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An American, Abroad

By Jill Winder

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BERLIN–When I first trekked through Central and Eastern Europe in 1998-99 on a Watson Fellowship, my U.S. passport, the "blue and gold," meant traveling with ease. On countless trains, border control guards rarely even bothered to open my passport, though it would not have been odd to question a 21-year-old woman traveling alone with dozens of "exotic" stamps in her passport. Meanwhile, fellow passengers from many other countries were endlessly scrutinized and questioned, their documents inspected, scanned and recorded. Fairly or not, a U.S. passport came with privileges—some official (few visa requirements, for example), some unofficial (a general lack of suspicion and scrutiny).

Times are changing. Now when I present my passport, I often encounter a pronounced unfriendliness, even a look of thinly veiled disparagement or at least displeasure. Over the last three years, I have experienced this reaction in a number of countries in Europe including Germany, England, Russia and Hungary. To be fair, the increased scrutiny of travel documents is in part a product of our post-9/11 world. But recently I have observed what seems to be a major shift in the way Americans are seen abroad. The impacts of this change are subtle and subjective, but as the Bush administration has turned its back on foreign diplomacy, so too the rest of the world is increasingly wary of America and Americans.

I should say upfront that apart from a particularly paranoid passport–control agent in Moscow, I have never been denied any rights or privileges due to my American citizenship. I travel more freely than the vast majority of the world's population, and my criticism of our current administration does not blind me to the benefits of coming from where I do. Yet while I certainly have it easy in Europe, being an American abroad is increasingly difficult.

Between Tourism and Residency

I admit that dealing with foreign immigration authorities has always felt like a bit of a trauma to me. During my year-long Watson, I avoided the problem entirely by staying up to 90 visa-free days in many countries, and moving around a lot. When I came to Germany from New York in the summer of 2002 (well before my ICWA fellowship began), I intended to stay at least six months. Remaining in a country as a tourist is relatively easy, but obtaining a residency permit, much less a work permit, is an entirely different proposition.

As my first 90 days in Germany flew by, getting a residency was constantly on my mind. Though I had no real reason to worry, the specter of the complex German bureaucracy and dealing with the application in German seemed insurmountable tasks and, with many good intentions of sorting things out as soon as possible, I busied myself with serious procrastination. And then I did something totally out of character, something stupid and risky and unnecessary and technically illegal: I overstayed my tourist visa—for months.

To this day, I don't know what I was thinking. At some point, the veil of denial finally lifted and I began to wonder what I should do. Go to the agency that doles

out residency permits and play dumb? Tell the truth? Cry? I didn't know. The voice of recrimination (and reason) came from a woman at the U.S. Consulate in Frankfurt. I decided to call and, without giving my name, explained the situation and asked her advice. I heard the voice at the other end of the line shift from helpful to concerned to threatening. "How could you possibly do such a thing?" she asked, a little flustered and incredulous. Informing me that I was in violation of international immigration law, she warned that I could be in serious trouble, and rattled off a terrifying list of consequences: jail time, deportation from Germany, refusal of re-entry, enormous fines.

My friends in Berlin still remember the cold winter day when I announced, in mild hysterics, that I was leaving. They were surprised when they heard why. Many of them had offered to help me with the residency application, and they assumed I had taken care of it. All were comforting and supportive and funny, ironically referring to German-American friendship (this was a few months before the start of the Iraq war and relations between our two countries were as tense as they had ever been), and assuring me that I was not going to jail. At some level I believed them, but the full weight of my stupidity was bearing on me, and the worst-case scenario kept me awake at night.

I decided somewhat arbitrarily that I needed to get out of Germany, and fast. The longer I stayed, I reasoned, the worse things would be. I was also worried that as the political situation between Germany and the U.S. deteriorated and war loomed, the potential for punitive action increased. My plan, if it can be called that, was to try to leave the country and see what happened. I would stay in the states for a month and go back to Germany. The day I spoke to the Frankfurt Consulate, I booked a ticket to New York. I had 72 hours to pack everything up for long-term storage, tell people I was leaving, and obsess over a long list of "what ifs."

I flew from Berlin to New York via Frankfurt. Family and friends in Germany and the States were briefed on contingency plans. My mother was to call a lawyer if I was detained. My German friends all knew when my flight was scheduled to leave, and I was to send a text message to them if things were okay. My best friend in New York knew that if I didn't materialize at JFK, she should assume that I was an international fugitive and that I was sorry to make her drive all the way out to the airport for nothing.

In Frankfurt to catch my connecting flight, I clutched my carry-on bag and paced. Sweating bullets and expecting a serious reckoning with the authorities, I forced myself to approach the passport-control booth. No one else was in sight. I quickly tried to assess if this was disadvantageous (the officer had a lot of time on his hands) and approached as casually as possible. *Guten Tag*s were exchanged. I pushed my ticket and passport through a slot in the glass and felt as though I stood before my executioner. The officer, about my age, scanned my passport, looked at my ticket and shot a slightly flirtatious smile in my direction. "Have a nice flight," he said. And I was free.

