and internet usage is unlikely to be implemented in the US these two measures are agreed in the European Union and are now being implemented. These developments, Mr. Bunyan argued, are leading to a total surveillance in movement of the whole population where everybody is a suspect - with very little public awareness and very little public debate.

Mr. Schaef countered by stating that in consideration of the fact that we are on the one hand facing a new kind of terrorism and organised crime and on the other hand trying to realise free movement within the EU, common databases and the exchange of data is indispensable to defend our democratic way of life. However Mr Schaef had to admit the objection of Mrs. Weinzierl: She stated that due to the fact that EU law is only partly harmonised, EU initiatives are focused on restrictive measures whereas Human Rights aspects are not mentioned at all – which she thinks is also true for the German programme of the EU presidency.



3. The Participants of the Workshop

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