# Integrating refugees: Lessons from Germany since 2015–16

Background paper to the World Development Report 2023: Migrants, Refugees, and Societies

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#### Abstract

This paper recounts the policy and legislative changes undertaken by the German government in the aftermath of the so-called European migration crisis that saw large numbers of Syrian refugees and other asylum-seekers enter the European Union and Germany in 2015 and 2016. It reviews the relevant literature on integration efforts in the labor market, education, housing, and health policy and teases out both contextspecific lessons and lessons that could be transferred to other country contexts facing similar challenges. Among the most relevant findings are the interlinkages of the various policy fields and the related need for an integrated approach; the important role of transparent and solution-oriented political communication; and the fact that civil society engagement in integration constitutes a crucial resource in times of crisis and as such should be actively fostered.

*Keywords:* refugees, asylum seekers, integration policies, host communities, legislative reform, public discourse

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# Introduction

The sudden and dramatic surge in the number of refuge refugees and asylum-seekers who entered Germany in the second half of 2015 and early 2016 remains a decisive moment of recent German history and has shaped the perception of Germany as a proponent of refugees' rights internationally. At the time, emotions ran high, with large segments of society coming together under then-Chancellor Angela Merkel's mantra "*Wir schaffen das*" ("We can do this") and embracing the notion of Germany as an open and welcoming country. Others, however, felt alienated by the images of the masses of new arrivals, and in response flocked toward far-right groupings and discursive spaces. The outcome, at least in the short term, was a severely polarized society that over several years seemed to be on the brink of major political upheaval. Alongside this, questions about the long-term prospects of integrating the newcomers of 2015 and 2016 into society and the labor market took center stage, with no one able to predict the outcome a few years down the road.

Looking back from today's vantage point, it is clear that the doom-mongers have been proven wrong: Neither did the arrival of about 1.2 million asylum-seekers in 2015 and 2016 create a burden too heavy for the German welfare system to absorb nor did the initially severe political polarization become ever more extreme. The fact that in the beginning of 2022, basically all sectors of German society were ready and willing to accept another large group of newcomers—this time, Ukrainians fleeing the Russian invasion —indicates that the country had by then largely overcome the undeniable challenges that came with the so-called European refugee crisis of 2015 and 2016 and felt equipped to take on another comparable challenge. This raises the question of what (if anything) can be learned from this specific experience of refugee integration. What legislative and policy choices were taken, what administrative reforms were enacted, and what types of political communication were chosen? What are positive lessons learned, and what went wrong? And among these lessons and experiences, what is specific to the context and what might be transferable to other contexts?

To address these questions, some background on Germany's experience with immigration before 2015 is helpful. The first major wave of immigration following World War II took the form of migration of labor with relatively low skills levels. Through so-called guest worker programs, the West German government started recruiting temporary workers from Italy in the mid-1950s, from the early 1960s branching out to countries such as Greece, the Republic of Korea, Morocco, Portugal, Spain, Tunisia, Turkey, and Yugoslavia. When this type of recruitment stopped in the context of the oil crisis of 1973, a total of about 14 million foreign workers had entered West Germany, 11 million of whom eventually returned to their countries of origin. This left a significant immigrant population that, however, was not acknowledged as part of German society until the late 1990s. This exclusionary mindset, justified by an indefinite presumption that all guest workers would eventually return to their countries of origin, was epitomized by the repeated refusal—especially by politicians from the center-right—to refer to Germany as a country of immigration, and for decades manifested in a near-complete disregard for integration measures, a widespread practice of segregated schooling, and a lack of access to permanent residence status and German citizenship even for second-generation immigrants. East Germany also recruited foreign workers under schemes similar to the West German guest worker programs, yet the numbers were significantly lower. In 1989, about 94,000 so-called contract workers lived in East Germany, the majority from Vietnam, but also from Angola, Cuba, Mozambique, and Poland. The fact that citizens of the two German republics were exposed to the presence of foreigners to a very different degree arguably influenced attitudes toward immigration for decades to come, with outright xenophobia more pronounced in federal states (Länder) in the eastern part of Germany even now.

Against the background of rising numbers of asylum-seekers entering West Germany from the mid-1980s, the individual right to asylum set out in the German basic law became the focal point of intense political debate. In the aftermath of German reunification, this debate was accompanied by a surge in racist attacks on asylum-seekers' homes. In 1993, German parliament (Bundestag) adopted the so-called asylum compromise that severely limited access to the right to asylum through the introduction of safe countries of origin and transit. From the mid-1990s, Germany accepted large numbers of displaced persons from the former Yugoslavia, primarily Bosnia, and accorded them temporary protection. However, the government continued to be extremely restrictive about longer-term prospects of stay, undertaking considerable efforts a few years later to return most of these people to a country devastated by war.

By the late 1990s, in the face of a growing number of disenfranchised second- and even third-generation immigrants, there was a growing recognition of the harm done through Germany's long-standing denial of immigrants who had come to stay for good: the fiction of the eventual return of all guest workers had failed both the people directly affected and society at large. In response to this, the early 2000s saw a liberalization of German citizenship law. And while not directly connected, it seems reasonable to assume that an awareness of the failures related to earlier policies of integration had some effect on the German government's subsequent reaction to the arrivals of 2015 and 2016. In stark contrast to the treatment of both guest workers and refugees from the former Yugoslavia, there was widespread recognition among mainstream political parties that Syrians in particular would not be able to return to their country of origin anytime soon, and an awareness of the importance of active integration measures early on.

# Background on the scale and timeline of arrivals in Germany in 2015 and 2016

After a steady decline in applications for asylum after 1995,<sup>1</sup> the numbers of applications started to rise again slowly after 2008 (when there were less than 30,000) (BAMF 2020, 15-16). Although there were noticeable increases in 2013 and 2014 and (unheeded) cautious warnings about further increases and the need to prepare for more migration (Erler and Gottstein 2017, 6), the steep rise of arrivals in 2015 and the subsequent processing of asylum claims in 2015 and 2016 is often referred to as the (European) "refugee crisis" (Hahlen and Kühn 2016, 157-58; see figure 1). This rise of arrivals in the European Union (EU), including Germany, matched the increase in forcibly displaced people globally, which in 2015 hit the then-record high of 65.3 million (an increase of 5.8 million from the previous year's 59.5 million) (UNHCR 2016, 2). Although the term "refugee crisis" is contested (Hahlen and Kühn 2016, 158; Hruschka and Schader 2021, 4), the arrival of tens of thousands of people daily stretched the capacities of the authorities: despite re-established border controls within the EU, the German Federal Police were not able to register all of those arriving (Hahlen and Kühn 2016, 157-58). The Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF), which is responsible for carrying out asylum assessments, was overwhelmed by the number of new arrivals, as were the courts charged with processing appeals (Grote 2018, 13; Hruschka and Schader 2021, 15). The reduction of capacities for asylum in the 1990s and 2000s has been identified as a root cause for this straining of the system (Hruschka and Schader 2021, 15). This is demonstrated clearly by the inability to correctly establish the number of people who had arrived in 2015: the previous estimate of 1.1 million was later reduced to 890,000 people (Grote 2018, 15). Because of the lack of capacities, the registration and processing of asylum claims lagged the initial capturing of arrivals in the EASY (Erstverteilung der Asylsuchenden) system (see figure 2), and thus, the asylum statistics show the bulk of claims for 2016 instead of 2015 (Grote 2018, 17).

In 2015, most of the 441,899 applicants registered came from the Syrian Arab Republic (158,657 applications in first instance), with Albania (53,805), Kosovo (33,427), Afghanistan (31,382), and Iraq (29,784) following. The remaining applications came from (in descending order): undetermined countries, Eritrea, North Macedonia, Pakistan, and others. In 2016, 266,250 applicants came from Syria, followed by Afghanistan (127,012), Iraq (96,116), Iran (26,426), and Eritrea (18,853), followed by Albania (14,853), undetermined countries (14,659), Pakistan (14,484), Nigeria (12,709), and Russia (10,985) bringing the total to 722,370 applications (BAMF 2020, 21). Broadly discussed and one of the flashpoints for public debate was the fact that the majority of asylum-seekers were male [69.2 percent in 2015 (BAMF 2016, 22) and 65.1 percent in 2016 (BAMF 2017, 22)] and comparatively young, with almost three-quarters younger than 30 years [71.1 percent in 2015 (BAMF 2016, 21) and 73.8 percent in 2016 (BAMF 2017, 21)]. With this high number of arrivals, Germany has become one of the top ten host countries for refugees since 2015, according to the United Nations High Commissioner for Refugees (UNHCR) (Hruschka and Schader 2021, 15; UNHCR 2021, 2).

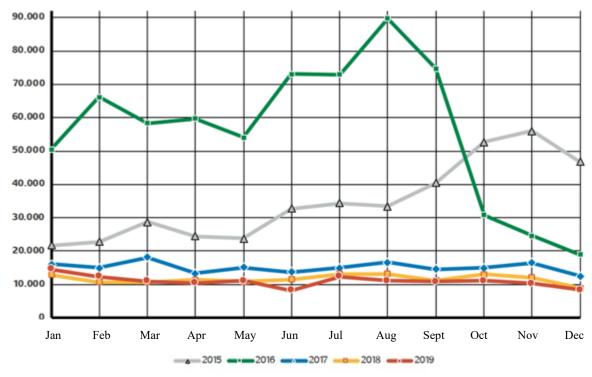
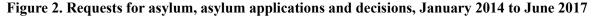
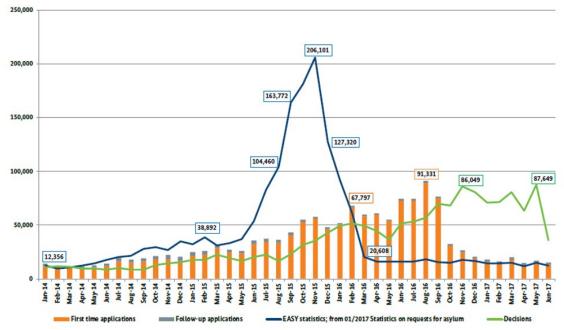


Figure 1. Development of first-time asylum applications in yearly comparison, 2014–19

*Source:* Translated graphic from BAMF 2020, 16. *Note:* Data in persons.





*Source:* The data were provided by the BAMF. *Note:* EASY = Erstverteilung der Asylsuchenden (initial distribution of asylum-seekers) system.

Applicants from countries such as Syria, Iran, Iraq, and Eritrea were comparatively successful in their claims for protection, receiving a status in more than 50 percent of cases, whereas this was true for only 1 percent of those from the Western Balkans (Albania, Bosnia-Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia) (Grote 2018, 18).

The initial disorder was exemplified by the unsafe and undignified circumstances under which asylumseekers in Berlin had to queue in front of the responsible authority for hours and days on end, sometimes even sleeping rough (Hahlen and Kühn 2016, 158; Reimann 2017). Several federal agencies and the armed forces, as well as broad support from civil society and nongovernmental organizations (NGOs), were necessary to ensure initial shelter and basic care for the asylum-seekers (Erler and Gottstein 2017, 9–10; Hahlen and Kühn 2016, 157–58).

In a press conference in August 2015, the then-Chancellor Angela Merkel coined the now-famous phrase "*Wir schaffen das*" ("We can do this"), which is seen by many as emblematic of the challenges and the determination to overcome them back then (Hahlen and Kühn 2016, 158; Hruschka and Schader 2021, 5). Since then, there has been a lot of speculation as to the dominant motivations underlying the decision to not actively hinder people from crossing the Austrian-German border but instead to act in a spirit of openness and humanity. A convincing account argues that there was in fact no viable alternative to the course of action chosen by the German government at the time. The EU's prevailing asylum system (the Dublin system) had effectively stopped working, outright rejecting people at the border was illegal, and capacities for a prescreening of asylum applications at the border did not exist. While indeed sending a powerful signal of humanity, the German government chose to adopt the most positive course of action and discursive framing in the face of a situation that was effectively out of its control (Franke 2021). In contrast, the hypothesis that well-known labor market needs were decisive for the decision to allow people to enter the country in 2015 and 2016 seems ill-founded.

The backdrop to these events is the Common European Asylum System's Dublin regulation, which stipulates that the EU member state of first arrival is to assess asylum claims. In theory, this would mean that countries at the EU external border shoulder most arrivals. However, even before 2015, increasing numbers of asylum-seekers, particularly from Syria, had reached member states such as Germany. The regulation provided for returns to the state of first arrival, but practically, these had always been limited in number. Thus, when asylum-seekers found themselves in precarious situations in several EU member states (such as Hungary), the German government decided to allow people seeking protection to enter and to take over the assessment of their asylum claims (Hruschka and Schader 2021, 15–17). That was done in a simplified legal procedure and by activating the self-entry clause of Art. 17(1) of the Dublin III Convention in the fall of 2015 (Thym 2018).

While working domestically on processing the new arrivals, in its external policies, the government was actively involved in blocking the ways in which refugees and asylum-seekers arrived with the so-called "closure of the Balkan route," the EU-Turkey Agreement, and fortification of the EU's external borders. Practically, this led to an increasing blockage of pathways into the EU and a decline in arrivals by the beginning of 2016 (Hruschka and Schader 2021, 15–18).

## Public discourse and political communication

The overall atmosphere of welcome that was created by the coming together of large segments of civil society volunteering to help with the reception and early integration of asylum-seekers could not be upheld indefinitely. Instead, there was a marked backlash against the initially celebrated *Willkommenskultur* (welcoming culture). With housing capacity stretched thin, the authorities used school gyms, tents, disused army barracks, and all other available options for initial reception and shelter, which had to be made available very quickly (Erler and Gottstein 2017, 9–10; Hahlen and Kühn 2016, 157–58). Publicly well-known and widely reported on, this necessity to act quickly without consulting affected citizens has been identified as a key reason for a sense of uncertainty (*Verunsicherung*) among the electorate (Erler and Gottstein 2017, 9–10), and a perceived loss of control by state authorities. The fact that administrative actors on all levels of the federal system seemed temporarily overwhelmed by the tasks at hand has been identified as one of the reasons underlying the rise of right-wing movements (Hahlen

and Kühn 2016, 158). Further, Angela Merkel's "*Wir schaffen das*," while mobilizing support at the outset, was not followed by regular updates regarding the steps taken to turn this promise into reality, leading to a sense of frustration about the lack of communication by the government.

