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Rearrangement through Labelling: The German Federal Republic's Migration Policy in the 1970s – "Foreign Employees", "Asylum Seekers" and "Refugees"

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Abstract. The 1970s in the German Federal Republic witnessed a rearrangement of migration conditions. The "guest work" era ceased. Policymakers intended to gain control over migration. A series of legislative measures hindered further migration. After the ban on recruitment, migration – except for family reunification – was only to be legalised through asylum law. As applicant's numbers rose, accusations of an "abuse of the right to asylum" became influential. Further migration and the application for asylum were (rhetorically) criminalised. On the other hand, "foreign employees" wanting to stay were integrated into the welfare state's net. Policymakers announced their will to support society's "weakest". However, due to the Federal Republic's reluctance to accept ongoing immigration and its character as immigration country, large scale naturalisations were not intended. The focus on charitable approaches underpinned humanitarian dynamics, which eventually paved the way towards an exclusively humanitarian understanding of a right to migrate for "refugees" only. How are these contradictory developments explainable? The Paper examines the 1970s migration policy following its construction of target groups and respective labelling mechanisms. While legalising one's own (im-)migration belatedly by independently making a living was accepted and acknowledged during the recruitment era and its aftermath, at the end of the 1970s, such autonomous (im-)migration was not deemed legitimate anymore.

Keywords: *asylum seeker, guest work, humanitarianism, labelling, refugee*

1. Introduction

During post-war economic growth, the (im-)migration question widely remained absent in political debates (Green, 2004, 34-35). Liberalised labour migration conditions were regarded as essential for West Germany's "economic miracle" (Schönwälder, 2001, 349, 543). Even the belated legalisation of residence – after unlawful entry and without having to submit an application for asylum – was possible and "quite usual" (Berlinghoff, 2013, 59; cf.: Bojadžijev, 2008, 96-118; Karakayali, 2008, 98-99; 110-119, 166-168). "Guest work" was considered as temporary, controllable and demand-oriented worker mobility. As a long term

consequence, only moderate political pressure was imposed upon the issue. In the early 1970s, "it was widely expected, that indeed labour migration would be restricted, but simultaneously for foreigners already living in the Federal Republic the path towards citizenship would be facilitated" (Schönwälder, 2001, 634).

However, this given political room for manoeuvre right before the ban on recruitment and the economic crisis was, according to Schönwälder, not taken advantage of. Instead, the political hope was to substantially reduce the foreign population through a then formulated "consolidation policy". "Foreign employees" and their families were to receive "integration" support as well as their assumed willingness to return was supposed to be preserved. These – albeit contradictory – migration policy goals were pursued as equivalent ones. Migration policy followed a "third path" (Schönwälder, 2001, 548): Neither was full immigration – leading to naturalisation – supported, nor were residence rights challenged. Framed by these contradictory goals, inside the (im-)migration debate never again a comparable, depoliticised consensus as seen during the times of recruitment was recovered. (Im-)Migration became a political issue.

Starting from this diagnosis of a politicisation, the paper examines following migration policy as a redefinition of migration-related categories ("labels"). Which expectations and assessments were maintained? Which were abandoned and then rejected? Which (to a certain degree still present) key notions and goals shaped a rearranged migration policy?

After describing briefly theoretical and methodological basics, I further carve out the key contradictions of the "foreign employee" centred migration policy (4.). Its contradictions, it is argued here, led to the creation of new labels: the "asylum seeker" and the "refugee". The elements of these new labels will be analysed in chapters 5. and 6. Having done that analysis, a rearranged migration policy becomes visible (7.).

2. Labelling Migration – Theoretical Basics

Without categorisations, policies are not feasible. Policy makers do not decide on individual cases, but construct scopes of expectation. These expectations underlie historical change and are influenced by a multitude of stakeholders. Integration and resettlement programmes as well as asylum-procedures are not decided on unbiasedly, but are subjected to power relations. An analytical

perspective unveils this power behind seemingly objective legal categories and administrative procedures. Such an analytical perspective focuses on who is able to introduce and establish "labels".

