

Given the international race for the 'best minds', German policy has started, albeit hesitantly, to take action. The Green Card Initiative in 2000 made the first provisions for immigration and recruitment of highly qualified professionals from abroad, but it and other legal changes have not reached the majority of immigrants holding a foreign university degree. It therefore remains to be seen in future how these changes will affect the integration of highly qualified migrant professionals with foreign qualifications in the labour market.

Beyond the German "Green Card"

Migration of Highly Qualified Professionals By Arnd-Michael Nohl & Anja Weiß

When Bahri Nazar married a woman from Hamburg with Turkish roots, he was not actually intending to move to Germany. However, his wife was unable to get used to her new life in Turkey, and his work as a medical doctor for the public service was also tough. In 1992, the couple therefore decided to try their luck in Hamburg. Initially supported by his wife, an educator by profession, Dr. Nazar took German lessons and through a relative became involved in an association of Turkish doctors. Even before he could speak fluent German, he was asked to take over as head of the association's AIDS outreach. A little later, in November 1994, a member of the association offered him a post as assistant doctor in a general practice treating mainly patients with a migrant background, most of them from Turkey. As his wife had recently acquired German citizenship, he was able to apply for the necessary licence to practise medicine, which, because he had studied for five years in Turkey and had many years of experience in the profession, was also granted. In 1999, the head of his practice retired and Dr. Nazar, who as the spouse of a German citizen had by this time been naturalised and was therefore able to acquire the full licence to practise, took over. Today, this onetime marriage migrant is not only a doctor with his own practice, but he and his wife are also raising their two children in the family's own home.

What a stark contrast between the fortune of the German-married immigrant and that of Ms. Damerc. In her home country Iraq she had been in private practice as a gynaecologist and was a senior hospital doctor. As the situation in the country headed increasingly towards civil unrest following the second Gulf War, and a fellow doctor and friend of Ms. Damerc was murdered, she fled with her husband and children to Germany in 1996. There she was not found to have suffered political persecution but was granted a temporary suspension of deportation, a "mini asylum", which came with a residence title for exceptional purposes ("Aufenthaltsbefugnis") limited to a stay of two years. Her qualification as a doctor, albeit not that of her medical specialty, was recognised. Nevertheless, the residence title meant that her access to the labour market was restricted to dependent employment for which no German or other potential employees with a more privileged residence status (such as EU citizens) can be found. When she went to the public health department to apply for a licence to practise as a doctor, they recommended that she save herself the trouble and find a job as a cleaner. It was only when a German acquaintance of Ms. Damerc called the health department that they advised her to encourage potential employers to advertise a position requiring specific language skills. This way she is able to find work in a practice with a large number of Iraqi patients. As

her specialised training as a gynaecologist has not been recognised, she wishes to retrain as a general practitioner. In order to do so she must find several positions in other medical practices. Given the legal restrictions, Aynur Damerc must make a special effort in order to secure these positions: "I made a list and visited fifty doctors in a single month," she reports. However, she is also required to complete part of her training in a hospital, but hospitals are unable to advertise jobs with special language skills. If she cannot continue her specialist training, she will be required to repay the fees, a burden which hangs over the family like the Sword of Damocles. After nine years in Germany, five people are living on the €2200 after tax that Ms. Damerc earns during her training. It is uncertain what will happen next.

Although the German health authorities never doubted the professional qualifications of Mr. Nazar and Ms. Damerc, both encountered very different and above all unequally high hurdles on their way into the labour market. Both entered Germany outside of the state-controlled programmes inviting highly skilled immigration, yet they exemplify the potential discrepancy between the experience of migrants who have equivalent legal status to German citizens and those whose access to the German labour market is legally very limited.

In a larger study we have examined the diverse ways in which highly qualified migrants enter the labour market. We will first take a closer look at the situation of immigrants whose work permit is unlimited or has only minimal restrictions and who are therefore able to make use of their specialist knowledge and skills acquired in another country. In the second section, we will turn to the life and work of people with legally less privileged access to the labour market1 (as experienced by refugees, people who become undocumented, and students). Regardless

of the differences, the migrants we examine here all have in common that they entered Germany outside government sponsored immigration of the highly skilled, i.e. beyond the German green card. They obtained their core academic qualifications at a university outside Germany and are therefore migrant professionals with foreign qualifications.