In hindsight, the events of New Year's Eve 2015 in Cologne, when several women were sexually harassed by a crowd of men, including many of North African descent, are often identified as a crucial turning point. Widely covered by the media, these events for many epitomized the sense of a loss of control that could be directly linked to immigration generally and the German government's decision to keep its border open in September 2015 in particular. Islamist terrorist attacks in France and by December 2016 also in Berlin led to a heightened sense of insecurity that was seized upon and increased the appeal of the far-right party, Alternative für Deutschland (AfD) (Alternative for Germany). The number of participants in the weekly demonstrations organized by the far-right political movement PEGIDA (Patriotische Europäer gegen die Islamisierung des Abendlands/Patriotic Europeans against the Islamization of the Occident) skyrocketed, and violent attacks targeting asylum-seekers and their accommodations increased.

The government at the time employed several strategies to try and appease public sentiment and halt its loss of voters to the AfD. One was the shift in political discourse toward the mantra "2015 must never be repeated," which focused not on the positive achievements of civil society and state actors in supporting incoming refugees but instead on the narrative of a loss of control stemming from an alleged breach of law (insinuating that previously well-guarded borders had been unlawfully opened rather than the actual fact that an already open border had not been closed, and irrespective of the confirmation by the EU Court of Justice that the actions of the German government were lawful) (Thym 2018). To address feelings of insecurity linked to this perceived loss of control, the Minister of the Interior, as well as other conservative politicians, called for *Humanität und Ordnung* (humanity and order) as two equally important principles informing migration and asylum policy. Given the perceived previous imbalance in favor of a naïve-sentimental notion of "humanity trumps all else," the key tenet of the government's political communication from 2016 onward was an emphasis on restoring order. Strategies to achieve or, equally important, signal this shift included enhanced efforts in the field of migrant return and border security. The EU-Turkey Agreement (initially known as "the Merkel Plan") was central to this effort in that it communicated to the public a sense of pragmatism.

Over time, public fatigue about the migration-related tragedies at the EU's external borders took hold. In contrast to the outcry over the Lampedusa shipwreck in 2015 when hundreds of people drowned, public attention for similar events lessened. The EU's collaboration with the so-called Libyan Coast Guard<sup>2</sup> was criticized by activist networks yet tolerated by the electorate at large, and the same was true for the abject conditions in refugee camps in Greece. Gradually, human rights violations at the EU's external borders became a nonissue in the domestic debate.

The government's fixation on balancing elements of openness with elements of closure/restriction also played out in the realm of labor migration. Even though the liberalizing reforms comprised by the Skilled Workers Immigration Act were widely welcomed by the business community, the Conservative Party only agreed on the condition that a further tightening of return regulations came into effect at the same time.

Alongside all these steps, additional actions were undertaken in the realm of development cooperation, focusing on "combatting the root causes of displacement" (see the section on development cooperation). This narrative—which went hand in hand with a continued focus on would-be migrants from the African continent, despite the fact that the main countries of origin for arrivals in Europe are situated in Asia—suggests a lack of feasible policy options to address the complex geopolitical conflicts driving displacement in Syria and elsewhere.

In the months leading up to the federal election of 2017, the events of 2015 and 2016 were still at the top of the political agenda, and asylum and migration dominated much of the debate during the election campaign. This proved to be beneficial to the AfD, which for the first time entered the Bundestag with a triumphant 12.6 percent of the overall vote. Four years later, mainstream parties seemed united in their

efforts to not repeat this dynamic, and hardly addressed issues related to migration and asylum on the campaign trail. While criticized by some as unhelpfully evasive, the strategy seemed to pay off, with the AfD still winning more than 10 percent of the vote but losing 11 seats in comparison to the previous election.

The relevance of migration policy resurged in 2022 to the top of the political agenda since the war in Ukraine has forced more than 8 million people to leave Ukraine for other parts of Europe, with more than 1 million of them going to Germany (Mediendienst Integration 2023b).

### Features of the German federal system

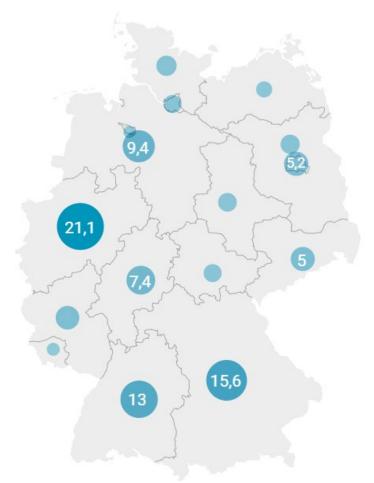
Migration and asylum policy is shaped by the federal system of Germany, which allocates different responsibilities between the federal government, the federal states (Länder), and the governmental districts (for details on the institutional framework, see appendix A). The Ministry of the Interior and Community (Bundesministerium des Inneren und für Heimat, BMI) is responsible for federal laws, some of which are implemented by the Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF). BAMF is part of the BMI portfolio and evolved in 2005 out of the Federal Office for the Recognition of Foreign Refugees. The idea was to establish a comprehensive federal authority, not only for asylum but also integration and migration policy. In the past few years, BAMF has gained additional competencies in security policy and has tried to digitalize its work and increase its international outreach. Other aspects of migration and asylum on the federal level are being dealt with by the Federal Foreign Office (such as visa issues), the Ministry for Economic Cooperation and Development (development programs addressing root causes of displacement), the Federal Ministry of Labour and Social Affairs (such as labor market integration) and the Chancellery, where the Commissioner for Migration, Refugees, and Integration is a focal point. It is important to look beyond the structures of the federal government because federal states and local districts play a key role in the implementation of both migration and asylum policies (Thränhardt 2020b).

The federal division of responsibilities becomes evident in the way asylum procedures are organized. When a person directs an asylum request to a state institution, such as the border authority, the police, an immigration authority, or a reception facility in Germany, that person is registered and distributed to one of the 16 federal states, according to a reception quota based on the number of inhabitants and tax revenue (*Königsteiner Schlüssel*) (map 1). BAMF is then tasked to reach decisions on asylum applications with its decentralized structure of 60 outposts around Germany. The decisions can be legally challenged in front of administrative courts. If the applications are rejected and a person is obligated to leave the country, it is the responsibility of the federal police to implement deportations. If (rejected) asylum-seekers, however, opt to go back to their country of origin voluntarily, they can apply for voluntary return programs from the federal or state level.

For the duration of asylum procedures, the federal states, in accordance with the Asylum-Seekers' Benefits Act (AsylblG), are required to provide (and pay for) housing and safeguard basic needs, including food and health care, and extend benefits for vital needs. These responsibilities are then partly delegated to the local district level, with some variances between states (Glorius 2022, 201). Once asylum or subsidiary protection is granted, the beneficiaries of international protection are entitled to social benefits, in particular unemployment benefits, on the same level as German nationals. Those expenses are then covered by the federal level (see section on financial and administrative burden-sharing).

#### Map 1. Distribution of asylum-seekers among German federal states, 2022

Admission rate by state in percent according to the Königsteiner Schlüssel/Königstein Key 2022



Source: Mediendienst Integration 2022.

*Note:* The Königstein Key is a quota system used to determine the capacity of each of Germany's 16 federal states to accept asylum-seekers.

## Legislation in asylum and migration law in Germany since 2014–15

Whether and how asylum-seekers are received depends to a large extent on legal, political, and administrative factors. In addition, social, demographic, historical, and many other factors play a role in how a society deals with newly arriving asylum-seekers. The discussion that follows describes forms of protection and the key changes in German migration and asylum law since 2014–15.

#### **Forms of protection**

Several different forms of protection can be granted in the context of an asylum procedure in Germany (SVR 2020, 4):

- 1. *Refugee protection*: Persons can be recognized as refugees on the basis of the Geneva Refugee Convention 4 of 1951 or the <u>German Asylum Act</u> (<u>§3 (1) Asylum Act</u>).
- Political asylum: Persons who have been persecuted on political grounds and who would be subject to a serious human rights violation should they return to their country of origin are entitled to asylum on the basis of the Basic Law (§16a (1) German Constitution). Recognition is excluded if the person entered via a safe country of origin.
- 3. *Subsidiary protection*: This status is granted for persons who are neither entitled to asylum nor to refugee status, but who are threatened with existential danger to life or freedom in their country of origin (§4 (1) German Asylum Act).

4. *Ban on deportation*: If none of the three forms of protection— refugee protection, entitlement to political asylum, or subsidiary protection—is applicable, a ban on deportation is issued if a return to the country of origin would constitute a violation of the European Convention on Human Rights or a considerable concrete danger to life, limb, or liberty exists in that country (<u>§60</u> (5) and (7) German Residence Act).

These different forms are summarized in table 1. The prevalence of these different forms of protection differs. In 2019, for instance, 24.5 percent of asylum-seekers were accorded refugee status, 1.2 percent political asylum, and 10.6 percent subsidiary protection, and 3.2 percent benefitted from a ban on deportation (the overall rate of protection in 2019 was 38.2 percent) (SVR 2020, 4).

	Refugee protection	Political asylum	Subsidiary protection	Ban on deportation	
Duration of residence permit	• Three years.		• One year, if it is ex- tended: by another two years in each case.	• At least one year; repeated extension possible.	
Prohibition to change allocated place of residence	• Yes, in the first three years after recognition (exceptions possible, such as in context of employ- ment, tertiary education, and vocational training).				
Social benefits such as unemploy- ment, basic, child or health benefits	• Yes, essentially equal to German citizens.				
Family reunification	• Entitlement to privileged family reunification.		• Limited right to family reunification: Since August 2018 (New Regulation on Family Reunification Act), there has been a quota of up to 1,000 persons per month at the dis- cretion of the authori- ties.	• Only possible in limited cases.	
Access to labor market	• Unrestricted access.		• Employment possible; permission must be obtained from the immigra- tion authority.		
Possibility to obtain permanent residence status	<ul> <li>After five years if the requisite preconditions are met, such as no criminal record, sufficient health insurance and living space, basic knowledge of the legal and social system and living conditions in Germany, and so on. Or</li> <li>After three years if the applicant has German language skills at the C1 level<sup>a</sup> and is largely able to make a secure living.</li> <li>After five years (including the duration of the asylum proceedings) if further preconditions met, such as being able to make a secure livin and having adequate knowledge of German.</li> </ul>		urther preconditions are o make a secure living		

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*Source:* Compilations based on Bundesamt für Migration und Flüchtlinge/Federal Office for Migration and Refugees (BAMF) 2023.

a. Language proficiency according to the Common European Framework of Reference for Languages.

#### **Obligation to leave the country and temporary suspension of deportation** (*Duldung*)

Rejected asylum-seekers are usually obliged to leave the country and asked to leave Germany voluntarily. Otherwise, they are threatened with deportation. Even if an asylum application has been rejected, it is not always possible to deport people for various reasons. This is usually because the rejected asylumseeker cannot provide proper identity documents or has an illness that cannot be treated in the country of origin. Furthermore, the country of origin may be unwilling to cooperate and readmit the person. In these cases, a so-called *Duldung* is granted until the reasons preventing deportation cease to exist.<sup>3</sup> As soon as there are no more reasons for *Duldung* and thus no more obstacles to deportation, deportation can be initiated (Informationsverbund Asyl und Migration 2023).

#### Humanitarian admission programs and resettlement

In addition to the regular asylum procedure, asylum-seekers who are not yet in Germany can also be admitted through national or federal state humanitarian programs. These programs are intended to facilitate the quickest possible admission of persons in need of protection. A distinction must be made between short-term humanitarian admission programs (and within these, between group-based and individual mechanisms) and so-called resettlement.

#### Humanitarian admission programs

In view of acute war and crisis situations in certain countries, Germany can admit asylum-seekers via the humanitarian admission procedure under §23 (1) and §23 (2) of the German Residence Act. These persons then initially receive a temporary—and potentially renewable—residence permit.

Germany has used these group-based humanitarian admission programs several times in recent years. Between 2013 and 2016, the German government set up three federal humanitarian admission programs for Syrians, through which 20,000 Syrian nationals fleeing the war were granted safe entry into Germany. Since 2017, asylum-seekers with Syrian nationality and, in individual cases, stateless persons from Turkey have been admitted through the federal humanitarian admission program via the EU-Turkey Declaration. This has led to the humanitarian admission of more than 18,000 Syrians by Germany (Lehmann and Wagner 2021, 20–21). In October 2020, a federal humanitarian admission program was created to admit 1,553 persons who had already received international protection in the Greek asylum procedure. Admission programs were also supplemented by independent admission programs of the federated states. Between August and November 2013, all federal states (with the exception of Bavaria) set up their own state admission programs for people fleeing the war in Syria. In order to make admission possible, relatives or third parties willing to pay must sign a declaration of commitment in advance, in which they agree to pay for all living and insurance costs of the newcomers. Some of the programs are ongoing (UNHCR Deutschland 2022a).

In addition, §22 of the German Residence Act allows for the admission of individuals for reasons of international law or urgent humanitarian reasons in cases where this is deemed to be in the political interests of the Federal Republic of Germany by the authorities. This mechanism has recently been used in the context of the evacuation of local staff of German organizations and human rights activists from Afghanistan, as well as with regard to critical journalists in fear of persecution from Russia during the ongoing war in Ukraine (taz 2022).