Labelling serves tagging "deviant" groups, such as delinquents, disabled persons or female victims of sexualised violence (Krause, 2016, 9-10). Precisely as the "norm", however, these "deviations" display social constructions, are continuously (re-)formed and adjusted. Research therefore questions the labels' abilities to simply describe characteristics of certain groups. Rather, labelling is examined on its power-related social governance effects.

Establishing and particularly processing labels is dominated by political elites. These are – for example – able to variably pronounce and interpret specific attributes to identify "real refugees" and so-called "bogus asylum seekers" (ibidem, 18). However, in spite of such elite domination, there is still political competition within the migration regime. It is precisely through this competition and the resulting public debate that labels are justified: "To anchor labels societally, certain trend setting rhetoric is needed by stakeholders and institutions, who decide on these very norms" (ibid., 10). Asylum debates were repeatedly criticised for deploying such harsh, "trend setting" rhetorical means. Especially the (attempted) introduction of new (sub-)labels provoke(-d) vehement elocutions (Bade, 2015).

However, labelling's main and long term effect is the veiling of power relations. Labels appear as established, proven and accepted legal and administrative categories (Zetter, 1991, 45). Regularly, labels are integrated into texts of law and administrative prescriptions, from where they (re-)enter political or academic debates (Müller, 2010, 38-49). They originate in (migration) debates and therefore structure policy measures – or the other way around: they come up in official's communication and serve policy makers as consolidated categories, extracted from – seemingly unpolitical – administrative experience. As a consequence, it then seems neither possible to alter certain labels, nor appears their specific knowledge contestable. The everyday use of labels in administration, policymaking or public debates rather leads to an understanding of labels as unpolitical, neutral, and pre-discursive categories. Through the labelling-concept, researchers are able to identify discursive motives, ideas, legislation or administrative structures as wilfully created (re-)arrangements and as expressions of political power: "Labels reveal the political in the apolitical" (Zetter, 2007, 188).

3. Methodological Consequences

Since labelling is predominantly an elite-dominated administrative-political process, this article focuses on parliamentary debates. 1970s' Bundestag debates were examined qualitatively on (re-)definition processes of the migration policies' target groups.

To identify relevant contributions within the data, I firstly scanned every plenary protocol of the legislative periods seven, eight and nine (1972-1983, altogether 631 protocols) for migration related keywords ("Gastarbeit*", "Ausländ*", "Anwerbe*", "Asyl*", "Flücht*"). In altogether 121 protocols the migration issue was dealt with to an extent appropriate for dealing with the research question. Respective documents were reviewed in detail.

I secondly determined – inductively from the data – the "foreign employee" ("ausländischer Arbeitnehmer"), the "asylum seeker" ("Asylbewerber") and the "refugee" ("Flüchtling") as central labels. Out of the 121 relevant protocols, extracts from 33 will be discussed in more detail in this paper. These most strikingly serve the here undertaken analysis of a rearrangement through labelling.

While the "foreign employee"-label contained restrictive as well as charitable approaches, following labels served either a restrictive approach – the "asylum seeker" – or a charitable one – the "refugee". Starting from pointing out the main – contradictory – characteristics of the "foreign employee"-category, the analysis retraces, what migration related knowledge was transferred from that initial label onto the new ones. Eventually, a rearranged migration policy becomes visible.

4. Restrictive and Charitable Approaches: Contradictions of the "Foreign Employee"-Label

In June 1973, the Federal Government presented an "action programme" concerning its migration policy (Bundestag, 06.06.1973, 2 084-2 085). The SPD-FDP coalition aimed at a "consolidation" of the future employment of foreign workers. These considerations originated from what research later called the "discovery of immigration" (Berlinghoff, 2013, 18). Numbers of foreign workers and population had risen up to 2.4 and 3.5 million; (im-)migrants tended to extend their duration of stay and reunify their families. In this context, the government intended to gain control over migration and decrease the number of foreigners (Schönwälder, 2001, 569). However, control possibilities reached boundaries (Oltmer, 2017, 192).