Utilising knowledge and skills on the labour market

Marrying someone who lives in Germany is not the only way to enter the country and access its labour market with relatively few legal obstacles. Other biographical motives, for example of ethnic German repatriates hoping for a better life in their ancestors' country of origin, or of EU citizens wishing to gain experience abroad, can also be turned with relative ease into a residence title and access to the labour market equal to that of German citizens.

Conformity between the motive behind migration and immigration law is one prerequisite for people using the knowledge and skills they acquired in another country gainfully on the German labour market. We analysed the 2005 microcensus with respect to the labour market integration of highly skilled migrants. The findings show that migrant professionals with foreign qualifications account for no less than 7.84 % of all highly qualified people in Germany. Yet the success of these highly qualified foreign professionals on the job market is significantly poorer than that of Germans and those migrants who acquired their academic qualifications in Germany.

The fact that a considerable proportion of the highly qualified migrant professionals with foreign qualifications in Germany (and particularly the women among them) is not in or seeking work cannot be attributed purely to the migration situation, but – as the comparison

All figures in thousands (percentages shown in brackets)	Native professionals with German qualifications	Migrant professionals with foreign qualifications	Migrants with German qualifications
Total	2695 (100%)	253 (100%)	130 (100%)
Of which unemployed	76 (2.82%) among women: 35 (3.05%)	37 (14.62%) among women: 17 (13.49%)	9 (6.92%)
Of which economically inactive	162 (6.01%) among women: 139 (12.12%)	51 (20.15%) among women: 41 (32.53%)	10 (7.69%)
Of which economically active	2457 (91.16%)	165 (65.21%)	110 (84.61%)
Of which on unlimited contracts	1840 (74.88%)	105 (63.63%)	69 (62.72%)
Of which full time	2045 (83.23%)	124 (75.15%)	88 (80%)

(1) Employment of highly qualified native and migrant professionals between the ages of 31 and 45.

Source: Federal Statistical Office: Sonderauswertung based on the Mikrozensus 2005: Bevölkerung und Erwerbstätigkeit. Wiesbaden 2008; own calculations.

The subsequent data are also taken from this special analysis prepared by Karin Schittenhelm (University of Siegen).

with the migrants with a German degree clearly shows - with where they gained their academic qualifications and with the legal obstacles they often encounter. The foreign qualified professionals not only lag far behind native professionals with German qualifications in terms of permanent full-time employment, but also hold the poorer positions amongst employed people. For example, 20.6 % of the migrants with foreign degrees work in unskilled occupations, whereas this only applies to 3.09 % of native Germanqualified professionals. And while German university graduates earn 49.2 % more than people with vocational qualifications, this gap narrows to $30.2 \%^2$ amongst those with a foreign degree.

Concealed behind these figures are complex life stories in which a combination of factors shape inclusion in the labour market. We would now like to present seven typical constellations in which foreign professionals with foreign qualifications use their knowledge and skills on the German labour market and which we have identified on the basis of the biographies.³ We begin with four constellations in which the opportunities offered by specific professional job markets are shaped by the surrounding legal conditions but are not entirely precluded by them. In the subsequent section we will present three constellations in which legal

exclusion leads to a significant devaluation of professional qualifications.

How family ties localise transnational careers

The public debate surrounding attracting highly qualified immigrants into the country mainly concerns people who, on the strength of previously acquired, internationally recognised degrees, are able to put their knowledge and skills to full and immediate use on the German labour market. These people, whose scientific or economic qualifications and careers are by their very nature transnational,⁴ will in some cases already have worked in other countries. Yet they choose to stay in Germany because they have entered into a partnership here or started a family. Even if these transnationally qualified professionals are initially bound to particular work by their visa,⁵ as the spouse of a German citizen they acquire a stable residence title and equal access to the labour market. In this way, even the most transnational careers can become localised.