#### Resettlement

Resettlement is the new settlement of refugees in a country other than the initial host country. Refugees in need of protection, for whom both a return to their country of origin and integration in their current country of refuge are ruled out in the foreseeable future, are to be given the opportunity to legally enter and permanently settle in a state that is willing to accept them. Refugees who come to Germany as part of the resettlement program receive a residence title in accordance with §23 (4) of the German Residence Act, with which they are treated on an equal footing with recognized refugees to the greatest possible

extent. Resettlement is carried out in close cooperation with the UNHCR and the International Organization for Migration (IOM), while BAMF is responsible for the operational implementation of the admission procedures (UNHCR Deutschland 2022b).

As part of the German resettlement program, a contingent of recognized refugees in particular need of protection has been permanently admitted to Germany each year since 2012. In each of the years 2012 to 2014, 300 refugees were admitted annually. In 2015, the number was increased to a total of 500 places per year. Since 2016, German resettlement admissions have taken place under the EU Resettlement Program. In 2022, Germany for the first time provided up to 6,000 places for resettlement, comprised of 2,500 places in the regular national resettlement program (plus up to 200 places for the state-society pilot program "New Start in Team (NesT)"), 3,000 places for humanitarian admissions from Turkey (under the EU-Turkey Declaration), and 300 places in two smaller state admission programs (Berlin, Brandenburg). This was a marked increase in comparison to previous years, and the largest contingent among EU member states (BMI 2022a).

#### Overview of legislative reforms and amendments

Hardly any area has been amended more frequently by the German legislature in recent years than asylum and residence law (see summary of major changes in figure 3). At the federal level, more than 35 amendments to asylum and residence law since 2015 have made the legislation more complex, and in many respects more restrictive (Hruschka and Rohmann 2020; Hruschka and Schader 2021, 5).<sup>4</sup> As early as the 1980s, a direct interaction between the rise in asylum numbers and increased legislative activity in the area of asylum can be observed. The changes often focus on status and family reunification issues. The increased legislative activity from 2015 onward in Germany thus has historical precedents (Hruschka and Schader 2021, 30). Due to the many changes and the complex web of relevant legislation (such as asylum law, asylum procedure law, Schengen law for movement across European borders,<sup>5</sup> labor law, and social law), it is not possible to trace the legal changes in detail here. Instead, the discussion that follows outlines the main legislative measures that can be seen as a direct response to the increase in asylum applicants and that have had a significant impact on the rights and well-being of persons in the asylum process (see table 1).

In response to the increased number of asylum applications since 2012, which peaked in 2015 and 2016, German legislators became more active in the field of asylum and introduced comprehensive reforms to German asylum law. These began at the end of 2014 with the passage of two laws in the area of asylum, which, in reaction to the high number of asylum applications from the Western Balkan states, <u>classified Bosnia and Herzegovina</u>, North Macedonia, and Serbia as "safe countries of origin". This allowed for an expedited and abbreviated processing of asylum applications from these states to be able to return those individuals whose applications were denied more quickly. At the same time, however, the aim was to improve access to the labor market and <u>the legal status of asylum seekers and persons with "Duldung"</u> (Hruschka and Rohmann 2020).

Since 2015, the reform of asylum law in Germany has been characterized above all by the adoption of two asylum packages<sup>6</sup> in 2016 and a migration package in 2019, which were accompanied, among other things, by far-reaching restrictions, such as the introduction of compulsory residence requirements for asylum-seekers, the further expansion of the list of "safe countries of origin,"<sup>7</sup> cuts in benefits, or restrictions on the possibilities of family reunification. At the same time, the legislative changes led to the opening of individual areas of society, especially the labor market.

The Asylum Package I, the so-called <u>Asylum Procedure Acceleration Act</u> of October 2015, included measures to accelerate the asylum procedure and, at the same time, to simplify the repatriation of those who are obliged to leave the country, as well as the elimination of incentives for unjustified asylum applications. The latter included, for example, a reduction of cash benefits, replacing cash payments with benefits in kind, longer stays in initial reception centres (six months instead of three), and a prohibition of employment for asylum-seekers from "safe countries of origin." In addition, those who are obliged to leave the country and do not do so will only receive emergency medical care and reduced

benefits. The list of "safe countries of origin" was extended to include Albania, Kosovo, and Montenegro. All these restrictive instruments were more or less explicitly aimed at reducing "migration incentives" and at deterring people who wanted to use asylum applications for migration purposes (Angenendt, Kipp, and Meier 2017, 3). In addition, measures for the integration of asylum-seekers with "good prospects of remaining"(*gute Bleibeperspektiven*) were introduced,<sup>8</sup> such as the opening of integration courses, job-related language support, relaxation of the ban on temporary employment, and active labor promotion.

The Asylum Package II of March 2016 essentially contains the Act on the Introduction of Accelerated Asylum Procedures and was intended to further tighten the German Residence and Asylum Act. The package again aimed at accelerating asylum procedures. This mainly affected asylum-seekers with little chance of success,<sup>9</sup> who were now to go through fast-track procedures. In addition, it stipulates that a large part of the procedures are to be handled in so-called arrival centres and deportations are to be carried out more quickly and easily, because, among other things, a serious illness can no longer necessarily prevent a deportation. In addition, the package provided for the classification of three Maghreb states (Algeria, Morocco, Tunisia) as "safe countries of origin"; however, this was not implemented due to the lack of approval by the Federal Council (Bundesrat). In addition, family reunification of refugees with subsidiary protection was suspended for two years.<sup>10</sup> The <u>New Regulation on Family Reunification Act</u>, which came into force in August 2018, completely abolished the legal right to family reunification to 1,000 people per month who are allowed to join persons with subsidiary protection in Germany.

In addition, the deportation law for delinquent foreigners was massively tightened as a consequence of the incidents on New Year's Eve in Cologne and other cities. Under the <u>Act on Facilitated Deportation</u> <u>of Delinquent Foreigners</u>, which came into force in March 2016, custodial sentences, juvenile sentences, and suspended sentences can all be reasons for deportation, and asylum-seekers who have committed a criminal offence can be denied legal recognition as refugees more consistently than before.

In addition to tightening the asylum law, measures were also taken during the reform process to accelerate the integration of persons eligible for protection in Germany. In August 2016, for example, the so-called <u>Integration Act</u> came into force, which stipulated, among other things, that recognized refugees must adhere to residency requirements and participate in integration courses in order to receive a permanent residence permit. Integration and language courses were expanded and access to the training and labor market was facilitated.

In July 2017, the <u>Act on Better Enforcement of the Obligation to Leave the Country</u> came into force, which was denounced as the "Get Out of Here Act" (*Hau-Ab-Gesetz*) by nongovernmental organizations. Among other things, the possibilities for imposing detention pending deportation were expanded and changes in data protection were made, which allowed the examination of data on asylum-seekers mobile phones or other data carriers. In addition, a residence obligation can be ordered if persons with *Duldung* do not sufficiently fulfil their duties to cooperate. Furthermore, all asylum-seekers, including children, may be accommodated in initial reception centres until the end of their asylum procedure (for a maximum of two years). The <u>Second Act on Better Enforcement of the Obligation to Leave the Country</u> (the so-called Orderly Return Act; in German, *Geordnete-Rückkehr-Gesetz*, or colloquially, *Hau-Ab-Gesetz II*), came into force in August 2019. This added further reasons for detention and sanctions for persons obliged to leave the country. In the process, a new *Duldung* category for persons with "unclear identity" (so-called *Duldung* light) was also created, which applies to persons who do not actively cooperate in removing obstacles to deportation (such as missing passports). Among other things, they are subject to a general ban on working and reductions in benefits.<sup>11</sup>

In 2019 and 2020, extensive changes to asylum, residence, and social security law came into force at various times, collectively referred to as the Migration Package. The package comprises a total of seven Acts,<sup>12</sup> including the just-mentioned "Orderly Return Act" and the <u>Foreigner Employment Promotion</u> <u>Act</u><sup>13</sup> of August 2019, the <u>Act on "Duldung" in Vocational Training and Employment</u><sup>14</sup> of January 2020, and the <u>Skilled Immigration Act</u> of March 2020. The laws include obligations and sanctions with respect to identity clarification, further benefit reductions or exclusions, and the introduction of a so-called

training and employment *Duldung*, as well as the opening of vocational promotion and training and facilitated immigration for employment purposes.

In summary, decisions and changes in legislation by the federal level described above partly facilitated the rapid absorption and integration of asylum-seekers into the labor market, education, and welfare state structures by removing legal barriers or creating new opportunities. These measures were accompanied by an enormous mobilization of nongovernmental and civil society organizations, as well as volunteers and activists, who were instrumental in ensuring that initial care and support reached most asylum-seekers (Hruschka and Schader 2021, 17).

At the same time, the legislative changes also led to the exclusion of asylum-seekers in various areas: from the categorization of asylum-seekers according to their "prospects of remaining" and the access to certain rights or services depending on it, to the introduction of a "*Duldung* light" with which access to basic rights is made dependent on cooperation in identity clarification and passport procurement. It becomes clear that, particularly since 2016, the emphasis has shifted from a management approach focused on managing rising numbers in the short term to one focused on return, securitization, and "abuse prevention" (Hruschka and Schader 2021, 18, 29).

#### The current government's reform agenda

The new governing coalition in Germany announced in its coalition agreement of November 2021 a "new beginning" or "paradigm shift" in Germany's migration and integration policy "that does justice to a modern immigration country" (SPD, Die Grünen, FDP 2021). To this end, the current German government adopted its first migration package in June 2022, which is intended, among other things, to end the practice of repeatedly issuing certificates of right to remain, to facilitate family reunification by abolishing the language requirement, and to give asylum-seekers earlier and better access to language and integration courses (BMI 2022b). In December 2022, the <u>Act on the Introduction of Opportunity Residence Law</u> came into force to prevent so-called "chain tolerations" (*Kettenduldungen*) and reduce the number of long-term tolerated persons: the 18-month right to remain is to be issued to so-called "well-integrated" tolerated persons who have been in Germany for five years on October 31, 2022. This is intended to enable them to meet the requirements for a right to stay in Germany. These include securing a livelihood, knowledge of the German language, and proof of identity.

In addition, the citizenship law is to be reformed. The current government is planning to permit multiple citizenships and to simplify the path to acquiring German citizenship, among other things by shortening the minimum period of residence before applying (from eight to five years; and to three years in the case of "special integration efforts") (Mediendienst Integration 2023a).

Regarding labor migration, new legislative amendments are also planned to further simplify the recruitment and entry of workers from third countries. To this end, further development of the Skilled Immigration Act is planned for 2023 to simplify work-related immigration for third-country nationals.<sup>15</sup> Under the proposals, foreign skilled workers would be able to pursue any qualified employment in nonregulated occupations in the future, regardless of their specific vocational training (the skilled worker pillar). In addition, skilled workers would be able to enter Germany under certain conditions without having to undergo the often lengthy and costly formal recognition of foreign professional qualifications (the experience pillar). The opportunity card announced in the coalition agreement, which is based on a points system using criteria such as qualifications, language skills, professional experience, connection to Germany, and age (the potential pillar) would be introduced into legislation. Also, the time limits in the existing labor migration regulations—particularly in the Western Balkans Regulation—would be lifted. In addition, further regulations are envisaged for the immigration of lower-skilled workers from third countries (Angenendt, Knapp, and Kipp 2023, 27).

Figure 3. Major changes to asylum and migration law, 2014–20				
CHRONOLOGICALLY SORTED By Entry into Force	DECEMBER 2014 Act to classify further States as safe countries of origin and to facilitate Access to the labor market			
JANUARY 2015 ACT TO IMPROVE THE LEGAL STATUS OF ASYLUM-SEEKERS AND PERSONS GRANTED "DULDUNG"	OCTOBER 2015 ASYLUM PACKAGE I Asylum procedure acceleration act			
MARCH 2016 Act on facilitated deportation of delinquent foreigns	MARCH 2016 ASYLUM PACKAGE II Act on the introduction of Accelerated Asylum procedures			
AUGUST 2016 Integration Act				
	JULY 2017 ACT ON BETTER ENFORCEMENT OF THE OBLIGATION TO LEAVE THE COUNTRY			
AUGUST 2018 New regulation on family Reunification act				
AUGUST 2019 <b>MIGRATION PACKAGE</b> Second act on better enforcement of the obligation to leave the country	AUGUST 2019 MIGRATION PACKAGE Foreigners employment promotion act			
JANUARY 2020 MIGRATION PACKAGE Act on "duldung" in vocational training and employment	MARCH 2020 MIGRATION PACKAGE Skilled immigration act			

Figure 3. Major changes to asylum and migration law, 2014–20

*Source:* Compilations for this background paper for the *World Development Report 2023. Note:* Items are chronologically sorted by date of entry into force.

# Policies adopted in response to the arrival of asylum-seekers in 2015 and 2016<sup>16</sup>

#### Financial and administrative burden-sharing

The arrival of large numbers of asylum-seekers in 2015 and 2016 highlighted weaknesses and strengths of the federal structure of asylum policy in Germany. It became clear that some new arrangements had to be developed, such as compensatory payments from the federal level to the federal states and districts, which were overburdened financially. While the administrative structures the federal level—in particular, the central authority BAMF—seemed overburdened and struggled to develop tailor-made responses, decentralized structures (of local authorities in conjunction with civil society actors) proved to be much more flexible in addressing the new challenges. This experience is proving to be a lasting value added for the response to the displacement of Ukrainians to Germany since the beginning of the war in February 2022.