A month later, I returned to Germany without incident. I swore to myself to never be so reckless again, and then proceeded to put off getting a residency until another 90 days had nearly passed. My friends were smarter this time—one friend, Karen, brought up the topic repeatedly. She ultimately researched what I would need, made an appointment and practically dragged me to the *Ausländerbehörde* (Immigration Agency). The building that houses the agency is as imposing as its full name: *Landesamt für Bürger- und Ordnungs-angelegenheiten Ausländerbehörde*. The place itself is a boxy, red-brick mon-

(Left) The government 'coat of arms' for agencies such as the Ausländerbehörde*, which deals with immigration, visas and residency permits. (Right) A view of the* Ausländerbehörde *(Immigration Agency) building on Friedrich-Krause-Ufer 24 in Berlin.*

ster in a strange part of town, filled with hopeful applicants and employees whose desks are piled high with paperwork. Karen and I waited outside in a long queue for the offices to open, along with hundreds of other applicants, all clutching precious documents in flimsy plastic folders. As I anticipated, the air was filled with tension.

What I needed was an *Aufenthaltserlaubnis* (residency permit) and my case was fairly clear. The German government allows a person of almost any nationality to stay in the country for up to 18 months for the purposes of learning German. The requirements are straightforward: you must prove that you have registered with the authorities, have a place to live and money to live on, present evidence of enrollment in a language school and have valid health-insurance coverage. Despite my fears, in the end the procedure was relatively painless, if not time-consuming and I walked away with a six-month residency permit in hand.

Over the course of the next year and a half, I returned to the *Ausländerbehörde* four times. The chore went from being a terrifying requirement to a simple nuisance. But I never fully managed to get over the process. I still hate the building's long, dark corridors filled with closed

doors, differentiated only by a room number and the last name of the bureaucrat inside. I hate the waiting rooms, identical in every part of the building, filled with nervous people and crying children. I hate the way I anxiously look up, with everyone else in the room, when the digital display above the door makes a chirpy sound and shows the next case number to be processed. I hate feeling like a vulnerable cog in the great German bureaucratic machine. And even if the procedure with the caseworker is efficient, I never fail to be depressed by the gray, dusty cubicle-like offices, industrial desks piled high with faded red folders, each one bearing the story and the fate of a person outside.

Despite the fact that the scene in the *Ausländerbehörde* is the perfect stage for a Kafka-worthy nightmare, I never had any trouble—until April 2005. On January 1 of this year, the German government passed a new set of laws that deal with immigration policy, the *Aufenthaltsgesetz* (residency law). The new law introduces some critical reforms, such as a shockingly belated set of requirements for foreigners wishing to reside in Germany—including a requirement that people learn German and pass a language-proficiency test—meant to hastily overhaul a system that until this year had no formal integration policy regarding immigrants.[1] An important impact of the new legislation is that it makes acquiring a residency permit more difficult.

The issuing of residency permits by immigration authorities is inevitably tinged with at least a little subjectivity. Bureaucrats are charged with following the law, but within the law a substantial amount of leeway often remains. A few long-time American residents have told me that in the "old days" (and as recently as five years ago), Americans dealing with German immigration officials were pretty much welcomed with open arms. In the words of an artist who has lived here for nearly 30 years, "You basically had to be a convicted murderer or insane to not get a residency. They never asked me what I was doing in Germany, never complained that I still needed a friend to translate for me after I'd been living in the country for two decades. When I arrived in the 1970s, all you had to do was want to be here and that was enough." French and American citizens enjoyed a kind of informal "most-favored-nation" status in post-World-War-II Germany, and these benefits were informally extended for many years. Those old bonds are fading fast, and as the European Union makes headway in creating a consistent immigration policy for all member countries, there will be less and less room for explicit or implicit favoritism.

When I went to my renewal appointment in April, I had already heard a few horror stories through the grapevine about Americans being denied residencies based on the new laws. Having money was no longer enough—now applicants needed a *reason* to be in the country, and in the incomprehensible legalese of the immigration agency, that reason basically needed to be employment — a proper job. With the German economy in dire straits, many natives were jobless, so this seemingly basic requirement is a very difficult one to fulfill in reality. As always, I was nervous about my appointment, but not really worried. I have a great fellowship, money and health insurance, I've learned the language, am highly integrated into the art scene in Berlin, and my writing essentially promotes awareness of Germany abroad. Mine was not, I felt, a questionable case.