Between biographical orientation and the use of knowledge relating to country of origin

Not all professions are organised as transnationally as those in the natural sciences and some fields of business and economics. In consulting and management, there are people who (initially) find work specifically because they can market valuable special knowledge of their country of origin. Examples here include an economist from the Czech Republic who advises German firms on their investments in her home country, or a lawyer from Brazil who works as a consultant for Latin American tax law. Exceptions in German immigration law make it possible for these women with their specialist knowledge to gain an independent residence title and access to the labour market without marrying their German partners, for whom many came to the country in the first place. They thus maintain a precarious balance between a desire to follow their partner to Germany and a biographical motivation to find qualified work independently of marriage. Legally speaking, marriage would offer more privileged status. Yet many highly qualified professionals reject this fusion of private life and immigration law precisely for that reason and are keen to achieve equal legal recognition in their own right.

Inclusion in the welfare state and the acquisition of new, non-academic knowledge

It is characteristic of the next typical constellation that the migrants have

acquired a stable residence title or German citizenship regardless of whether and how they were able to use their academic qualifications on the labour market. As ethnic German repatriates or as immigrants who became eligible for unemployment benefit during a period of lowqualified work (e.g. as taxi drivers), they are included in the welfare state. However, the Federal Employment Agency then sends these highly qualified foreign professionals for retraining and further education, from which they emerge with qualifications that are below their academic level. An automotive engineer from Russia thus becomes a car mechanic, a physicist with a doctoral title from the Czech Republic an IT system administrator, and an ethnic German teacher from Russia a tax clerk. This devaluation of foreign academic qualifications can only be explained by the nature of state measures to support the labour market⁶ and by the fact that the professionals concerned wish to remain in Germany even if they are unable to gain a foothold in the academic labour market.

Doctors and professional law

In the legally regulated professions, in other words (dental) medicine, law, architecture and psychology, foreigners have to overcome additional legal hurdles, as only German and EU citizens are allowed to set up practice in these professions. All other nationalities are able to apply for a temporary licence to practise for dependent employment, but only under certain conditions. In an ideal situation, doctors such as Dr. Nazar can continue to practise on the temporary licence until the end of the qualifying period for naturalisation. Once they have acquired German citizenship, they can be granted a full licence and set up their own practice.7 As the case of Ms. Damerc shows, however, things can quite easily go wrong. Because Ms. Damerc only has a residence title for exceptional purposes and therefore lower-priority access to

the labour market, obtaining a temporary licence already proved difficult, and she may now be prevented from completing her specialist training. Also, her temporary licence is not eligible for unlimited renewal.

Clearly, the legal restrictions governing the professions do not constitute a major problem in every case. Yet there are doctors who decide to leave the country again, even after gaining a German qualification and in spite of having a German partner, because of them. The legal restrictions aside, almost all of the doctors we interviewed were only able to find work in surgeries with a majority of immigrant patients. Here they are credited with having special cultural and language skills, whilst other surgeries give precedence to 'German' and/or 'German qualified' medics.

Legal barriers and the devaluation of foreign qualifications

In the typical constellations we have presented so far, legal disadvantages are an added burden. If all goes well, it is possible to overcome the hurdles. If not, a gradual devaluation occurs, with an engineer becoming a car mechanic and a senior gynaecologist retraining as a general practitioner, for example. Meanwhile, some migrant professionals with foreign qualifications start out with little or no chance of finding qualified employment because their access to the labour market is severely restricted. Only approximate figures are available here, but it is estimated that 150,000 to 200,000 people find themselves in this situation.8

Foreign students: interaction effects between the education system, the student labour market and immigration law

Many highly qualified people who come to Germany from abroad are motivated by a desire to gain further qualifications. They want to study for a doctorate or some subject that is not available to the same extent or standard in their country of origin. Some come to earn a living and then discover that the best legal status for them is as a student.

Students from third countries outside the EU are only allowed to work 90 days a year to supplement their income, which means that even students who already have a qualification from a foreign university do not work within their particular profession but in typical 'student jobs'. These may be anything from employment as a student assistant to informal work as a removals helper, cook or carer for the elderly in a private household. Foreign students are required to prove that they are funded from home. In actual fact, only 11 % of foreign students can live on the financial support provided by their parents, and 9 % on a full grant or scholarship. A total of 62 % have to top up their finances by working, and 20 % live purely from their own earnings, which average 602 euros per month.9 Some of our interviewees felt that they had been pushed by the legal restrictions into (also) working in the informal economy. Here the working conditions are even poorer, with the result that the legal disadvantages translate into disadvantages on the labour market, which in turn adverselv affects the students' academic work and may set a downward spiral in motion.

