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## *Policy Paper*

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# Germany's Immigration Debate: Is the Political Firewall Cracking

## Introduction

In her “Wir schaffen das” speech during a summit on 31<sup>st</sup> August 2015, Merkel demonstrated her willingness for Germany and the rest of the EU to host Syrians who had been affected by the ongoing civil war since 2011. The following year, Germany saw an influx of refugees from Syria and other origins of the MENA region. According to the Federal Statistical Office data, the overall number of people seeking refuge in Germany is not more than roughly 3.5 million. However, only one-third of this group is made up of Syrians. They are followed by Ukrainian refugees displaced due to Russia's war on Ukraine, then Afghan, and Turkish<sup>1</sup>.

The rise of far-right and anti-immigrant sentiment in Germany coincides with the following years of 2015. Although, the German public opinion towards hosting people displaced due to wars had been favored, for several reasons this opinion has seen a gradual shift. According to the poll conducted by German public broadcaster ARD, the annual Deutschlandtrend survey states 62% of Germans are concerned about Germany taking more refugees<sup>2</sup>.

One of the flag-bearers of the public immigration debate is the AFD, Alternative für Deutschland, a far-right political party and movement in Germany. Founded as a Euroskeptic group, now, their biggest political agenda is to send back all the immigrants to their native countries and tighten the law on immigration in Germany.

The key aspects of this fearmongering used by the far-right can be narrowed down to three points: immigration, crime, and terrorism<sup>3</sup>. The far-right agenda perceives society as a zero-

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<sup>1</sup> Federal Statistical Office of Germany (Destatis). Protection status: Time series.  
<https://www.destatis.de/EN/Themes/Society-Environment/Population/Migration-Integration/Tables/protection-time-series-protections-status.html>

<sup>2</sup> Deutsche Welle. (2024, February 6). Immigration: German voters want to accept fewer refugees.  
<https://www.dw.com/en/immigration-german-voters-want-to-accept-fewer-refugees/a-71477761>

<sup>3</sup> Christian S. Czymara (2024) Real-World Developments Predict Immigration News in Right-Wing Media: Evidence from Germany, *Mass Communication and Society*, 27:1, 50-74, DOI: 10.1080/15205436.2023.2240307

sum game, resources are limited and thus the new immigrants take the “rightful” share of the natives of the country. Secondly, crimes committed by people of immigrant background are used as a way of securitization. It is argued that the immigrants pose a threat to the country since, to their knowledge, the immigrants are more likely to commit crimes. And lastly, terrorism. Almost two-thirds of the current immigrants in Germany are Muslim. Expanding the securitization aspect, they argue, attacks conducted by extremist Islamists in Germany are one of the reasons why the government should limit immigration.

Under these circumstances, Germany is headed to their federal election on 23<sup>rd</sup> of February 3, 2025, after the “Traffic Light” coalition had failed. Candidate of the CDU (Christian Democratic Union), Friedrich Merz, is currently leading the polls. However, if the predictions turn out to be accurate, he won’t be able to have the majority in parliament. Thus, he would have to seek a coalition with other political parties at the Bundestag.

Since the end of the Second World War, the political parties from both left and right, and from the center, have not collaborated with far-right political parties by any means in Germany. This has been called “the democratic center”. However, back on the 29<sup>th</sup> of January 2025, this practice was disturbed by a motion proposal on tightening the immigration policy which needed the AfD votes to get a majority by Merz’s CDU. Although this has sparked dissidents both within the party of CDU such as the former Chancellor and the leader of the party, Angela Merkel, and from other political circles who are concerned over the AfD’s support, it has made clear that debates on immigration in Germany will enable AfD to have more platform in the future.

Considering this background, this paper will address how the discourse shift over immigration threatens the rule of law and poses a danger to giving space to far-right ideologies in Germany.

## **What is Happening in Germany?**

Following the violent attack in Aschaffenburg, carried out by a 28-year-old Afghan man which resulted in the killing of a two-year-old boy and a man, Merz proposed a five-point plan to limit immigration to Germany and start deporting people.

As of December 2023, there are around three million people seeking refuge in Germany where the majority are from Syria, Ukraine, and Afghanistan. Since 2015, Germany has seen an influx of immigrants coming from the Middle East. In 2022, when Putin waged war against Ukraine, Ukrainians too started to flee to Germany.

The public discourse has seen a gradual shift in immigration. Now, just before the German federal elections on February 23<sup>rd</sup>, immigration is one of the hottest topics during the political debates. Polling the highest before others, Merz and his party’s election program also pointed out this problem and came up with policy changes regarding immigration. The plan covers deporting all asylum seekers to a third-safe country while their cases are proceeding, refusing people at the borders, putting permanent border checks, and suspending issuing family reunification visas. Merz and CDU are also planning to change the recently revised citizenship requirements and make it harder for people to obtain a German passport. Furthermore, their

election program includes the promise of revoking German citizenships of dual citizens who commit violent crimes.

Seeking to limit immigration to Germany and leveraging public dissent for his election campaign, Merz presented his plan at the Bundestag. He was only able to pass the motion with the votes coming from the AfD. This is the first time in post-war German political history that a German political party gets votes from a far-right party to pass a motion or a law at the Bundestag. Some people, both at the parliament and in the public, view this as a cracking of the “firewall”.