Between 1973 and 1979, numbers of employed foreign workers indeed decreased from 2.6 to 1.8 million, but the altogether number of aliens remained stable and even increased slightly from 1979 on (all figures within this paragraph taken from: Herbert, 2001, 232).

The "consolidation" policy was based on three principles. Firstly, further migration was restricted. Restrictive approaches were limited by charitable ones: The Federal Government recognised the "foreign employees'" intention to stay and declared its will "to be considerate of" family reunifications (Bundestag, 23.03.1973, 1 177). Secondly, for those who wanted to stay, "integration" concepts were discussed. Thirdly, "voluntary" returns were encouraged (Yildiz, 2019).

Restrictiveness

The "action programme" was designed to address what was seen as social problems resulting from immigration: According to the programme's diagnosis, "social infrastructure" in overcrowded areas ("where almost every fourth worker is a foreigner") such as schools and the housing market, was exhausted. In many areas, "socially unbearable conditions" occurred. To deal with such "overloaded areas of settlement", parliamentary state secretary at the Ministry for Labour and Social Affairs Buschfort (SPD) announced, that a stop of further influx into metropolitan areas would be implemented (Bundestag, 25.04.1975, 11 780). Such intentions were limited by basic laws and immediate criticism by representatives of the economy, immigrants and supporters. After only two years, the government retreated from further restrictions of internal movement of former "guest workers" (Herbert & Hunn, 2008, 756-757). Even if they were discarded, these restrictions marked the ongoing presence of "foreigners" as a problem. Immigrants were – by political elites – made "scapegoats" (Özcan, 1992, 281).

Besides, the Bundestag agreed on tightening laws on "irregular employment". Additionally to augmented degrees of penalties for employers, immediate deportation of "illegal migrants" was decreed (Bundestag, 20.02.1975, 10 383). After the halt of recruitment, such legislation displayed an important step concerning the illegalisation of migration. The importance of such legislation was, according to the government, obvious. In behalf of the SPD parliamentary group, deputy Lutz (SPD) complained, that "the dark figure of the illegally employed is [...] estimated [...] 200 000. These are the people, the new slave traders are making money with, not only through lower wages, but through disregarding our common social imperatives and achievements" (Bundestag, 25.04.1975, 11 777). Tightening

respective laws was, therefore, according to Buschfort "both in the interest of the German employee and the foreigners, who legally reside here. They can raise the claim, that the German labour market will not [...] be flooded from the outside" (ibid., 11 780).

The "consolidation" policy was designed to implement restrictive measures not only in favour of German nationals, but – at least according to policymakers in charge – also to protect migrants already living in West Germany (Oltmer, 2017, 193). In favour of these very immigrants, who were already integrated into the welfare state's social net: the as "foreign employee" labelled. Migrants from the outside, however, who threatened to "flood" the prevailing system, were rejected – "in favour of a healthy social infrastructure" (deputy Hölscher, FDP, Bundestag, 20.02.1975, 10 385). What was first and foremost a restrictive policy on further (labour) migration was communicated as a policy to actually "protect" Germans as well as (im-)migrants. However, such a differentiated policy turned out to be unfeasible. The (im-)migration discourse and resulting legislation as wholes were – intentionally or not – directly affected by such new restrictiveness.