Undocumented migration

Anyone entering Germany as a tourist is not entitled to work here, nor is anyone who loses his or her residence status. Ms. Fernando had received a scholarship to study medicine in Czechoslovakia. The end of her degree coincided with the fall of the Wall, and she needed to earn the money for her return flight to Peru herself. As a foreign student she was able to enter Germany legally and found work – now illegally – with a nursing service. The pay in this job is very poor, and she discovers that

many of her colleagues are in need of basic medical training. She offers to train them, but the management is not interested in professionalising the service in this way. In this sector of the economy, highly qualified professionals can only put their training to use very implicitly, and their primary attraction on the informal labour market is as "strong men" or "caring women". Only a few are able to at least consolidate their informal employment. For example, a Polish biologist we interviewed was able, after many years working in domestic service, to turn down difficult clients and finally legalise her self-employed status after Poland's accession to the EU. Undocumented migrants, who like Ms. Fernando come from third countries outside the EU, do not have this option. If they do not marry or return to their home country, they have to live with de facto self-employment without rights in the unqualified service sector.

Extending transition: how foreign qualifications are devalued by the waiting periods

In the final group of life courses, which are mainly typical for asylum seekers during processing of their claim or for immigrants who have been granted an exceptional leave to remain after rejection of their application, the main characteristic is that the biographical prospects for these people remain unclear in the long term. They still hope that their case will be recognised (after all) or fall under a stay of deportation or hardship regulations, and for that reason they shy away from informal work. From legal employment they were de facto excluded. At the time of our study, they could take on work unwanted by anyone with more preferential status after a year's wait. Formal conditions have since been improved, but we also found that, in practical terms, other conditions make it very difficult to find work. For example, the people in this group are assigned to a random location, or the administration takes a long time to decide about a specific job offer. And so time goes by.

The economist Ms. Orsolic left behind a management position when she fled from the civil war in Bosnia. After spending eight years in a home for refugees in Hamburg, where she helped the management as an interpreter, she attempts with her now unlimited work permit to again find work as an economist. However, the Federal Employment Agency refuses to even register her on its books as an economist, let alone enable her to take any further education. In the end, Ms. Orsolic is forced to complete a short training course to become a local authority interpreter, enabling her to occasionally take on interpreting jobs in hospitals and welfare centres.

We are not aware of anyone who was able to find highly qualified employment after such a long wait. In fact, any employment at all is considered a success. For example, an Afghan educator enthusiastically embarks on a degree after receiving a suspension of deportation after 6 years in the country. However, she then suffers a breakdown. Today she runs several support organisations she herself founded and has completed several training courses as an advisor, yet she is still unable to find remuneration for her work and commitment. The trauma of her life before she fled her country and during the long wait in Germany has adversely affected her health, mental wellbeing and social situation, and the gaps in her CV, her age and the need to care for her children further conspire to reduce her chances of finding paid employment.

The prospects for integration of highly qualified foreign professionals in the labour market

Only in one of the typical constellations we identified were the migrants able to concentrate chiefly on using the knowledge and skills they acquired abroad on the labour market. These people with a transnational career are employed in professional fields where the language of communication is English and work takes place in global networks. In this group, national immigration law places few obstacles in their path.

In all the other constellations, access to professional job markets is shaped by immigration law. Consulting and marketing professionals use their specialist knowledge relating to their country of origin. Doctors may quickly obtain formal recognition of their training only to encounter obstacles under professional law which put them at a disadvantage even after their qualifications have been acknowledged and even if they, like the spouse of a German citizen Dr. Nazar, have every right to work in Germany. Paradoxically, it is precisely the people the state helps to become integrated in the labour market, ethnic German repatriates for example, who suffer disadvantages in the process. By supporting and promoting vocational rather than academic qualifications, the welfare state brings about a devaluation in the knowledge of these highly qualified professionals.

Nevertheless, finding qualified employment is still possible under these circumstances. Undocumented migrants and people who have a long wait as asylum seekers or with an exceptional leave to remain are happy if they can (even) find unqualified work. Graduates from abroad who come to Germany for further study are also subject to restrictions which lead them into student jobs.