The firewall is a consensus between the main German political parties not to work by any means with far-right political parties. This willingness has become more important since now that the AfD polls almost 20% before the election. However, following the vote, Merz made it clear in his speech that the CDU would not bring down the wall under any circumstances. Nonetheless, collaborating does not only mean being in a coalition. Around Europe, many far-right political parties help center and right-wing governments to pass motions and laws.

If being in a coalition with the far-right AfD means demolishing the firewall, then the restrictive immigration policies are the wrecking balls to put that wall down. Many people in Germany but also all-around Europe have been frustrated with waves of immigration coming from the Middle East and Ukraine. Populist right-wing parties such as the AfD benefit from this frustration by promising “solutions” breaching international law and the EU Law and they boost racism within societies. Right-wing and center parties adjusting a language that was exclusively used by far-right parties ten years ago is a clear indication of the growing influence of far-right parties in politics. By doing so, the far-right becomes less extreme in the public eye since the center has shifted to the right sphere of the political spectrum.

## Why is This Plan Problematic?

The 5-point plan introduces permanent border checks on the internal EU border, gives the police the right to refuse people whose documents are not eligible to enter Germany, enhances the power provided to federal states to deport people quicker, and stops issuing family reunification visas for people who are staying in Germany with only a temporary residency permit. Although this motion is not binding, it is still concerning since it breaches EU law.

The misinformation on the statistics for immigration is alarming. For instance, Merz promised to start deporting people immediately after his election. However, he can't legally do that. Although there are almost 900.00 people whose asylum applications were rejected, Germany can not deport all of them. Around 86% of those whose applications were turned down can stay in Germany because of their “Duldung”, which is a scheme for immigrants to reside in Germany under certain conditions<sup>4</sup>. Such cases include serious health problems, enrollment into a university, or lack of exit documents. Thus, Merz knowingly advocates a proposal that is a clear violation of the German Constitution.

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<sup>4</sup> Deutsche Welle. (2024, February 5). Fact check: Deportation misinformation ahead of German elections. <https://www.dw.com/en/fact-check-deportation-misinformation-ahead-of-german-elections/a-71445337>

One other feature of the motion is introducing permanent border checks. However, under the Schengen Agreement border checks at the internal borders of the EU cannot be permanent, but only temporary under some conditions. For Germany to be able to put permanent border checks, the European Court of Justice must issue the country the right to establish a “national emergency”. Yet, until this day, the Court has never granted permission to any state to establish a national emergency. Pursuing an agenda that is breaching EU Law, Merz will eventually further trigger Euroscepticism in Germany.

It is important to mention that this motion was passed with the votes coming from the far-right political party which was founded under the Euroskeptical ideologies. Although Merz has sworn not to collaborate with the AfD and respect the “firewall”, during his speech at the parliament he said, “Just because wrong people agree with something that doesn’t make the idea itself bad”. By saying so he is creating space for the AfD to be perceived as less extreme and gives them more leverage. Furthermore, when Merz fails to get permission from the European Court for the national emergency, the AfD will use this platform to boost Euroscepticism in the country. This will only weaken the democratic center in Germany. Instead, Merz should start finding ways to align himself with other political parties in parliament to ease the way to form a coalition after the election. However, if Merz and his party keep insisting on drafting a more restrictive immigration package, his calls will only be answered by the far right.

Lastly, this political debate over limiting immigration creates a hostile environment for immigrant communities in Germany. The immigration topic has become a more regular debate in the public discourse, and this threatens the safety of immigrants. By securitization of immigration, marginalization of the immigrant communities will cause isolation and less integration.

## **Conclusion**

Just before the elections, witnessing a far-right political party supporting a motion proposed by one of the parties from the democratic center is troubling. It is important for political parties to not fall into the traps set by populist parties and do not collaborate with them.

Migration is a historical phenomenon. Criminalizing people who escaped hunger, war, and disaster will not stop immigration but rather make the journey deadlier and more dangerous for people who are in search of a better life. In the case of Merz’s plan, it is also clear that the motion is short-sighted. It does not formulate a solution. Promises like deporting people or reintroducing border checks are not feasible under the German Constitution as well as EU law. Thus, proposing populist solutions will only increase frustration and distrust among the public, which will eventually be instrumentalized by the far-right.

A country as large as Germany should not breach EU law and set a bad precedent. Erik Marquardt, a member of the European Parliament from Germany, asked the European Commission whether Germany has the right to refuse people at the border even if they apply for international protection, and the Commission's answer was clear. Germany must abide by the Dublin Regulation and apply the necessary provisions. Thus, without opting out from secondary EU Law by getting permission to announce a “national emergency”, Merz’s plan has no effect. The Commission must publicly make it clear that the motion is not admissible under EU Law.

In these times of distress, as civil society, we should keep advocating for human rights for all and not let hate speech shape political discourse. Merz's plan is breaching the rule of law and putting immigrants' lives at risk by targeting them. Repatriation should not be forced upon but rather should be voluntary. For the people who have decided to stay, Germany should come up with effective ways to integrate them into German society.

This federal election will be a turning point for immigration policy in Germany. What will be decided later will affect more than three million immigrant lives seeking a better life in Germany. The polls show that the AfD is likely to get the second-highest votes. Instead of focusing on populist immigration policies, the democratic center must find a way to work together to prevent the AfD gaining more power.