Family reunifications were hindered through the back door. Following the migration ban's intention, job centres were advised to not issue any first time work permits for non-EG-nationals in West Germany (Bundestag, 28.11.1975, 14 188). For foreign youngsters and spouses, who moved to West Germany for family reunification, a closing date was set: Work permits were only issued for those who entered before 01.12.1974. This legislative instrument was originally aiming at (potential) newly arriving migrants. However, these youngsters and spouses moved to West Germany not as labour migrants, but as dependents of those "foreign employees", who were addressed – as further explained below – by widespread appeals of "solidarity". "I say it frankly", labour secretary Arendt (SPD) nearly apologised in the Bundestag: "This rule may be hard for many a foreign employee, who brings in his family members. However, nobody will dispute that jobless German and jobless foreign employees as well [...] is to be conceded priority" (Bundestag, 16.01.1975, 9 721). Since only spouses and minors were granted family reunification rights, such ruling led to the denial of labour market access primarily of children and women; a highly restrictive measure, strikingly exemplifying the inner contradictions of the "foreign employee"-label. Such policy was confronted with constant criticism. The following Cabinet was pressured to postpone the closing date in 1977 and finally replace it by a waiting period rule in 1979 (Bade & Bommes, 2000, 173).

Charitable Thinking

Next to its restrictive intentions, the Federal Government's "action programme" was meant "to provide well-directed help, where social and societal problems are particularly huge." Two years later, SPD parliamentarian Urbaniak, member of the board for labour and social order, reiterated that his party "considers it always as its most noble job, to protect the weakest from exploitation" (Bundestag, 20.02.1975, 10 384). The opposition's leader Barzel confirmed CDU/CSU's acceptance of an obligation towards society, "in particular towards senior citizen, disabled and war-disabled persons" as well as "guest workers"; "to find solutions [...] is not only a commandment of solidarity, on which we all depend; it is a commandment of partnership and, as we think, a Christian approach" (Bundestag, 18.01.1973, 141). "We want to contribute to that society becomes more human. We shall therefore devote ourselves towards the disabled, the people affected by structural change and the foreign workers" (Arendt in: Bundestag, 25.01.1973, 283). However, actual integration policies remained reserved. Although already announced in the "action programme", substantial legislative improvements concerning the right to reside were not created until 1978 (Bundestag, 14.06.1978, 7 717).

Naturalisation, albeit not included on a significant scale into integration concepts, was nonetheless an issue in Bundestag's debates. Providing long-term, legally secure membership as pathway towards or goal of integration, however, was envisaged only for "individual and cases of hardship", a "flexible practice" was supposed to be able to deal with (as stated by parliamentary state secretary in the Ministry of the Interior Baum, FDP, in: Bundestag, 27.09.1974, 8 064-8 065). Basic requirements included a minimum residence duration of ten years, not being accountable for any infringements of the law, and secured means of existence (Bundestag, 27.11.1975, 14 093). Furthermore, Baum added, "because of naturalisation being linked to extensive rights and legal positions, particularly because of the political participation rights, a stable relationship and tie as a citizen to the community (assimilation) is requested" (Bundestag, 27.01.1978, 5 567). Eventually, in autumn 1978, the Federal Government refused to modify citizenship law "to that effect, that inside the Federal Republic born children of foreign employees, [...] following an ius-soli approach, receive German citizenship by birth" (Parliamentary State Secretary von Schoeler, FDP, in: Bundestag, 10.11.1978, 9 022).

The Federal Republic's reluctance to accept the proceeding immigration and its character as immigration country persisted. Throughout the 1970s a "paternalistic understanding of care" maintained: What "foreign employees" needed was, as commonly considered, not a perspective on political membership, but general help and support (Schönwälder, 2001, 508-509). Conditions for naturalisation remained poor (Green, 2004, 40-41). "Foreign employees'" naturalisation rate was insignificant (Alexopoulou, 2016, 469).