Exact figures of all asylum-related expenditures in Germany since 2015 cannot be given because not all spending on all federal levels is recorded as such. Values can be approximated, however, by looking at expenditure and transfers between the federal government and states from 2016 onward (figure 4). The states are responsible for guaranteeing housing, caring for, and integrating asylum-seekers. The respective expenditures (under the Asylum-Seekers' Benefits Act) peaked in 2016 at  $\notin$ 9.2 billion and were  $\notin$ 4 billion in 2020 (Bundeszentrale für politische Bildung 2022). At the end of 2020, about 382,000 persons received benefits under the Asylum-Seekers' Benefits Act, a number that fell for the fourth time in a row after peaking at 975,000 persons in 2015 (Statistisches Bundesamt 2022).

In 2016, the federal level decided to provide federal states and districts with compensatory payments to help with their expenditures for the support of asylum-seekers (basic needs, accommodation, health service, and so on), which is their primary responsibility (Lindner 2022, 5). While certain districts that received comparatively few asylum-seekers might have been overcompensated (Thränhardt 2020b, 502–03), federal states complained that the federal support for refugee-related spending was insufficient (Deutscher Bundestag 2021, 1–2).

For 2015, the federal government relieved the states of their asylum- and refugee-related expenses by increasing the states' share of sales tax, which resulted in a lump sum payment of  $\notin$ 2 billion. From 2016 onward, the payments provided by the federal government to the federal states and districts were broader and covered measures in different sectors (general expenses for asylum-seekers, unaccompanied minor refugees, childcare, social housing, costs of accommodation, and heating). They declined from  $\notin$ 7.5 billion in 2016 to  $\notin$ 3.2 billion in 2021, according to preliminary figures of the federal government (Bundeszentrale für politische Bildung 2022).

In 2022, the influx of people fleeing the war in Ukraine led again to an increase of these payments to  $\notin 3.5$  billion. At the beginning of 2023 the federal level had pledged  $\notin 2.75$  billion for the year to come (Bundesregierung 2023). These figures are low in comparison with those of 2015–16 and the following years, partly because in contrast to 2015 and 2016 the federal government agreed with federal states early on (from June 2022 onward) to integrate Ukrainians into the regular social and health system, so that these costs are directly covered by the federal level.

The refugee- and asylum-related expenses of the federal level peaked in 2019 at  $\notin 23.1$  billion and decreased to  $\notin 22.9$  billion in 2020 and  $\notin 21.6$  billion in 2021. In 2022, according to preliminary figures, the expenses were planned to increase again to  $\notin 22.2$  billion, but drastically decrease again in the following years (from  $\notin 16.9$  billion in 2023, to  $\notin 15.8$  billion in 2024, to  $\notin 16.0$  billion in 2025, to  $\notin 16.4$  billion in 2026) (Bundesministerium der Finanzen 2022, 45). The refugee- and asylum-related expenses in 2020 amounted to 5.2 percent of a total budgetary spending of  $\notin 441.8$  billion. The biggest share of the expenses in 2021 consisted of development aid aimed at the reduction of root causes of displacement ( $\notin 9.8$  billion), followed by social transfer payments that were paid after asylum procedures ( $\notin 5.4$  billion); payments to relieve the burden on the federal states and municipalities ( $\notin 3.0$  billion); integration services

( $\notin$ 2.3 billion); and the reception, registration, and accommodation of people in asylum procedures ( $\notin$ 1.0 billion) (Bundesministerium der Finanzen 2022, 45). While some costs have increased over the years (compensatory payments for federal states and districts), others have decreased (social transfers after asylum procedures).

Because there is no fixed agreement about how to share the financial burdens between the different levels of the federal system during times of an extraordinary large number of arrivals, the influx of about 1 million Ukrainian refugees and 218,000 new asylum applicants in 2022 (Mediendienst Integration 2023b) has led to new negotiations and at times controversial discussions.

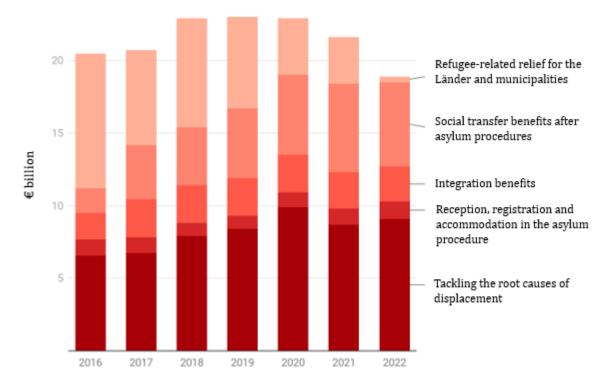


Figure 4 Refugee- and asylum-related expenditures, 2016–22

*Sources:* Bundeszentrale für politische Bildung 2022; Bundesministerium der Finanzen 2022, 45. *Note:* Data are according to federal government budget plans for 2016–22. Euro amounts are rounded. For 2022, amounts shown are preliminary data from the federal government.

#### Administrative reactions to the influx in 2015 and 2016

It was evident that in 2015–16 federal structures were not prepared for the arrival of large numbers of asylum-seekers and vertical cooperation was not functioning well. BAMF, in particular, was completely overwhelmed—producing a big backlog of asylum decisions. This led to two changes in leadership (in September 2015 and June 2018) (Thränhardt 2020b, 489–91) and a rapid increase in personnel. The Federal Office's staff grew from 2,200 in 2014 to 7,300 in 2016, including individuals who were temporarily employed by BAMF. In addition, nearly 1,600 full-time-equivalent posts allocated and seconded from different federal agencies, as well as from Vivento, Deutsche Post, the armed forces, and the Federal Employment Agency (Bundesagentur für Arbeit, BA), provided temporary support in reducing backlogs. BAMF also relied on several external consulting firms. From 2015 to 2017 it used more than €45 million for this purpose (not including consulting on information technology, IT). The Federal Audit Office criticised the award of these consulting contracts without competition and flagged deficiencies with regard to the necessity and cost-effectiveness of the consulting services (Bundesrechnung-shof 2019).

After 2015 it became evident that BAMF's data management system was outdated and that it was not interoperable with the data management system of the federal police. This problem was addressed with

the Data Exchange Law (*Datenaustauschgesetz*) in 2016 (Thränhardt 2020b, 489–90). BAMF then developed a more ambitious digitalization agenda to become "a modern, digital public authority which is able to adjust to continually changing frameworks" (BAMF 2022a). It has published a Digitalisation Agenda 2022, building on the following results that have been achieved in the recent years (according to BAMF).

Stabilization and modernization of the IT infrastructure have reduced system downtimes to virtually zero since 2018. Access to integration and language courses has been significantly improved by establishing digital connections to the participating institutions. This means that there is transparency at all times regarding current course offers. Furthermore, new technologies such as artificial intelligence and blockchain are being tested in line with the federal government's implementation strategy for shaping its digital transformation to optimize internal processes. A centre of excellence for specialist analytics has been established for this purpose. The centre supports the departments with methods of applied artificial intelligence to derive insights and enable data-based decisions. Agile working methods were successfully introduced into the overall organization and are regularly applied, depending on the project requirements (BAMF 2022b).

This engagement goes hand in hand with a permanent increase of budget and personnel. BAMF's budget grew from €159.277 million in 2014 to €795.09 million in 2021. In 2022, about 8,100 employees were working in BAMF. One-third work in the headquarters and two-thirds in 60 different outposts around Germany. Despite the reforms of the past few years, room for improvement remains. The quality of BAMF's asylum decisions is still insufficient. This was particularly the case in the first years after the number of applications soared, when the (at the time mostly temporary) workforce was forced to speed up decisions to reduce the backlog in asylum applications. Administrative courts were overburdened with appeals of hastily made asylum decisions. In 2017 44 percent of asylum cases were overturned in court. In 2020 this was still the case for one-third of the cases (Deutscher Bundestag 2022). In June 2019 more than 300,000 lawsuits were still pending (Thränhardt 2020b, 495). In the past few years, about three-quarters of all negative BAMF decisions have been challenged in court, for reasons such as inadequate hearings, incorrect decisions, and politically intended restrictions. This is particularly problematic in the case of Afghanistan, where the success rate of lawsuits in the first nine months of 2021 was 78 percent (Deutscher Bundestag 2022, 16–17). The average asylum procedure in 2021 took 6.6 months (compared to 8.3 months in 2020 and 6.1 months in 2019), and thus was much shorter than the average of 10.7 months in 2017. The process takes much longer (on average, 24 months) if asylum decisions are challenged in court. The high number of asylum cases in administrative courts and the long duration of asylum procedures pose a high financial burden for the federal states, despite compensatory payments from the federal government.

The current government coalition will likely pursue further reforms. Reem Alabali-Radovan, the acting Commissioner for Migration, Refugees, and Integration, has noted that asylum decisions are still often unfair and are taking too long, and has called for faster and more pragmatic procedures (tagesschau.de 2022). Reforms should also consider what positive lessons have been learned since 2015 and better include local actors (local authorities in conjunction with civil society actors) to respond better to large numbers of asylum-seekers as well as to avoid overcentralization. Local conditions have varied greatly and have depended greatly on the local context. A common denominator, however, has been that it has been up to Germany's decentralized structures, particularly nonstate actors, to fill gaps in the federal-level response. "In this situation of crisis, civil society actors showed their strength, providing an established structure of voluntary organizations and a great, initially overwhelming individual willingness to help. Spontaneous volunteer groups were often there to provide for everyday support of asylum-seekers" (Glorius 2022, 207–08) (see section on social cohesion and engagement with civil society actors).

#### Accommodation and distribution

The federal system follows a clear division of labor with regard to accommodations of asylum- seekers. Asylum applicants are first accommodated in initial reception facilities of the states and then redistributed throughout the state to different forms of housing. Except for Bavaria and the city states of Hamburg, Bremen, and Berlin, these accommodations are organized by the local districts and municipalities. The approaches vary in different local contexts from centralized and collective to decentralized and individual forms of housing. Social support, language classes, childcare, and interpreting services are organized by different state and nonstate actors (Glorius 2022, 202).

This accommodation system was not prepared to receive large numbers of arrivals. Hosting the newcomers became the most pressing immediate task in 2015–16. Emergency accommodations were erected across the country, particularly in sporting halls and storage space, as well as other empty buildings owned by the state or private owners (Glorius 2022, 203). Often the allocation of asylum-seekers was done with only little prior communication with local districts, reflecting power asymmetries between the different levels of the federal system (Glorius 2022, 205).

This might have resulted in a loss of trust at the local level in the higher federal levels and is seen by some observers as a reason for changes in the accommodation system and other asylum laws at the federal level (Glorius, 2022, 208). The Asylum Procedure Acceleration Law of 20 October 2015 prolonged the maximum duration of stay in first reception facilities from 3 to 6 months. With the Law for Better Enforcement of the Obligation to Leave the Country of 20 July 2017, states got the possibility of imposing the obligation to stay in first reception facilities for up to 2 years (Glorius 2022, 208–09).

Applicants from so-called safe countries of origin (such as the Western Balkans) were asked to stay in these facilities for the entire time of their accelerated procedures. The previous comparatively large number of applications from the Western Balkans declined in the years that followed. This decline, however, can much more likely be attributed to the Western Balkans Regulation, which in 2016 created a legal pathway for nationals of Albania, Bosnia-Herzegovina, Kosovo, North Macedonia, Montenegro, and Serbia to apply for a work visa in Germany without the formal recognition of a qualification (Ziebarth and Bither 2018). This approach has proven very popular to fill shortages in the German labor market. The current government is planning to make it a regular component of the German immigration system.

#### Accommodation

After the federal election in 2017, the government (at the time a coalition of CDU and SPD) decided to pursue the Bavarian concept of integrated first reception facilities (so-called AnkER Centres, initially planned for applicants from the Western Balkans), where all steps of status determination, decision, and eventual deportation were supposed to take place under the responsibility of the federal government. It quickly became clear that the federal level did not have the capacities to implement this concept, so that the idea was to combine federal and state level competences in these centres (Thränhardt 2020b, 499–501). Due to different political perspectives among the federal states, only three states (Bavaria, Saxony, Saarland) implemented the arrangement, and the current government would like to disband it altogether. Even from the perspective of the proponents of a more restrictive asylum policy the AnkER Centre concept was a disappointment because the goal to make asylum procedures faster has not materialized—in 2021 the average duration of the asylum procedure there was 7.3 months, in comparison to 6 months in a "normal" BAMF field office (Deutscher Bundestag 2022).

The reception of Ukrainian refugees has been driven by private initiatives across Europe. In Germany as of April 2022, 65 percent were hosted in private homes (Thränhardt 2022). While the high initial share of private hosts is likely to decline over time, the willingness to host Ukrainians privately remains remarkably high (DeZIM 2022b). Ukrainian refugees were to a certain degree free to opt where to go to and have concentrated in a number of larger cities, such as Berlin. In those places, it is difficult to find to find longer-term private accommodation. As a result, Ukrainian refugees over the course of 2022 increasingly had to be relegated to those initial reception facilities. In the beginning of 2023, some of them were overcrowded—especially in those municipalities that had reduced their reception capacities after 2016. Other municipalities kept a reserve of usable properties and were able to react much faster to the increased need for reception places (Ghelli 2023). The federal government is also mobilizing additional housing and accommodation for refugees and has created a digital dashboard to coordinate better in the light of the situation (Bundesregierung 2023).

#### Distribution

Since the new Integration Act came into force in August 2016, beneficiaries of protection are generally obliged to take up their place of residence within the federal state in which their asylum procedures have been conducted, and to stay there for a maximum period of three years. In several federal states, beneficiaries of protection are also obliged to reside in a specific municipality, also for a maximum period of three years. This obligation can be lifted for certain reasons, such as for family-related reasons or for education and employment purposes. As long as the obligation is valid, social benefits are generally provided only in the respective federal state or in the respective municipality. Five medium-sized district towns established an even stricter rule, with a so-called residence ban to avoid secondary movements of refugees from the rest of the country, citing concerns about social cohesion (Glorius 2022, 209–10).