Given the international race for the 'best minds', German policy has started, albeit hesitantly, to take action. In addition to making things easier for foreign graduates of German higher education institutions, the Green Card Initiative in 2000 also made the first provisions for immigration and recruitment of highly qualified professionals from abroad. These were reflected in the 2005 immigration law and refined in the Meseberg resolution of 2007. It remains to be seen in future how these changes will affect the integration of highly qualified migrant professionals with foreign qualifications in the labour market.

In addition to legal reforms, there also seems to be a need for a different kind of public debate. Many migrant professionals with foreign qualifications already have legally almost unrestricted access to the labour market as the spouse of a German citizen or as ethnic German repatriates. Yet when they attempt to use their qualifications on the German labour market, they come up against various hidden obstacles. These not only take the form of an institutionalised mistrust of their qualifications,¹⁰ but also scepticism from potential employers and even in some cases subtle exclusion mechanisms relating to their ethnic origin. The recently passed law on the international transferability of qualifications, also required under the ratification of the EU's Lisbon Treaty, may be an important step towards improving the formal (partial) recognition of academic qualifications. Nevertheless, the decisive point will still be whether the public debate in Germany and employers in particular take an unprejudiced approach to people with high foreign academic qualifications.

Zusammenfassung

Nur in einer der von uns vorgefundenen typischen Konstellationen haben sich MigrantInnen hauptsächlich darauf konzentrieren können, ihr im Ausland erworbenes Wissen und Können auf dem Arbeitsmarkt zu verwerten. Diese Menschen mit transnationaler Karriere sind in beruflichen Feldern beschäftigt, in denen auf Englisch kommuniziert und in weltweiten Netzwerken gearbeitet wird. Staaten legen ihnen nur wenige ausländerrechtliche Steine in den Weg.

In allen anderen Konstellationen wird der Zugang in berufsspezifische Arbeitsmärkte durch das Ausländerrecht überformt. Fachkräfte im Consulting- und Managementbereich verwer-ten herkunftslandbezogenes Spezialwissen. ÄrztInnen erhalten zwar unter Umständen schnell eine formale Anerkennung für ihre Ausbildung, kämpfen dann aber mit professionsrechtlichen Barrieren, die sie auch dann benachteiligen, wenn ihre Qualifikation anerkannt ist und sie, wie Dr. Nazar, als Ehegatten einer Deutschen jedes Recht haben, in Deutschland zu arbeiten. Paradoxerweise erleiden gerade diejenigen, die, etwa als AussiedlerInnen, bei der Arbeitsmarktintegration staatliche Unterstützung finden, dadurch Nachteile. Denn der Wohlfahrtsstaat. unterstützt eher berufliche als akademische Qualifikationen, so dass die Förderung das Wissen der Hochqualifizierten abwertet. Immerhin gelingt unter diesen Umständen noch ein Einstieg in qualifizierte Beschäftigungsverhältnisse. Undokumentierte MigrantInnen und Menschen, die als AsylbewerberInnen oder mit einer Duldung lange Zeiten warten müssen, sind froh, wenn sie (noch) eine unqualifizierte Beschäftigung finden können. Auch StudienabsolventInnen aus dem Ausland, die ein Zweitstudium in Deutschland aufnehmen, unterliegen Einschränkungen, die sie in Studentenjobs einmünden lassen. Angesichts der internationalen Konkurrenz um die .besten Köpfe' ist die deutsche Politik, wenn auch zögerlich, so doch tätig geworden. Neben Erleichterungen für ausländische AbsolventInnen deutscher Hochschulen wurden mit der Green Card Initiative 2000 erstmals Vorkehrungen für die Einwanderung und Anwerbung von Hochqualifizierten aus dem Ausland getroffen, die sich auch im Zuwanderungsgesetz 2005 niederschlugen und mit dem Beschluss von Meseberg 2007 noch einmal verbessert wurden. Die Zukunft wird zeigen, wie sich diese