5. "Abuse of the Right to Asylum"? The "Asylum Seeker"-Label

Already in September 1973, CSU parliamentarian Riedl posed the question towards Secretary of the Interior Genscher (FDP), if it was correct, that poor conditions in the Federal Republic's so far only first reception "foreigner camp" in Zirndorf were due to a majority of "Arabs". Was it true, that these "Arabs" were "recruited" in Arabic states, then brought by aeroplane to the GDR, from where they were smuggled towards the west? "What does the Federal Government plan to do against these practices?" (Bundestag, 19.09.1973, 2 846). Genscher confirmed, that currently significant numbers of "asylum seekers of Arabic nationality" arrived the Federal Republic via East Berlin. These migrants were, according to Genscher, exploiting on allied legislation based freedom of movement within Berlin. Decreeing further border control measures, therefore, was difficult. Genscher further explained, that he "completely" agreed concerning the opposition's problem diagnosis: The "problem is [...], that it is [...] very difficult in this context, to avoid an abuse of the right to asylum." He identified a "problem disturbing all of us", and appealed to a "common responsibility". "Abuse of the right to asylum" was, according to Genscher, to be fought together. After all, this "abuse" affected common concerns such as the maintenance of "freedom of movement" within Berlin, the high significance of the right to asylum as obligation of the basic law and the "consolidation" of migration policy (ibid., 2 847). Genscher gave an interpretation viewing the "abuse" as administrative category exceeding party political approaches – not as the "denunciatory tendentious term" research later criticised it (Bade, 2015, 3). That was the way, the "abuse" topos was integrated as vital part into the "asylum seeker"-label (Wengeler, 2012, 313-314). Its knowledge was gathered through the seemingly unpolitical observation of administrative experience: smuggling, exploitation of loopholes, straining social infrastructure. In

future, the "asylum abuse" topos was deployed when dealing with "asylum seekers" in general – regardless of their individual claim to asylum. Far from being a de-politicised category, though, the accusation of the "abuse of the right to asylum" became central within anti-migrant politicisation (Bröker & Rautenberg, 1986; Wolken, 1988, 127-204). It led to a rhetorical criminalisation of asylum applications.

Asylum law required the categorisation of migrations. Therefore, individual hearings and respective assessments need(-ed) to be carried out. This requirement displays the reason for the extent of the legal recourse. Further, according to the basic law, residence must be guaranteed to "asylum seekers" for the duration of the asylum procedure (Münch, 1992, 40). Entry to west German territory and the long duration of the procedures, therefore, were regarded as key problems and central part of the Federal Republic's too high attractiveness for "asylum seekers" (Poutrus, 2019, 76). In March 1977, foreigner and border authorities were legally enabled to exercise in advance examinations on whether asylum applications were improper. Applications of "bogus asylum seekers" were not to be forwarded to the "Federal Office for the Recognition of Foreign Refugees" (the predecessor of today's "Bundesamt für Migration und Flüchtlinge") (Münch, 1992, 69-70). This practice did not meet prevailing foreigner law. Authorities in question were not qualified to assess asylum applications. In 1981, the Federal Constitutional Court deemed this course of action unconstitutional (Poutrus, 2019, 77).

From 1973 on, the number of asylum applications rose constantly. From 5 500 in 1973 to more than 9 500 two years later. From 1977 to 1978 numbers doubled again from 16 000 to 33 000. Another doubling was measured between the years 1979 and 1980. In 1980, for the first time more than 100 000 asylum applications reached the authorities. At the same time, the composition of the asylum applicant's countries of origin changed. While in 1969 altogether 92% arrived West Germany from "communist" east European states, this percentage constantly decreased. In the course of the 1970s, Eastern Europeans never again represented more than half of the applicants. Instead, "asylum seekers" from Jordan, Lebanon, African states, Pakistan, India and eventually Turkey arrived. Parallel, recognition rates lowered to less than 20% in 1977, 16% in 1979, 13% in 1980. In 1978, 7 500 asylum applications were submitted by Turkish nationals. This number more than doubled by 1979 and increased to 58 000 only one year later. Not taking into account Vietnamese "boat people" (recognition rate almost 100%) and Eastern bloc "refugees" (recognition rate higher than 50%), altogether recognition rate was below 5% (Bröker &

Rautenberg, 1986, 144-147). By 1980, an asylum procedure took, by making use of the whole legal recourse, up to eight years (Münch, 1992, 82).

