

A STUDY ON THE INTEGRATION LAW OF IMMIGRANTS AND REFUGEES IN GERMANY

—THE CASES OF BADEN-WÜRTTEMBERG AND BAVARIA—

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I. Background and Objectives

Previous research on immigrant integration has primarily focused on the roles of national and local governments. However, in recent years, studies examining the influence of sub-national governance have increased, particularly in Western Europe. Schmidtke & Zaslove (2014b) highlight the limitations of national-level policy implementation and argue that sub-national governance can adopt pragmatic yet innovative approaches through multi-actor cooperation.

In Germany, state-level integration laws, first introduced in Berlin in 2010, have served as legal frameworks for immigrant integration and facilitated cross-sectoral policy coordination (Schmidtke, 2021). These laws vary by state, reflecting regional priorities. For instance, Baden-Württemberg (BW) enacted its integration law during the 2015 European refugee crisis and subsequently introduced initiatives such as the “Pact for Integration” and the “Integration Award” to promote social integration while countering the rise of far-right parties (Schiller & Jonitz, 2023). Conversely, Zuber (2019) identifies the presence of state-seeking nationalism at the sub-national level, suggesting that regions with strong nationalist tendencies are more likely to implement assimilationist integration laws that restrict immigrant rights. Her comparative analysis of integration laws from Germany, Italy, and Spain (1975–2015) concludes that Bavaria’s 2016 integration law was the most restrictive.

Building on these findings, this study examines the variations in state-level integration laws by conducting a comparative case analysis of sub-national integration policies.

II. Research Scope and Materials

This study focuses on the Baden-Württemberg Participation and Integration Law (*Partizipations- und Integrationsgesetz für Baden-Württemberg*), enacted in 2015 and the Bavarian Integration Law (*Bayerisches Integrationsgesetz*), enacted in 2016. The analysis is based on official reports, statistical data, legislative records, and newspaper articles from the federal government, as well as those of Baden-Württemberg and Bavaria. Additionally, parliamentary discussions during the policymaking process were examined to understand the decision-making dynamics.

III. Findings

BW’s integration law defines integration as a “societal process” requiring active participation from both immigrants and host communities (Article 3). Notably, it introduced progressive measures such as religious holiday exemptions for Muslim and Alevi workers (Article 8). In contrast, Bavaria’s integration law mandates respect for the “dominant culture” (*Leitkultur*) and imposes an “integration obligation” (*Integrationspflicht*) on immigrants, with penalties for non-compliance (Articles 5, 12–14, 17a). These differing approaches reflect distinct historical and political contexts.

BW, governed by a Green–SPD (*Bündnis 90/Die Grünen–Sozialdemokratische Partei Deutschlands*) coalition since 2011, established Germany’s first independent Ministry of Integration. During the drafting process of the integration law, over 124 organizations, including migrant representative organizations and religious groups, were involved in discussions. Furthermore, the draft law was made publicly available on the state’s online portal to solicit citizen input. This initiative reflects the state

government's principle of "policy of being heard" (*Politik des Gehörtwerdens*).

Bavaria, in contrast, has maintained a strong regional identity and has been ruled by the CSU (Christlich-Soziale Union in Bayern) since 1962. The party has historically viewed immigrants as a threat to regional identity, favoring an assimilationist approach (Schmidtke & Zaslove, 2014a). Amid the 2015 refugee crisis, Bavaria's government unilaterally drafted its integration law as a symbolic measure to address growing public concerns over large-scale refugee arrivals. However, the law faced criticism from opposition parties, civil society, and legal experts for being overly assimilationist, leading the Bavarian Constitutional Court to rule parts of it unconstitutional in 2019.

IV. Conclusion

This study reveals that state-level integration laws reflect the ideological positions of ruling parties, shaping both the scope and enforcement of integration policies. Furthermore, differences in how integration is defined, the presence of punitive measures, and the degree of diversity accommodation highlight the extent to which these laws serve either as a functional policy framework or as a symbolic political statement.

As Europe's immigration landscape continues to evolve, the role of sub-national integration policies is assuming greater significance. Future research should further explore the long-term impacts of state-level integration laws and their interplay with national and European immigration policy frameworks.

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