These policies, aimed at preventing the establishment of feared "parallel societies," were counterproductive with regard to labor market integration (Brücker, Hauptmann, and Jaschke 2020). While the general principle of distribution according to the Königstein Key remains untouched, the reception of Ukrainians—who enjoy freedom of movement—showed the advantages of less restrictive residence requirements, because those requirements force refugees to go to places where they have significant less prospects to integrate and a limited or nonexistent diaspora community to help with everyday matters of support. A further liberalization of these rules should be discussed (Angenendt et al. 2022), while also taking into consideration the challenges of overcrowding that may come along with Ukrainian refugees residing in a limited number of municipalities.

#### **Health care**

In the federal system, the provision of health services to asylum-seekers and refugees is shaped by federal law. According to the Asylum-Seekers Benefits Act (*Asylbewerberleistungsgesetz*, AsylbLG), only limited medical care is provided for the duration of their asylum procedure. The law restricts health care for asylum-seekers during the first 18 months of stay to instances "of acute diseases or pain," in which "necessary medical or dental treatment has to be provided including medication, bandages and other benefits necessary for convalescence, recovery, or alleviation of disease or necessary services addressing consequences of illnesses" (Hoffmeyer-Zlotnik 2022). After 18 months, asylum-seekers are entitled to almost the same medical care as people with statutory health insurance.

Despite the common federal legal framework, there are huge differences in the way health services are provided to asylum-seekers across and even within federal states. As a consequence, the actual level of health services provided to asylum-seekers differs greatly (Thränhardt 2020b). Often, asylum-seekers need a treatment certificate for a visit to the doctor, which is issued by the social welfare office. Sometimes they must apply for a new certificate for each visit to the doctor; other times the social welfare offices issue the certificate for three months.

In response to the large arrivals of asylum-seekers in 2015, some policy changes were restrictive, and others were liberalizing. On the restrictive side, the Asylum-Seekers' Benefits Act in 2019 prolonged the waiting period until asylum-seekers have full access to medical treatment by 3 months, from 15 months to 18 (Hoffmeyer-Zlotnik 2022). However, some liberalization was achieved in the context of the Asylum Procedure Acceleration Act of 2015, which gave federal states and individual districts (in collaboration with statutory health insurance funds) the possibility to provide asylum-seekers with an electronic health card, which they can use to go directly to the doctor (Thränhardt 2020b, 502). This is intended to improve access to the medical system and reduce administrative costs and had already been tested for a few years ahead of 2015 in the city states of Bremen (since 2005) and Hamburg (since 2012) (Lindner 2022, 18). Several federal states (Berlin, Brandenburg, Schleswig-Holstein, Thuringia) followed this example after 2015, while in other states it has only been implemented in a few municipalities (Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate). A few federal states (such as Bavaria and Baden-Wurttemberg, Saxony, and Mecklenburg-Western Pomerania) are not participating in the scheme (Hoffmeyer-Zlotnik 2022). The capital city of Saxony is the only example of a city that introduced its own electronic health card—without the support of the respective federal state (Lindner

2022, 10). First studies have shown positive results of the introduction of electronic health on the individual health of asylum-seekers—without driving up the associated costs (Lindner 2022, 18).

Health policy actors realized in the wake of the events of 2015–16 that there was not enough data and knowledge available on the health situation of asylum-seekers and refugees. Studies that focused on this population group had not been representative. The case numbers were too small, and they were regionally limited and difficult to compare (Frank et al. 2017). This population group was also often missing in general health surveys because asylum-seekers who are living in initial reception centres or other collective accommodations are not registered in the registration offices, while asylum-seekers living in private accommodations are included only if they possess an electronic health card (Bozorgmehr and Hövener 2021, 3). In 2016 the Institute for Employment Research (IAB), together with the Federal Office for Migration, the Federal Office for Migration and Refugees (BAMF), and the Socio-Economic Panel (Sozio-oekonomisches Panel) (SOEP), tried to address this problem by establishing a health survey specifically on asylum-seekers and refugees (Bozorgmehr and Hövener 2021). This can be seen as a starting point for extensive and comparative public health studies on the access to health services and health outcomes for asylum-seekers and refugees.

What is known about the specific health situation of asylum-seekers and refugees (adults and children) is that they disproportionally suffer from chronic diseases as well as mental illness—often due to traumatic experiences they had in their respective countries of origin or during their dangerous journeys. There is a system of specialized treatment centres (importantly, with a pool of translators) in Germany. However, they can offer only a limited number of therapies and can often only be found in larger cities. Consequently, not everyone in need is finding access to these therapies. In 2019, only 60 percent of requests could be treated in these centres and often patients had to wait more for than half a year. Treatment centres cover nearly all the costs (93 percent) for therapies through donations, project funds, state or federal funds instead of getting reimbursed directly by health and social authorities (Hoffmeyer-Zlotnik 2022).

In response to the 2015–16 influx, the need for more psychosocial support structures became obvious and many local innovations have since occurred. In the medium-sized city of Kassel, for example, a Centre for the Psychosocial Support of Refugees (Psychosoziales Beratungszentrum für Geflüchtete Kassel) developed out of the spontaneous initiative of a group of psychologists and doctors, who—with the approval of local officials—offered psychosocial counselling in first reception centres. Since then, with the financial support of the state of Hesse, it has professionalized its work and become a regular part of the city's health system (Schlesinger-Kipp 2021).

While this is a positive example of change from below, experts point out that a comprehensive reform is still outstanding. It should aim at ending the differences in health services provided to asylum-seekers in different federal states by harmonizing the legal and administrative framework (Lindner 2022, 19). This task falls within the responsibility of the federal government, which could go a step further and abolish the restricted access for asylum-seekers altogether—by changing or deleting the Federal Asylum-Seekers' Benefits Act (AsylbLG). Restricted access to health services not only leads to poorer health outcomes for asylum-seekers but may also result in higher costs for the health system (Schlesinger-Kipp, personal communication, June 1, 2022).

#### Education

Access to education and language courses are generally considered to be key to the success of social and labor market integration. The German school system, however, has a traditionally exclusive structure. As Koehler and Schneider (2019, 4) note: "The basic underlying logic of the German school system, notwithstanding its internal diversity across regions, has been the reproduction of social class: far before immigration was an issue, workers' children were supposed to learn the basic skills to succeed in apprenticeships or similar and then become workers again—which is reflected especially in the early tracking at age 10 into three quite rigid streams of secondary education. As studies have repeatedly shown, social class continues to be the single most important determinant for school careers—stronger

than migration background. Since by far most of the labor-migrant parents had a working-class background, most immigrant children were almost automatically sorted into the lowest qualifying vocational track and, in general, had to fight hard when the ambitions were higher than that." In sum, the German school system tends to systematically reproduce class inequalities, and the consequences of this have been particularly apparent, such as regarding the children of guest workers.

Against the by now widely held consensus that the German school system "in the past can be classified as a de facto-failure in providing immigrant children at least remotely similar chances for educational success compared to the children of native-born parents" (Koehler and Schneider 2019, 4), what policy measures have been taken to integrate the large number of children and adolescents that arrived in the context of the large-scale immigration of 2015 and 2016?<sup>17</sup> The most comprehensive attempt at gaining an overview of the integration-related successes and failures in German schools five years after the so-called refugee crisis comes to the sobering assessment that very little reliable data are available (Agarwala 2020, 116). This is partly due to the bewildering diversity of approaches across the 16 German federal states under whose authority education falls and partly to a longstanding hesitation to collect data differentiated by immigrant groups. It is important to keep this in mind when gauging the reliability of existing findings. Despite these considerable shortcomings, more recent academic publications have started to provide some more detailed insights into the trajectory of the integration of asylum-seekers into the German education system.

#### Early childhood education and care

In 2015, early childhood education and care (ECEC) centres in Germany had little experience and faced "unclear institutional provisions with regard to implementing ECEC access for the newly arriving refugee children" (Scholz 2022, 3669). Although universal entitlement to ECEC for children aged 1 and older was introduced in 2013, access for refugees was not automatically offered because public authorities at the time interpreted the law as refugee children only being entitled to an ECEC place "once a temporary residence permit had been granted and the family had left the initial reception centre for refugees and had been assigned to and accommodated in a municipality" (Scholz 2022, 3669). Given these unclear institutional arrangements and the great diversity of ECEC provisions in the different federal states, together with the fact that as early as the first quarter of 2016, refugee children were enrolled in about one-third of all German ECEC centres, "local authorities and providers dealt differently with the legal limbo to which the refugee children were consigned" (Scholz 2022, 3670), varying between targeted approaches that promoted separate needs-based playgroups or drop-in places and approaches aimed at immediate integration into the regular services (Baisch et al. 2017, 69). While it was "often left to the discretion of providers and centres to organize ECEC access for refugee children, with volunteer activities being paramount," a certain level of professionalization occurred over time (Scholz 2022, 3684). Regardless, gaining access to ECEC remains difficult for refugee parents (Will et al. 2018, 22). This in turn has consequences for German language acquisition, which has been identified as the key benefit of preschool attendance by refugee children (Seuring and Will 2022). As of 2022, children with toleration status (Duldung) are also entitled to ECEC, whereas undocumented children are not but can be included at discretion (Informationsverbund Asyl und Migration 2022b).

#### Primary and secondary education

Although in Germany, nine years of education is compulsory for children from the age of 6, regulations regarding asylum-seeking minors differ between federal states, with considerable consequences for children's de facto access to schools. Table 2 summarizes the regulations that were in place in 2016 (Paiva Lareiro 2019, 3), and that therefore applied to most new arrivals in 2015–16. The practice by some federal states to effectively tie access to schools for asylum-seekers to their having left an initial reception centre and being assigned to a municipality is problematic from a rights-based perspective because delays in this administrative process can prolong the time children spend without formal schooling. By 2017, Brandenburg had amended its laws so to ensure access for all after three months (Deutsches Kinderhilfswerk 2019). Nonetheless, as of 2022 several federal states still featured exclusionary provisions (Wolters Kluwer Deutschland 2023).

Table 2. Overview of *Länder*-specific regulations regarding compulsory education for asylum-seekers in 2016

Compulsory school attendance	Federal state
From the outset/time of arrival	Berlin, Saarland
After a time period of:	
3 months	Bavaria, Thuringia
6 months	Baden-Wuerttemberg
After leaving initial reception centre/being assigned to a municipality	Brandenburg, Hessia, Mecklenburg-Hither Pomera- nia, Lower Saxony, North Rhine-Westphalia, Rhine- land-Palatinate, Saxony-Anhalt
No specific regulations regarding asylum-seekers' compulsory school attendance	
Inference of compulsory school attendance from (main) place of residence in federal state possible	Bremen, Schleswig-Holstein, Hamburg
Right rather than obligation to attend school for asy- lum-seekers	Saxony

Source: Paiva Lareiro 2019, 3.

*Note:* Additional right to attend school prior to compulsory school attendance taking effect: Brandenburg, Hessia, Mecklenburg-Hither Pomerania, and Rhineland-Palatinate. Pausing/suspension of compulsory school attendance possible to allow for attendance of necessary language courses: Brandenburg, Lower Saxony, North Rhine-Westphalia.

Regardless of these potential barriers, most asylum-seeking children and school-age youth who entered the country in 2015 were enrolled in schools early on. According to data covering the period 2013 to January 2016, 95 percent of the cohort of 10- to 17-year-olds was enrolled. About one-third were enrolled in separate preparatory classes for non-native speakers. At the same time, there were clear discrepancies regarding the type of secondary education: refugee youth and adolescents were significantly underrepresented in the more academic secondary school tracks, even when controlling central variables such as the specific Bundesland and the education level of their parents. In addition to this, there were clear differences between different nationalities, with a higher percentage of Syrian children enrolled in the more demanding secondary school types than children and youth from Southeastern Europe. During this period, a positive correlation was found between children being enrolled in schools leading to higher qualifications and their parents having a middle or high educational level, living in private (rather than centralized) accommodation, and being female. A negative correlation was found with regard to a frequent change between accommodations, being enrolled in a preparatory class separate from native German speakers, and being relatively older at the point of entering Germany (Paiva Lareiro 2019, 1).

A 2018 report by the German Expert Council on Integration and Migration found that segregation of displaced children and youth who arrived in Germany in 2015 and 2016 into separate classes without native speakers was still prevalent and argued that this practice exacerbated risks of long-term marginalization. The report called for more targeted teacher trainings, increased funding for segregated schools to counterbalance the built-in disadvantages, and ultimately for a discontinuation of the practice of segregation in schools (Morris-Lange 2018, 4–6).

A 2021 special issue of the *Journal of Educational Research Online* takes stock of the educational situation of refugees in Germany a few years after their arrival and identifies the conditions that facilitate or hinder their educational integration. The introductory article features a helpful overview of data sources used to study these aspects (Edele et al. 2021, 9). The largest common denominator between the various contributions is the relevance of German language skills for succeeding in school and further along the professional career path. Schipolowski et al. (2021, 78) find that German language skills account for a large proportion of refugee students' achievement gap in secondary school. Focusing on the transition from prevocational preparation classes to regular educational pathways, Maué, Diehl, and Schumann (2021, 121–22) show that refugees' German skills and contacts with Germans who are supporting them predict transitions into regular education. Findings by Kristen and Seuring (2021, 152–53) corroborate the importance of both structured and unstructured exposure to the host country language, and indicate that the potential benefits of easily accessible and high-quality language instruction for displaced persons in the context of adult education tend to be greater than for other recent immigrants. In addition, most contributions to this edited volume "indicate that the socioeconomic and cultural resources refugees bring with them are important for their educational success, [although] socioeconomic resources seem to matter less for refugees than for other immigrant populations" (Edele et al. 2021, 12). In sum, the editors of the volume find reasons for optimism: "A large proportion of students in vocational preparation courses remain in education and move on to a regular educational pathway [and] adult refugees also seem to make substantial progress in acquiring German language skills" (Edele et al. 2021, 12). Beyond this, one of their key conclusions is that while acknowledging the relevance of conditions specific to displacement, such as interrupted educational careers, trauma, or stress, "the conditions known to be the major drivers of educational success and of other education-related aspects of immigrants' incorporation also apply to refugees. Refugee immigrants differ from other immigrants in their starting conditions, for instance, in their initial language skills or in the resources they bring with them, but their educational integration seems to be affected by similar factors" (Edele et al. 2021, 11– 12).