By the 1970s, the Federal Republic regarded itself as stable member of the western alliance. Demonstrating through a particularly liberal asylum law its democratisation and distance from its dictatorial past was not regarding that important anymore. Now, the basic law anchored asylum article rather appeared to be hindering the Federal Republic's control of entry. Within this context, policymakers and even court decisions followed an understanding, which required objective politically oppressive persecution. A notion was favoured considering first and foremost "refugees" from eastern European "communist" states as in need of protection. In contrast, asylum applications of migrants from NATO member state (and military dictatorship) Turkey were not deemed worthy of right to asylum. Subjective fear of persecution, as considered explicitly in the Geneva Convention, was, to a certain degree, ruled out (Poutrus, 2019, 80). For non-"communist" states, political persecution for objective reasons was not assumed. Rather, Turks and applicants from other near Asian or African states were suspected to just "avoid the ban on recruitment" (Bundestag, 15.09.1977, 3 249; 21.03.1979, p. 16 723; 02.07.1980, 18 533-18 534), and "flood" the Federal Republic (Bundestag, 21.03.1979, 16 723; 09.11.1979, 14 543; 21.03.1980, 16 723).

In 1978, the Bundestag decreed unanimously the "Act to Accelerate the Asylum Procedures". Its main effect was a restriction of the legal recourse (Poutrus, 2019, 77). Two years later followed an "Administrative Crash Programme", ordering "asylum seekers" to be gathered in camp accommodations and recommended the issuance of social benefits in the form of allowances in kind. Besides, a one year (later two years) lasting prohibition to work was decreed (Höfling-Semnar, 1995, 120-121). In August 1980 the "Second Act to Accelerate Asylum Procedures" passed the Bundestag. Another attempt to restrict the duration of residence of "asylum seekers" was undertaken with the "Asylum Procedures Law" in 1982 (Münch, 1992, 92-100).

From a legal perspective – to such an extent as seen in the Bundestag – (Bundestag, 15.09.1977, 3 249; 07.03.1979, 11 108; 06.03.1980, 16 475), the "asylum abuse"-topos was unsustainable (Münch, 1992, 180-181; Wolken, 1988, 137-141). However, it made a huge impact, became a central "legitimation strategy" in favour of restrictive approaches (ibid., 148).

6. "Humanitarian Help" – The "Refugee"-Label

For a long time, the Federal Republic's asylum policy was primarily an anti-"communist" one. Within an era understood as "Cold War", admission of – relatively low numbers – of "refugees" from Eastern Bloc countries was uncontroversial (Müller, 2010, 155). Appeals for admission for/of people from Arabic and Asian states and the establishment of right-wing military dictatorships in Greece (1967), Chile (1973) and Argentina (1976) challenged such ideas of granting asylum for "communism" escaping refugees in the "free world". As a result, on the one hand, the above described restrictive approach gained strength. On the other hand, for admission that was regarded as necessary and welcome for external (Suhrke, 1998, 405-412) or humanitarian reasons, a charitable and humanitarian notion was favoured.

The 1970s witnessed a strengthening of (global) charitable and humanitarian approaches (Bösch, 2019, 12-13). The admission of so-called "boat people" linked characteristics of both an anti-"communist" and a humanitarian notion. Predominant, however, was a de-politicised humanitarian interpretation. The influence of "ideological solidarity" was weakened, instead, a "unpolitical relief operation with broad public support" was carried out (ibid., 210). While in the context of the "asylum" debate the opposition advanced a particularly harsh view on migration, in regard of the Vietnamese "tragedy" (Bundestag, 26.01.1979, 10 565, 10 568; cf. different enquiries in: Bundestag, 21.06.1979), it demanded the faster provision of more resettlement capacities: "Citizens of our country [...] are full of helpfulness. But when they see, that authorities are not even able to bring in the refugees, then, it is to fear, this helpfulness will be reverted to passivity and resignation" (deputy Werner, CDU, in: Bundestag, 21.09.1979, 13 737). The coalition did not hesitate to recognise such helpfulness. Minister of state Hildegard Hamm-Brücher (FDP) expressed her thanks to "the citizen of our country", who "do not tire of following any aid appeal and make financial sacrifices Bundestag, 02.07.1980, 18 563). "In the name of the SPD parliamentary group," deputy Oostergetelo stated, "I may [...] cordially thank all those [...], who declared their readiness to help to cope with the refugee problem. My thanks go to single citizens and private associations, charitable associations [...], municipalities, the federal states and the Federal Government" (Bundestag, 21.09.1979, 13 740).