Veränderungen auf die Arbeitsmarktintegration hochqualifizierter BildungsausländerInnen auswirken. Neben rechtlichen Reformen ist aber wohl auch ein anderer öffentlicher Diskurs erforderlich. Denn viele BildungsausländerInnen verfügen als Ehegatten oder SpätaussiedlerInnen schon jetzt über einen Arbeitsmarktzugang, der rechtlich kaum eingeschränkt ist. Beim Versuch, ihre Qualifikationen auf dem deutschen Arbeitsmarkt zu verwerten, treffen sie aber auf eine Vielfalt auch versteckter Hindernisse. Dazu gehören nicht nur das institutionalisierte Misstrauen gegenüber ihren Qualifikationen, sondern auch die Skepsis potenzieller ArbeitgeberInnen und zum Teil auch sublime, auf ihre ethnische Herkunft bezogene Ausschlussmechanismen. Mit neuen Gesetzen zur internationalen Übertragbarkeit von Qualifikationen, die unter anderem durch die Ratifizierung der Lissabonner Konvention der EU nötig werden, würde die formale (Teil-)Anerkennung akademischer Qualifikationen zwar wesentlich verbessert werden. Entscheidend wird aber sein, ob der öffentliche Diskurs in Deutschland und insbesondere die ArbeitgeberInnen Personen mit hohen ausländischen Bildungstiteln vorurteilsfrei begegnen werden.

Notes

1) The international study group "Cultural Capital During Migration. Towards the relevance of education titles and residence permits for the status passage into the labour market", headed by the present authors, Karin Schittenhelm and Oliver Schmidtke and financed by the Volkswagen Foundation, conducted 206 narrative interviews between 2005 and 2009 with mostly highly qualified migrants in Germany, Canada, Great Britain and Turkey, analysed them comparatively using the documentary method (cf. Ralf Bohnsack, Rekonstruktive Sozialforschung. Opladen 2008) and, also taking into account statistical data and the institutional conditions in each of the countries, analyzed typical patterns of labour market inclusion. For details of the theoretical framework for the study and its empirical findings see Arnd-Michael Nohl/

Karin Schittenhelm/Oliver Schmidtke/ Anja Weiß (eds.), Kulturelles Kapital in der Migration. Hochqualifizierte Einwanderer und Einwanderinnen auf dem Arbeitsmarkt. Wiesbaden 2010.

A German language version of this article is available in "Aus Politik und Zeitgeschichte" 2009/44, 12–18.

2) For the latter cf. Autorengruppe Bildungsberichterstattung, Bildung in Deutschland. Bielefeld 2008.

3) Cf. for more detailed information here the contributions by A.-M. Nohl/U. Ofner/S. Thomsen, A.-M. Nohl, A. Weiß, N. von Hausen and A. Weiß/U. Ofner/B. Pusch in: Nohl et al. (see Note 1).

4) On the subject of transnationally acknowledged cultural capital cf. also Anja Weiß, The transnationalization of social inequality. Conceptualizing social positions on a world scale. In Current Sociology 4/2005, 707–728.
5) Immigration law was reformed in 2005 to give highly qualified and high-earning immigrants in a few select professions virtually equal legal status, regardless of marriage. This individualised form of immigration into highly qualified jobs along the lines of the green card has not yet become so established – quantitatively or otherwise – for it to come up frequently in our study.

6) The Federal Employment Agency can only provide support for vocational qualifications, not for higher education. Recent research has also shown that foreign vocational qualifications cannot be processed by the Agency as long as they have not been officially recognised in Germany, resulting in labour market outcomes similar to those of non-qualified migrants: see Brussig, Martin: Migrant/innen im ALG II-Bezug: Weniger fit für den Arbeitsmarkt? Ressourcen und Restriktionen von Leistungsbezieher/innen mit Migrationshintergrund. In: Knuth, Matthias (ed.). Arbeitsmarktintegration und Integrationspolitik – zur notwendigen Verknüpfung zweier Politikfelder Baden-Baden, 2010, 111–129. 7) Since 2002, award of a full licence to practise has been dependent on an assessment of equivalence.

8) More precise details of the empirical basis of this assessment can be found in A. Weiß in: Nohl et al. (Reference 1).

9) Federal Ministry for Education and Research (BMBF), Internationalisierung des Studiums. Ergebnisse der 18. Sozialerhebung des Deutschen Studentenwerks, conducted by HIS Hochschul-Informations-System, Bonn, Berlin, 2008, 31.

10) Cf. Englmann, B., Müller, M. (2007), Brain Waste. Die Anerkennung von ausländischen Qualifikationen in Deutschland. Augsburg. The services entrusted with advising immigrants also often specialise in migration at a low academic level and are not in a position to keep track of all the various rulings, means of support and opportunities available on the labour market for highly qualified people.

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