#### **Tertiary education**

Before 2015, asylum-seekers aiming to enrol in German universities were considered clear outliers and accordingly, no institutional provisions were made. Instead, individuals had to come up with their own solutions to common challenges regarding student loans, residence requirements, and so on, at best with the help of dedicated friends or volunteers. Schamman and Younso (2017) describe how the influx of large numbers of refugees in 2015—also against the background of the long-standing debate regarding unmet needs for highly skilled workers—exposed the degree to which German universities were unequipped for asylum-seekers interested in tertiary education, and how this triggered debates about the needs and potentials of these young people. In this context universities found themselves in the unusual position of having to justify their exclusionary enrolment practices to critics from civil society and the media.

At the same time, there was considerable willingness from within the academic sector to enact change. Lecturers, students, and administrative staff engaged in refugee volunteer work were keen to develop programs within their own universities, linking in with broader debates about diversity and internationalization on the one hand, and discussions about a "third mission" of academia alongside its two core tasks of research and teaching: namely, the practical enactment of social responsibility. Taken together, this has kickstarted a dynamic process of opening tertiary education to asylum-seekers.

One dimension of this was BAMF's development of targeted information and guidance regarding the legal context for asylum-seekers to access universities (BAMF 2016). At the same time, individual federal states provided online resources such as the internet portal *Studieren in Deutschland* (Studying in Germany) by the German Academic Exchange Service and the Federal Ministry of Education and Research and similar services.

The other dimension comprised concrete policy reforms such as a liberalization of student loans provided by the federal government, and the development of guidelines for how to proceed in the case of missing documents. An unusual degree of consensus arose across a variety of institutions (including the German Rectors' Conference, the German Council of Science and Humanities, trade unions, and the German Association of University Professors and Lecturers) in support of federal funds being made available to assist asylum-seekers interested in tertiary education (Schammann and Younso 2017, 11).

In the years that followed, the German Academic Exchange Service has developed two dedicated programs aimed at facilitating asylum-seekers' access to academic qualifications: "Between 2020 and 2022, 88 institutions of higher education will receive Integra and PROFI funding for projects designed to integrate student refugees and other international students in the labor market. These temporary project grants will enable universities to cooperate with regional businesses and to implement measures such as job application training and mentoring programmes which are tailored to the needs of refugees and other international students. The 4,233 students in the Integra programme will initially complete a full degree programme, while the 192 participants in PROFI projects are more likely to choose shorter continuing education courses relating to specific areas of work. Most of the participants are older and have more work experience than those of their Integra peers" (Morris-Lange, Lokhande, and Ho Dac 2021, 9). A first evaluation report reached the following conclusions: "The analysis of the Integra projects shows that the obstacles that refugees face entering the labor market are very similar to those confronting other international students....The challenges facing participants in the PROFI projects are very different. The participants in these projects need very specific continuing education courses rather than general preparation for the labor market. ...Universities not only need to provide support, they also need to cooperate more closely with businesses, chambers of commerce, the Federal Employment Agency and other local partners to enable international students to enter the labor market....In order for refugees and other international students to transition into the labor market more successfully in the future, there is a particular need for targeted support programmes, (...) more advanced digital and hybrid supporting measures, (...) systematic support for the transition to work through a local job entry support scheme" (Morris-Lange, Lokhande, and Ho Dac 2021, 9–10).

At the same time, volunteer engagement remains key to the success of opening up tertiary education to asylum-seekers. Lasting positive change depends on the degree to which support for individual projects is transformed into permanent structures (Schammann and Younso 2017, 14–15). An account of access to university education for asylum-seekers in Germany would be incomplete without mentioning the social start-up <u>Kiron Open Higher Education (kiron)</u>. Volunteer engagement early on in 2015 has led to a vast international resource on academic learning and qualifications for asylum-seekers in multiple countries.

#### Integration courses, including language classes

Since their introduction in 2005, integration courses have become a central element of German immigration policy (at the time, they constituted a paradigm shift, for the first time offering state-funded German language classes) (Freudenberg-Findeisen, Harsch, and Middeke 2021, 38). They are implemented by BAMF. The core curriculum contains two main components: one focusing on German language acquisition; and one on civic education (with the overarching aim of imparting an understanding of democratic structures, the rule of law, and "living together in diversity"). The first currently comprises 600 45-minute units, and the second comprises 100 45-minute units (with the second one having increased from 60 to 100 units in 2016). Regulations regarding access (obliging certain groups to attend and barring others—especially asylum-seekers—from doing so) underwent several reforms. In response to the overburdening of the German asylum system in 2015, which prolonged the processing of asylum applications and therefore excluded many newcomers from integration courses, the regulations gradually changed, first opening the courses for asylum-seekers from Syria, Iraq, Iran, and Eritrea, and in 2016 also to those from Somalia (Thränhardt 2020a, 2). A June 2017 policy change aimed at removing practical hurdles to participation introduced the provision of childcare services for parents participating in integration courses (Deutscher Städte-und Gemeindebund, 2017).

Nonetheless, access to integration courses for newly arrived displaced persons remained difficult, with insufficient capacities leading to long waiting periods (Ohliger et al. 2017, 5). A legal reform in July 2019 to promote foreigners' access to the labor market (Foreigner Employment Promotion Act) opened integration courses to all asylum-seekers who had arrived in Germany by August 1, 2019. These successive changes can be interpreted as a gradual acknowledgment on the part of the German government that early access to integration and language classes brings benefits both to displaced persons and to the society at large. Given the fact that the—quickly increased—supply of integration courses could not keep up with the rapidly increased demand, analysts have called for a number of reforms, especially the recommendation to decentralize the local coordination of integration courses to the level of municipalities, with municipalities receiving the required funds from BAMF and BAMF limiting its engagement to quality assurance (Thränhardt 2020a, 4). Apart from language classes offered in the context of integration courses, German-language teaching is also a long-standing area of volunteer engagement. A further professionalization of this engagement could remedy shortcomings in the state-run language acquisition courses (Kleist 2017, 30).

#### Vocational training and employment

Labor market integration is one of the central elements for asylum-seekers, recognized refugees, or tolerated persons in Germany to participate more quickly in society. Taking up employment not only improves the economic situation of the newcomers, but it also offers them the opportunity to make and strengthen social contacts and to improve their German-language skills (Brücker, Rother, and Schupp 2016, 57). Many of the people who fled to Germany between the end of 2014 and 2018 have now found their way into the education system or the labor market (Kosyakova 2020, 2). In March 2022, 470,800 people from "countries of origin of asylum"<sup>18</sup> were employed in formal jobs subject to social insurance and about 71,700 people were marginally employed (BA 2022). The number of employed asylum-seekers and refugees has increased significantly in recent years. Compared with 70,000 persons at the end of 2014, more than six times as many persons from countries of asylum origin are now formally employed and subject to social security contributions (Bundesagentur für Arbeit and Statistik/Arbeitsmarktberichterstattung 2021, 11). The next subsection describes in more detail the policy measures that have been taken in response to these new arrivals and that were aimed at contributing to their labor market integration.

#### Legal conditions

Newcomers with a secure legal status (residence title), such as recognized refugees (see earlier section on forms of protection) who have received a positive decision from BAMF may in principle work as employees without restriction, pursue self-employment, or begin vocational training or participate in vocational preparation measures. They are thus on an equal footing with German employees and trainees. If they are not employed, they are also entitled to social benefits in accordance with German Social Code II (Sozialgesetzbuch II; SGB II: basic income support for jobseekers) (BMAS 2020).

Asylum-seekers and tolerated persons, on the other hand, generally require a work permit, which is issued by the local Foreigners' Registration Office (Ausländerbehörde). The Federal Employment Agency (BA) must also generally approve the employment. It examines the conditions of employment—that is, whether working conditions are comparable with those of German nationals, such as in terms of wage levels (BMAS 2020). In addition, certain conditions also apply to a ban on employment.

Asylum-seekers are generally subject to an employment ban during the first three months of their stay and while they are accommodated in an initial reception facility (up to six months). After that, they may obtain labor market access if they are not required to live in a reception facility (otherwise, only after nine months). A reduction of the work ban for asylum-seekers to three months was introduced in November 2014; previously, the work ban for asylum-seekers after arrival was temporarily valid for up to five years (Thränhardt 2015, 6). Otherwise, asylum-seekers receive benefits under the Asylum-Seekers' Benefits Act (Asylbewerberleistungsgesetz) during the asylum procedure.

Tolerated persons have access to the labor market after six months if they are obliged to live in the reception facility; otherwise, after three months. There is also a legal ban on employment if, for example, they have violated their obligations to cooperate in leaving the country (in particular, to present identification documents) or come from "safe countries of origin" (BMAS 2020).

For asylum-seekers and tolerated persons who come from "safe countries of origin," on the other hand, there is a consistent ban on employment (Bundesagentur für Arbeit and Statistik/Arbeitsmarktberichter-stattung 2021, 16).

#### Policy and legislative changes since 2014–15

Since 2014, several legal and political measures have contributed to the liberalization of labor market access and to the labor market integration of the newcomers. Labor market access has been gradually eased for asylum-seekers whose prospects for recognition are good, whereas it has been restricted for groups with very low recognition rates. In parallel, efforts were made to ensure that integration measures begin as early as possible, ideally during the asylum procedure. To this end, integration incentives were

also created, while the possibilities for sanctions were expanded, especially for persons who refuse to participate in certain integration measures (Degler and Liebig 2017, 26).

With the <u>Asylum Package I</u> of October 2015, access to the labor market and integration offers— in particular, to integration courses or job-related language support—was made possible for asylum- seekers with "good prospects of remaining" (*gute Bleibeperspektiven*), often during the asylum procedure (Hruschka and Schader 2021, 34). For asylum-seekers and tolerated persons who come from "safe countries of origin" and applied their asylum application after August 31, 2015, however, there has since been a general ban on employment (Bundesagentur für Arbeit and Statistik/Arbeitsmarktberichterstattung 2021, 16).

The Integration Act of August 2016 further facilitated labor market access for asylum-seekers and tolerated persons—except for persons from "safe countries of origin." Thus, the special legal case of the so-called *Ausbildungsduldung* (vocational training toleration) was introduced, which enables asylumseekers and tolerated persons to obtain a secure residence statis for the entire duration of a qualified vocational training (such as state-recognized vocational training, which has a regular training duration of two years).<sup>19</sup> In addition, asylum-seekers are expected to engage in meaningful employment during the asylum process, such as helping to serve meals in the accommodation. To this end, the €300 million *Flüchtlingsintegrationsmaßnahmen* program for 100,000 nonprofit work opportunities was also launched in August 2016. Asylum-seekers' benefits can now also be reduced if they discontinue or reject work opportunities or integration courses. In addition, to make it even easier for asylum-seekers and tolerated people to take up work, the priority review (*Vorrangprüfung*)<sup>20</sup> was suspended in 133 of 156 employment agency districts (Bundesregierung 2016; Degler and Liebig 2017, 26).

As a result of the <u>Act on "Duldung" in Vocational Training and Employment</u> passed in June 2019 as part of the Migration Package, the requirements for the granting of the *Ausbildungsduldung* have been simplified. In addition to qualified vocational training, shorter assistant or helper training courses in socalled "shortage occupations" (*Engpassberufe*)— that is, occupations, such as a nursing assistant, that are in particularly short supply on the labor market—are now also permissible if follow-up vocational training is secured. In addition, a thirty-month so-called *Beschäftigungsduldung* (employment toleration) period has been introduced. This is intended to create legal clarity and legal security for tolerated persons and their families who secure their livelihood through employment and are well integrated (BMI 2019). However, tolerated persons who have not cooperated sufficiently in clarifying their own identity or have actively prevented this, as well as nationals from "safe countries of origin" and asylum- seekers who have been convicted of a criminal offense, are generally excluded from a vocational training and employment toleration (BMI 2019; Graf and Heß 2020, 79–80; Informationsverbund Asyl und Migration 2022a).

In August 2019, the <u>Foreigner Employment Promotion Act</u> adopted as part of the Migration Package further eased access for asylum-seekers and tolerated persons from countries that are not "safe countries of origin" to vocational or training preparation measures and to benefits supporting placement in active employment, such as by opening up participation in job-related language courses. In addition, it was decided that in the future there will be no nationwide "priority review" for asylum-seekers or tolerated persons.

In addition to those legislative measures that are of direct relevance to asylum-seekers, the <u>Skilled Im-</u> <u>migration Act</u> that came into force in March 2020 as part of the Migration Package aimed to facilitate the immigration of third-country nationals for the purpose of gainful employment and to enable new prospects for attracting skilled workers abroad. In the process, the fundamentals of education and employment migration were expanded and restructured. In a far-reaching change, persons with academic degrees and persons with qualified vocational training will in the future be uniformly regarded as skilled workers. Since March 2020, the latter have also been counted as "skilled workers" and can now also emigrate to Germany more easily. In addition, the regulation relating to "shortage occupations" has been abolished. This opens access to all occupations for which third-country nationals are qualified based on their qualifications. The prerequisite is that a job offer exists and the professional and educational qualifications are recognized as equivalent to German standards (Graf and Heß 2020, 40–41). The Act on the Further Development of Skilled Immigration is planned for 2023 to further simplify work-related immigration for third-country nationals (for more information about the reform agenda of the current government, see the earlier overview of legislative reforms and amendments).