In the course of the year 1979, the issue received a "wave of support never

seen before in favour of non-European refugees" (Bösch, 2019, 188). Reception quotas were increased on a monthly basis. Eventually, 45 000 "boat people" reached the Federal Republic (ibid.). Even a civil society's organisation rescue vessel, the "Cap Anamur", was sent to the South China Sea. To deal with such dynamics of empathy, the Federal Republic in 1980 designed an "Act on Measures for in the Context of Humanitarian Relief Programmes Admitted Refugees" (Bundestag, 14.05.1980, 17 473). These "refugees" were not supposed to go through an asylum procedure. Rather, immediate support for integration was provided. Such legislation became necessary since "refugees" were not able to fulfil asylum procedure's central requirements: To submit an application within German jurisdiction and to establish proof of individual political persecution.

7. A Rearranged Migration Policy

Restrictions

Political elites intended to historicise liberalised migration conditions of the "guest work" era. Present immigrants were supposed to receive limited – their willingness to return was not to be unduly harmed – "integration" support. Further migration was rejected. As migration "autonomously" (Karakayali, 2008, 154) continued, a new label was constructed. A multitude of ad hoc measures against "asylum seekers" was designed to end for decades persisting migration continuities. However, rearranged were eventually not migration routes, but migration labels.

Until 1980, "asylum seekers" were allowed to work. Their employment, according to the government, "obviously" demonstrated an "admission capacity" of the labour market (Bundestag, 19.03.1980, 16 584). Though, it was a political problem: Opposition criticised an "abuse" of the asylum system (ibid., 16 585). Against this accusation, the coalition was unable to properly defend itself: "You are always talking only of the ones who sit there and need to be taken care of", the Secretary of the Interior Baum (FDP) complained:

> The majority [...] looks for a job and finds one. Here something takes place in the labour market, I do not want to be carried out in asylum law. This is about a burden basic law burdens upon us [...], (interjection by deputy Spranger [CDU/CSU]: This is to say the claim, that through asylum law eventually in a court procedure it has to

> be decided [...]. (Spranger [...]: You do support the abuse!) (Bundestag, 06.03.1980, 16 479).

"Asylum seekers" arrive, Baum went on, "because in their country of origin they do not find a livelihood and [...] are looking for work, and indeed they are working. Did you realise, that the majority is integrated into our economic system [...]? (Spranger [...]: Completely missing the point!)" (ibid.).

The Asylum debate did not entirely lack the constructions of sympathy designed for the "foreign employees". The above-shown interjections ("completely missing the point!"), however, do not appear unsubstantiated in the light of the ban on recruitment. After being displaced towards the "asylum seeker" label, migrants were obliged to establish proof of individual persecution to receive a secured residence right. Legalising (im-)migration belatedly through making a living independently was not deemed legitimate anymore. The asylum debate, therefore, illustrates the persisting intention to end liberal migration conditions. When asylum applications for the first time in the Federal Republic's history rose to a significant level, predominantly restrictions were debated. Since such restrictions focused on the legal recourse, they suggest that not a (re-)definition of the right to asylum was sought. Rather, such policies become understandable in the context of a rearrangement of migration conditions as wholes. It was only the ban on (labour) migration, therefore, that led to the emergence of the "asylum seeker" label. Following that restrictive approach, these "asylum seekers" were rhetorically criminalised. Migration after its ban was regarded as a fraud attempt:

> What concrete actions were taken by the Federal Government [...] against 'smugglers' [...] and how does it want to prevent future abuse [...] of the right to asylum through foreigners, who enter the Federal Republic [...] for economic reasons only, but plead political persecution? (Bundestag interpellation by deputy Würtz, SPD, 09.02.1979, 10 822).