Expecting no trouble, I walked into the office with an official letter from ICWA, my passport, a bank-account printout, and my registration with local authorities. As an afterthought, I also brought along three letters from curators in Berlin who wanted me to work as an editor on a few upcoming book projects. Once we had the residency thing settled, I planned to apply for permission to do freelance work as a paid editor in Germany. The mousy but pleasant woman handling my file asked for my documents. She flipped through my file and frowned. "*Was machen Sie eigentlich hier*?" (What do you actually do here?") she asked through the frown. I cheerily described the Institute, my essay writing and contacts in the art scene. For good measure, I mentioned that I was still taking German lessons.

And then the problems began. The caseworker explained that I had already used up my allotted 18 months for German study, and that my fellowship was not necessarily a good enough reason to remain in the country. I was stunned, but did my best to explain once more what I do here and why. She remained skeptical, and then pulled what looked like a paperback book from a nearby shelf; a guidebook for staff explaining the new immigration laws. I pitied her as she frantically flipped through 300 pages of bureaucrat-speak and tried to figure out if my fellowship was considered legitimate. Looking up from the manual, she sighed and said, "*Sie müssen hier irgendwie offiziell tätig sein*." (You must be officially engaged here in some way).

At that point, I realized that my letters from the curators might be my salvation, and brought up the subject. The caseworker seemed much more amenable and a little relieved. Snapping into action, she told me that my request would be sent to an agency that determines if foreigners receive work permits, and that until we heard from them, I would be given a three-month extension. She also warned that if I were not allowed to work in Germany, there would be little chance of being given a residency on the grounds of my fellowship alone. Great, I thought. ICWA has sent people all over the world, to far more dangerous and potentially hostile locales, and I might be deported … from Germany? What were Peter and the Trustees going to say?

In the coming months, I returned to the

[1] I addressed Germany's lack of an integration policy in an essay on the Turkish population in the country (JW-5).

Ausländerbehörde three times, and each time I was told that we still had no answer from the Employment Office regarding my case. Each time I made an appointment, endured the hour-long trek to the immigration agency and found myself waiting—*again!*—in the gray corridors. When I arrived for one of my appointments, my caseworker apologized that she still had no news. Perhaps feeling guilty about another pointless journey I had made, she engaged me in some conversation. She asked me personal questions (something that had never happened to me before in that setting) including why I wanted to be in Germany, what I thought about the Iraq war, the Bush Administration, and September 11. I'll never know if what I told her helped my case, but I shared quite a bit with her. I explained that I had been in New York on September 11, 2001 and that in the aftermath of that day my country (or at least the government that rules it) had changed so much as to become unrecognizable to me. I told her of my deep reservations about the policies of President Bush and his cabinet, and the horror I felt each time I read another disastrous report from Iraq. I was not putting on a show for this woman, nor did I exaggerate my disillusionment with current American politics, but I admit that she seemed more understanding and helpful to me after that.

My 3-year Aufenthaltserlaubnis *(residency permit) which also gives me permission to work as a freelance editor or translator in Germany.*

I finally got a call from the *Ausländerbehörde* at the end of September. The caseworker only told me that she had an answer from the Employment Office and asked if I could come in immediately. I was left to wonder if the news was good or bad, and made my way on that familiar route one more time. In the office, things were quick, efficient and all business. The Employment Office granted me permission to work as a freelance editor or translator in Germany. I tried to suppress my glee. Foreigners are only approved for freelance work if a German or EU citizen cannot do that particular job, a policy known as the "*Vorrangprinzip*" (Priority Principle), making the work permit a very precious commodity. Then came the best part: along with my work permit came a three-year residency permit. (The longest residency I had been given thus far was one year.) I tried to act calm, as though I had expected this outcome all along. With the paperwork complete, I stepped out of that god-forsaken building excited, awed, thrilled and irrationally grateful that I would not have to return until 2008.

Shielding the "blue and gold"

Last year my friend Maria (a Slovak citizen living in Amsterdam) gave me a very useful present: a plastic passport holder featuring the design of a re-imagined European Union flag. The design was supported by the European Commission and created by famed Dutch architect Rem Koolhass's AMO research office in 2002. This "new" flag looks like a colored barcode, and is made up of 45 vertical stripes that represent the colors of every existing EU member states' national flags. The design attracted a lot of attention (mostly negative), but Koolhaas said he wanted to "rebrand the EU to represent Europe's diversity and unity." My American passport is safely stored inside all these European stripes.

A passport holder featuring architect Rem Koolhaas's design for a new European Union flag from 2002.

Although I don't truly believe it, I can't help but think that this colorful piece of plastic has somehow eased my passage through myriad passport control and immigration booths. It's a playful thing, a cutesy gesture of internationalism and a way of subtly expressing my conviction that this too—the Bush years—will pass. I am traveling through a continent that is less welcoming of American visitors than it once was. Thankfully, I am officially welcome—until September 29, 2008, at least. ❑

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