Overall, the legal regulations on non-European labor migration continue to provide only very limited and temporary opportunities for the immigration of third-country nationals without qualified vocational training or academic degrees. For example, the Western Balkans Regulation has been in place since 2016. This is a special regulation that allows unskilled workers from Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro, and Serbia to immigrate legally, provided they can prove a concrete job offer from a German company before being issued an entry visa (Graf and Heß 2020, 38).<sup>21</sup>

In addition, there are bilateral agreements (*Vermittlungsabsprachen*) with Georgia and Moldova, among others, on seasonal workers in agriculture, which allow temporary visa-free entry with the BA work permit without a priority review (*Vorrangprüfung*).

#### Labor market integration

In addition to the legal framework, successful labor market integration depends significantly on language support, investment in education and vocational training, the availability and quality of job placement services, and the receptiveness of the economy (Graf and Heß 2020, 17). The federal structure in Germany means that various actors at different levels are involved with different aspects of labor integration. While the federal level is largely responsible for defining the legal framework for integration, such as regulations regarding language courses and labor market access, the German federal states are responsible for concrete implementation and often have considerable freedom to implement their own integration support measures. Since 2014–15, many federal states have launched integration measures and pilot projects to promote the labor market integration of asylum-seekers and refugees (Degler and Liebig 2017, 25). The BA also launched initiatives at an early stage, often together with local private sector actors, and accompanied them with research by the Institute for Employment Research (Institut für Arbeitsmarkt- und Berufsforschung, IAB) (Erler and Gottstein 2017, 13).

Initiatives supported by the private sector have also emerged. At the beginning of 2016, for example, 36 companies founded the network *Wir zusammen* ("We together") to motivate other companies to launch their own integration initiatives to offer the newcomers jobs and training positions and integrate them into the labor market. According to the network, by 2019 more than 230 companies had joined *Wir zusammen* with their integration projects and integrated more than 33,000 asylum-seekers and refugees into the labor market (Die Integrations-Initiative der deutschen Wirtschaft 2019). Many of the private sector initiatives also involve cooperation across levels and sectors, partly with government agencies (such as cofinancing), and partly with civil society (such as through job placement services, private contacts, or social networks) (Erler and Gottstein 2017, 13).

Based on a number of empirical studies, it is now apparent that the integration of asylum-seekers, (recognized) refugees, and tolerated persons into the German labor market has progressed significantly in recent years (Brenzel and Kosyakova 2019; Brücker, Kosyakova, and Schuß 2020; Hickmann et al. 2021; Kosyakova 2020).<sup>22</sup> The subsections that follow consider all people who have sought protection in Germany on political, international, legal, and humanitarian grounds. This includes persons who are still in the asylum process, persons who have been granted protection status (see earlier discussion on forms of protection), and persons whose applications for asylum or protection have been rejected but who are still in Germany. All of these are subsumed under the term "refugees."

#### Vocational training

In recent years, people who have fled to Germany have played an increasingly important role in filling training positions and securing the next generation of skilled workers, and they can partially cushion the drop in demand for training in Germany.

Already in 2016, the educational aspirations of the refugees were very high: two-thirds of those surveyed stated that they wanted to complete vocational training or a university degree. In general, the younger the respondents were, the stronger their educational aspirations were. Women's aspirations were nearly as strong as men's in terms of acquiring high school diplomas (44 percent to 47 percent) and vocational qualifications (60 percent to 69 percent) (Brücker, Rother, and Schupp 2016, 53-54). A 2016 study by the Federal Institute for Vocational Education and Training (Bundesinstituts für Berufsbildung, BIBB) and the BA also shows that among the applicants with a refugee background from third countries, many who were registered with the BA as applicants for dual or school-based training or further training succeeded in making the transition to dual vocational training. Of the subgroup of persons with a refugee background, about 31 percent had taken up a dual training position, while a further 3 percent completed school-based training or a course of study. Three-quarters of the subgroup who were not yet in training were planning to do so in the future (Matthes et al. 2018, 5). In 2019, 8 percent of refugee women and 16 percent of refugee men were in school or vocational training, further training, or study, in some cases in addition to gainful employment. The gender difference is likely related, among other things, to the fact that refugee men are slightly younger on average than refugee women, and younger people are generally more likely to invest in education (Fendel and Schrever 2021, 2).

The number of refugees who are nationals of one of the top eight countries of origin for asylum and who have entered apprenticeships has increased twentyfold, from about 1,000 in 2009 to nearly 21,000 in 2019. Of these, more than one in three refugee apprenticeship entrants (68.6 percent) started training in a "shortage occupation" (*Engpassberuf*). Over the years, proportionately more refugees have undertaken training in occupations that are in high demand than new trainees with German citizenship (57.9 percent). This may be due, among other things, to the fact that the training market is less competitive for these occupations, which means that migrant youths also have better chances of finding a training place (Hickmann et al. 2021, 20–22).

In 2019, Syrian nationals were the largest group of refugee apprenticeship entrants, concluding more than 8,000 apprenticeship contracts. This corresponds to the high proportion of Syrian asylum-seekers in the large-scale refugee migration of 2015 and 2016. From a regional perspective, the proportion of refugee apprenticeship entrants in western Germany in 2019 was higher than the proportions in eastern Germany: the highest proportion, 5.9 percent of all new apprentices, is in Hamburg, followed by Hesse with 5.5 percent. The lowest is in Mecklenburg-Western Pomerania, at 1.9 percent (Hickmann et al. 2021, 20–23). In addition, 8,000 people had a vocational training toleration as of May 2021 and about 1,200 people had an employment toleration as of the end of 2020. This is a small share of the more than 220,000 people living in Germany with a *Duldung* (Mediendienst Integration 2021).

#### Employment

Many newcomers are now gradually arriving on the labor market, after an initial few years in Germany largely characterized by application procedures, language courses, and integration courses. Almost half of those surveyed who entered Germany between 2013 and 2016<sup>23</sup> are employed five years after their arrival in Germany.<sup>24</sup> By the second half of 2018, 60 percent of the refugees who had arrived since 2013 were either employed (35 percent) or participating in integration program (19 percent) or an educational program (7 percent), while 23 percent were actively looking for work (Brücker, Kosyakova, and Schuß 2020, 14). About 57 percent of those who were employed filled positions of skilled workers, while 44 percent were employed in occupations with a lower level of requirements, in so-called helper and semi-skilled jobs (Brücker, Kosyakova, and Schuß 2020, 1, 9).

Research findings also show that refugees initially often work in menial jobs after they arrive. In the first year after their arrival, 54.6 percent of all refugees in employment subject to social security contributions were employed in semi-skilled and unskilled jobs. This is due on the one hand to their uncertain prospects of staying, but also to their lack of language skills. After four years, the proportion in semi-skilled and unskilled jobs falls from 55 percent to 40 percent. At the same time, the proportion of refugees working as skilled workers—that is, at the level of those who have completed vocational training—is increasing (Kosyakova 2020, 11–12). The employment of refugees is positively related to the human capital acquired through work experience. Only a small proportion of refugees had completed vocational

training or studies before moving to Germany, but many had acquired professional qualifications and skills through work experience (75 percent of men and 39 percent of women). Thus, many of them succeeded in pursuing a skilled occupation even though they had no formal vocational qualifications from their countries of origin (Brücker, Kosyakova, and Schuß 2020, 9, 15). Between 2013 and 2020, the number of refugees who were employed as skilled workers and subject to social security contributions increased fivefold. This steep rise was largely due to the increase in the proportion of refugees in the total population in Germany since 2015. Thus, in 2020, more than 120,000 refugees were employed in skilled occupations (Hickmann et al. 2021, 4).

Refugees are already making an important and growing contribution to filling vacancies in many occupations in which there are labor shortages (shortage occupations, *Engpassberufe*). This applies especially to those skilled occupations that have the largest number of skilled labor gaps nationwide, such as in geriatric care; health care and nursing; electrical work for construction; and plumbing, heating, and air conditioning technology. The largest number of refugees at the skilled worker level in 2020 were employed in catering (slightly more than 8000), followed by warehouse management (with just over 7,600). Even in 2020, during the COVID-19 pandemic, the number of refugees employed as skilled workers increased. This was despite the fact that they were disproportionately employed in service occupations that were severely affected by the pandemic. This can be seen as an indication that many qualification and integration measures have been successful and that more and more asylum-seekers are finding their way into the German labor market (Hickmann et al. 2021, 4–5). At the same time, however, it is also evident that the willingness of companies, in particular, to hire refugees fell sharply in the wake of the pandemic. Thus, unemployment among refugees also increased significantly during the pandemic-by 4.0 percentage points to 36.5 percent, while among Germans by October 2020 it had increased by only 1.1 percentage points to 5.7 percent. Among other reasons, this could be because asylum-seekers and refugees are more likely to work in temporary jobs or in sectors where the crisis is having a particularly strong impact, such as the hospitality industry, or often have only fixed-term contracts (Hickmann et al. 2021, 8). In addition, language and integration measures as well as school and vocational training were largely suspended or slowed down (Kosyakova 2020, 25).

From a regional perspective, the picture is similar to that for trainees. Here, too, the share of refugees in all employees is higher in western Germany than in eastern Germany. Hamburg has the highest share (1.3 percent), while Brandenburg and Mecklenburg-Western Pomerania have the lowest (0.3 percent, each). In general, the significant differences between eastern and western German federal states can be explained by the fact that the share of migrants and refugees in the total population is significantly higher in the West than in the East (Hickmann et al. 2021, 23).

Moreover, there is a significant gap in employment between refugee men and women, although this gap declines somewhat as the length of stay increases. For example, two years after arrival, 25 percent of men but only 5 percent of women were employed; five years after arrival, 57percent of men and 29 percent of women were employed (Brücker, Kosyakova, and Schuß 2020, 8). An accumulation of several factors likely accounts for the overall disadvantageous labor market position of refugee women, such as a lower level of education, less work experience, or lower/later participation in language acquisition or integration measures (Fendel 2019, 2–3; Fendel and Schreyer 2021, 2–4; Worbs and Baraulina 2017, 1). In addition, these differences are closely related to the different family and child constellations of refugee women and men, as well as the division of labor within families and the care situation of (small) children. In particular, women with small children are employed only to a very small extent (Brücker et al. 2019, 7; Brücker, Kosyakova, and Schuß 2020, 8).

In general, legal uncertainty about future residence status during asylum procedures also plays a major role in labor market integration: refugees with a secure legal status (residence permit), for example, have significantly higher labor force participation than asylum-seekers still in asylum procedures or those with *Duldung*.<sup>25</sup> Residence status thus has some influence on employment opportunities. Causes may include legal uncertainty about future residence status or more limited access for this group to measures to promote integration (Brücker, Rother, and Schupp 2016, 65, 68). Persons from "safe countries of origin" are completely excluded from the labor market and integration courses and must remain in initial reception facilities until they are deported (Hruschka and Schader 2021, 29). The situation for persons

with tolerated status is also problematic: a work permit (including for vocational training) may not be issued to a person with a tolerated status if, in the view of the Foreigners' Registration Office, that person does not cooperate sufficiently in their own deportation or actively prevents it.

Overall, labor market integration of refugees who have moved to Germany since 2013 has occurred several months faster on average than in previous episodes of refugee migration since the 1990s (for example, as a result of the Balkan wars). This has happened even though the preconditions of asylum-seekers who have arrived in Germany since 2013 were less favorable in terms of language skills, educational qualifications, and personal networks before their arrival (Brücker, Hauptmann, and Vallizadeh 2015). However, unemployment in Germany is currently significantly lower and employment growth significantly higher than in the 1990s. Moreover, since 2015, significantly more has been invested in language and other integration programs as well as in labor market policy measures and job placement for asylum-seekers and recognized refugees than was the case in earlier episodes (Brücker, Kosyakova, and Schuß, 2020, 8). This could also explain the difference in the integration trajectories for refugees who arrived earlier and in recent years. Participation in language, integration, and education programs may have initially delayed their labor market integration, but the completion of these measures may have contributed to higher employment among refugees who have arrived since 2013 (Brenzel and Kosyakova, 2019; Brücker, Kosyakova, and Schuß 2020).<sup>26</sup>

In general, the integration of refugees into the labor market and society is still in its infancy but shows considerable progress. The successes to date can be attributed to several factors. Asylum procedures have largely been completed. Most refugees who entered the country in 2015–16 have now attended and completed integration courses or other language programs (Kosyakova 2020, 4). The chances of the integration process and participation in the labor market thus depend on the one hand on individual characteristics, such as language skills and professional qualifications and competencies acquired in the country of origin, and on the other hand substantially on status and conditions related to the legal and institutional framework, such as residence status—and thus the length of asylum procedures and access to integration and labor market measures (Brücker, Rother, and Schupp 2016, 57).

#### Social cohesion and engagement with civil society actors

While refugees and asylum-seekers are largely excluded from political participation, the fact that many of those who arrived in 2015 and 2016 are from war-torn countries such as Syria, Afghanistan, or Iraq means that they are very likely to stay in Germany for a long time. Indeed, more and more Syrians are obtaining German citizenship (EUObserver 2022), which grants active and passive voting rights. Practically, however, a number of obstacles for political participation remain. A case in point is the first Syrian refugee who competed for a seat in the Bundestag, the jurist Tareq Alaows, who ran for the Greens in North Rhine-Westphalia. He withdrew his candidacy after threats against his family in Syria and racist backlash (Stegemann 2021). These difficulties are also illustrated by the fact that only 83 of 709 members of the newly elected Bundestag in 2021 were from immigrant families. Although this is an increase compared to previous legislatures, it is not representative of the 26 percent of the population with a migration background (Samman 2021).