The Breakthrough of Charitable and Humanitarian Thinking

Policymakers deduced another major conclusion from the "guest work" era and its aftermath: Charitable and humanitarian principles had to be partly adhered to. These were strengthened within the "foreign employees" label. The ambition to provide help for this group was widely spread across Bundestag's parties. Making "Refugees" their business – as opposed to ("bogus) "asylum seekers" –, respective perspectives remained

acceptable for political elites. Not least were these very elites for external reasons in demand to provide adequate solutions to humanitarian crises.

It is worth noting, that, technically, the "refugees'" legal claim to asylum was not assessed different than the one "asylum seekers" raised. The contemporary favoured, particularly strict understanding of the right to asylum, however, was not supposed to restrict the Federal Republic's room for manoeuvre. Rather, "refugees from civil war and other areas of conflict, who do not meet the requirement of individual persecution", "were to be granted temporary help [...], without pushing them towards the path of unjustified asylum applications" (Bundestag, 19.04.1978, 2).

The answer to this dilemma of a restrictive asylum law on the one hand and the political will to admit "boat people" on the other was a humanitarian one. Policymakers did not even claim, that these "refugees" differed, in a legal sense, substantially from "asylum seekers". The label differentiation was applied in advance. It was not made dependent to an "asylum procedure", but to discursive and practical "dynamics [...] of empathy and humanitarian helpfulness" (Poutrus, 2019, p. 84): "From an asylum decision, the question of admission of persons on a humanitarian base is to be differentiated" (Bundestag, 22.02.1978, p. 5 887; 28.09.1978, 3 280). Immediately after arrival, these refugees received a status equated with accepted "asylum seekers" (Bundestag, 12.10.1979, 14 065). At the end of the here analysed period, from a common contemporary point of view, "asylum" and "humanitarian" help for refugees were entirely different issues.

"Chancellor," polemicised the Bavarian prime minister Strauß (CSU) in the Bundestag,

> we gladly [...] admit Refugees from Vietnam. But this only is possible when a majority here in this house [...] starts to restrict the asylum concern, or the asylum nuisance, to what the fathers of our basic law understood as political asylum law (Bundestag, 04.07.1979, 13 337).

8. Conclusion

Labelling is a process of stereotyping. It marks and separates migration policies' target groups. In doing so, labelling is decisively determining the migration regime. Through analysing predominant labels, migration policies' motives and rearrangements become visible and understandable.

On the basis of the labelling concept, the paper followed two major migration

policy developments. Both originated in the "guest work"-era and its aftermath. A restrictive approach aimed at the enforcement of ending this era's liberal migration conditions. Continued migration was rejected. Key element of a now dominating "asylum seeker"-label was a (rhetoric) criminalisation of migration by means of the general accusation of an "abuse" of the asylum system.

Besides, charitable and humanitarian approaches gained strength, demanding help measures for "foreign employees" and eventually the admission of "real refugees".

Due to the different labels, both approaches did not rival. Instead, policymakers stuck to the labels and their respective target groups. The restrictive approach focused on "asylum seekers", the charitable-humanitarian one on "refugees". "Asylum" and "humanitarian help" for "refugees" were considered as different issues.

Both approaches simultaneously were supported by vast majorities within the Bundestag. The Federal Republic's migration policy eventually was rearranged around the new categories. With long-term consequences, migration from now on was only considered legitimate for humanitarian reasons. The labels themselves were not challenged.

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