Despite having been a de facto destination country for refugees and migrants for decades, and wellestablished research findings that refugees and asylum-seekers run the risk of encountering discrimination and racism in nearly all areas of life, from the labor and housing markets to institutions, the education system, and public life (Diekmann and Fereidooni 2019, 354–355), the public debate about racism and its consequences for integration, participation, and social cohesion is still nascent in Germany. However, recent violent hate crimes, such as the murder of a conservative politician by a right-wing extremist in June 2019, a racist and antisemitic attack on a synagogue in Halle in October 2019 that led to the murder of three people, and a racist attack in Hanau in February 2020 during which nine people were murdered, are the backdrop for an increasing discourse on racism in Germany that led to an agreement in Bundestag to establish a permanent state-funded <u>discrimination and racism monitor</u> in 2020. Findings show that while most people in Germany have come in contact with racism in one form or another, still about half of the populace believe in the existence of human "races" and a hierarchy among them, despite the widespread belief that racist discrimination exists in institutions and everyday life, such as labor and housing markets and that it is unfair (DeZIM 2022a, 6–8). In reaction to this, people both deflect involvement by pointing to the extreme right as perpetrators and blame "oversensitive" critics of racism. Nevertheless, there is potential for engagement against racism, with nearly half the populace already either actively speaking out against racism in specific situations, signing petitions, joining demonstrations, or donating to anti-racist organizations (47 percent of respondents within the previous five years) and only 12 percent of respondents who cannot imagine being involved at all (DeZIM 2022a, 10).

The often-cited opposition by the extreme right against the arrival, reception, and integration of refugees was tangible in the drastic increase of crimes against housing of asylum-seekers by actors from the extreme right: from 170 crimes in 2014, the numbers rose to 894 in 2015 and 907 in 2016, declining again in 2017 with 286 crimes, among them 16 arson attacks (a decline from 65 in 2016) (Bundesamt für Verfassungsschutz 2018, 27).

On the other side of the political spectrum, the reactions to the newcomers were a lot less hostile. In an expression of *Willkommenskultur*, many millions of people in Germany supported the arrival, asylum claims, and integration of the newcomers financially (extending €488 million in charitable donations for refugees in 2016 alone, 57 percent of which were for projects in Germany), as well as through in-kind giving and personally through civic and charitable engagement (Grote 2018, 58)—many of them for the first time. On average, most of the volunteers are female, with migrants slightly overrepresented in comparison to the general population (Karakayali and Kleist 2016, 3). Despite the backlash against this initial welcome and worries that the broad civil society engagement might wane soon, many people in Germany stayed continuously engaged and made up the biggest resource for municipal authorities: three out of four municipalities emphasize their active civil society and the support and openness of their associations (Gesemann and Roth 2016, 4–5). Without civil society support, communal actors agree, the municipalities would not have been able to cope with the influx of people (Speth and Bojarra-Becker 2016, 8).

Correspondingly, the municipal level is the most important counterpart for civil society organizations (Speth and Bojarra-Becker 2016, 43). Thus, municipalities actively promote citizen engagement and benefit from a continued open and welcoming atmosphere among their local populations, making xenophobic protests the least of their priorities (Gesemann and Roth 2016, 4–5). This is consistent with the finding that almost all of those actively engaged are politically conscious and see their work as a statement against racism (Karakayali and Kleist 2016, 4). On the local level, civil society structures, networks, and cooperations with, for example, refugee councils, migrant organizations, welfare organizations, churches, and associations predated the 2015 "crisis" and helped municipalities overcome challenges (Gesemann and Roth 2016, 5).

Migrant organizations play an important role when it comes to participation and—since 2015—have been increasingly recognized as important players for integration (Friedrich et al. 2020, 8–9). Migrant organizations also claim this role for themselves and see themselves as mediators between the perspectives of the newcomers and the German host society, given their own experiences and longstanding work (Huth 2019, 27–28). As expected, migrants and particularly newly arrived refugees are the main beneficiaries (Friedrich et al. 2020, 26–27). Individually, however, migrants and migrant communities are diverse, and sometimes even politically fragmented (Popp 2022, 16).

Civil society engagement can be grouped in two broad organizational types: established NGOs, such as welfare associations, and spontaneously set-up groups of people who wanted to help, such as citizen initiatives like <u>Moabit hilft</u>.<sup>27</sup> The latter type, in particular, have often suffered from lack of organizational development, resources, and experience. But the more established organizations also have had to find or redefine their role with regard to refugees in Germany (Speth and Bojarra-Becker 2016, 8–9).

Such a large civil society presence in the area of migration and asylum is noteworthy because it did not always exist. Compared to the 1990s, both types of organizations are a lot more engaged and offer a much wider variety of services, which they have professionalized to certain degree (Speth and Bojarra-Becker 2016, 39–40). Although arrangements and activities differ in the various federal states, the established organizations have tended to take over tasks such as managing shelters (in part because of their

predefined role as welfare state actors) and receive public funding for this work. By contrast, the spontaneously organized groups fill in with a wide variety of tasks (such as providing language classes, bicycles, clothes, cooking classes and other leisure activities), as well as support in dealing with administrative structures, and have more difficulties in accessing funding (Speth and Bojarra-Becker 2016, 17, 26, 32, 36). Still, they receive support and praise from elected officials for their positive role and their participation in the political arena in the hopes that this can prevent anti-migrant sentiment (Speth and Bojarra-Becker, 2016, 38).

Despite appreciation for the volunteers and their immense engagement, which enabled the reception and integration of hundreds of thousands of newcomers, the public administration's reliance on civil society organizations and engagement has been criticized, including by the organizations themselves. From their perspective, they feel obliged to take over roles that should be covered by federal and local authorities, and yet receive no or very low payment. In some cases, they argue that their work became necessary only because of intentional obstacles to reception and integration established by hostile authorities (Graf 2016, 92-93). Tasks usually in the domain of qualified professions, such as of translators or social workers, have been shifted to unpaid volunteering activities, thus devaluing and dequalifying the respective jobs and services, while making access to those services a privilege and not a right (Graf 2016, 94). Due to this kind of criticism from civil society organizations, local authorities have sometimes been reluctant to cooperate with them, particularly in Berlin, where civil society has a reputation of being very political and of voicing criticism and where there have been few established forms of cooperation with civil society organizations beyond the traditional welfare associations. These traditional NGOs look back to decades of cooperation with state institutions as part of a corporatist system with routines and legal agreements (Edlefsen and Staemmler 2018, 14-15). In terms of impact, the sustained involvement of civil society in addressing the challenges that came with the large number of arrivals in 2015 and 2016 has led to a growing sense of appreciation of civil society actors on the part of state authorities, improved communication channels between civil society, the administration, and the government, and a reduction in scepticism toward diaspora organizations, in particular.

On the other hand, the rise of a right-wing populist party, the AFD, is often understood as a backlash against the reception of nearly 1.2 million asylum-seekers in 2015 and 2016. In the 2017 parliamentary elections, the AfD was elected to the German Bundestag for the first time. Robust causal links between the two events are disputed, however. Research on AFD voters has shown that they feel threatened in their social status, are worried about losing it, and are concerned about the future in general, independently of their actual social status or wealth. This not only refers to their personal status, but also to worries about social cohesion at large and the conviction that social justice in Germany is not sufficient-similarly to followers of the PEGIDA movement. This dynamic has been fortified by the increased migration to Germany (MIDEM 2018, 30). Another common denominator among AFD voters is their mistrust of liberal democracy and its processes as well as its political elites, which they suspect of following their own agenda for their own good and to the detriment of "the people." Migration is one of the areas identified where this is supposedly happening (MIDEM 2018, 34). The narrative of a "loss of control" and the fear of it happening is mixed into personal stories along with a concern about a loss of control of politics and sovereignty. These perceptions are intertwined with the media coverage of the 2015–16 immigration that was largely positive and not always critically distanced. Although this changed after the attacks on women and girls on New Year's Eve 2015 in Cologne, it led to stubborn suspicion of traditional news outlets (MIDEM 2018, 35-36). Finally, right-wing, nationalist, migrationaverse, and xenophobic attitudes have been part of the political spectrum in Germany for decades. They have not been shown to have increased because of the so-called refugee crisis, but rather they have become more easily politically mobilized and channelled into actual voting decisions (MIDEM 2018, 39).

Public perception of Ukrainian refugees fleeing the war in Ukraine has been markedly positive—even though by late-2022, Ukrainian refugees and asylum-seekers from other countries of origin added up to a larger overall number of arrivals than in 2015 and 2016. Although by late 2022, there was a growing sense that state capacities were overburdened by the task of hosting and integrating this large number of newcomers, the positive attitude toward Ukrainians in particular has remained notably stable (MIDEM 2022, 49–51).

#### **Development cooperation**

The idea of combatting root causes of displacement was first made popular by the then-Minister of Development Cooperation, Gerd Müller, in 2014 when he established the so-called special initiative "combatting the root causes of displacement—(re)integrating refugees" as a funding instrument. As of 2021, 299 projects had been implemented around the world, reaching a total of 17.5 million beneficiaries in sectors such as education, employment promotion, health, psychosocial support, and infrastructure (BMZ 2022).

The special initiative is the Development Ministry's main funding instrument to deal with forced displacement. However, specifying the exact amount of money spent on tackling root causes remains difficult because funds dedicated to this cause tend to be lumped together with other activities such as preventing irregular migration, supporting forcibly displaced people and host communities, and reintegrating returnees. Together, these expenditures totalled  $\in 8.7$  billion in 2021. In 2020, the total was about  $\notin 9.9$  billion in 2019,  $\notin 8.4$  billion; and in 2018,  $\notin 7.9$  billion (Bundeszentrale für politische Bildung 2022). The government's reluctance to clearly indicate the money spent on root causes makes it hard to objectively assess from the outside whether or not this engagement has been successful, despite the comparatively large sums invested. The Development Ministry has commissioned an evaluation of a select number of individual programs (Roxin et al. 2021). In its own assessments, however, the Development Ministry emphasizes the number of people reached as a measure of success instead of a more standardized approach gauging impacts. The independent Commission on the Root Causes of Displacement was mandated by the German government in July 2019 to identify the main causes of displacement and irregular migration and to develop approaches for effectively mitigating them (Fachkommission Fluchtursachen | Federal Ministry for Economic Cooperation and Development 2021).

The government frames root causes of migration and forced displacement as structural and governance issues such as lack of prospects, inequality, and poverty, as well as violent crises. Both sets of factors particularly ail developing countries. From this point of view, deploying development cooperation as tool to counter these problems seems logical (BMZ 2021, 222–26). However, there is no debate about whether development cooperation is sufficient to address root causes or if it can plausibly be expected to wield enough influence.

Despite steeply rising numbers of forcibly displaced people and clear indications that wars such as those in Ukraine or Syria are responsible for the bulk of them, the narrative of addressing root causes through development policy enjoys public support and has been picked up by the new government, which references to it in its coalition agreement (SPD, Die Grünen, FDP 2021, 136). The special initiative as a funding instrument was supposed to be assessed, but has not been, and since it has been renamed a special initiative for "displaced persons and host countries," there are no indications that it will cease operations.

The new focus of German development policy on countries of origin of forcibly displaced people has drawn criticism from civil society actors, for example, because it ignores migration realities in those countries and diverts from the development priorities of partner countries in favor of the German/European preoccupation with migration management (Bartels 2018, 6; Oltmer 2017, 3). The Development Ministry also provides funds for development-oriented return measures and has been cooperating more closely than ever with the Ministry of Interior, under whose mandate returns fall (see the next section on return). However, the Development Ministry has continuously advocated against making development funding conditional on migration management cooperation, particularly for readmissions. While this advocacy has been successful in Germany, it has not been so at the European level. Despite criticism and doubtful effectiveness, negative conditionality regarding migration (and readmission) cooperation has been in effect on the European level for years (Kipp, Knapp, and Meier 2020).<sup>28</sup>

#### Return

The (voluntary or forcible) return of rejected asylum-seekers to their country of origin is often framed as complementary to asylum protection. Return was high on the agenda after the arrival of many new asylum-seekers. As some of them were rejected, the government stepped up its efforts in this area. This dynamic occurred in many European countries. The spike in returns via government-funded, IOM-run "assisted voluntary return" (AVR) programs in 2016 is evidence of this: while Europe accounted for 83 percent of all IOM AVR returns worldwide, Germany made up 54 percent of these. Deportations also increased (Biehler, Koch, and Meier 2021, 11–14). Civil society organizations have criticized this focus on returns, just as they have criticized the various legislative measures to ease returns and deportations and increase pressure to leave. Noteworthy in this context is the status of *Duldung*, which does not remove the obligation to leave but rather suspends it temporarily. Usually granted for short periods of time, it is renewable. Continually renewing the status of *Duldung*, and thus keeping the affected people in limbo for a lengthy time, has been criticized for its negative psychological impact (Bundesweite Arbeitsgemeinschaft der psychosozialen Zentren für Flüchtlinge und Folteropfer 2022).

The question of whether it pays to increasingly focus on return and deportation has also been debated. There is broad agreement that AVR programs are much cheaper than deportations. However, deportations have their own financial costs. The sunk costs of hosting and caring for asylum-seekers cannot be recouped and preclude the fiscal benefits to be expected from refugees and migrants (Biehler, Koch, and Meier 2021, 15). There is broad agreement, however, that both voluntary returns and deportations are difficult to organize and complex to achieve, requiring the cooperation of the countries of origin, which is often difficult to obtain. These challenges—the unrealistic expectations for voluntary return, the inconsistencies of decisions and the *Duldung* status, and lack of knowledge about why deportations fail—and the lack of efficient measures to overcome them have led some to attest that German return policy amounts to a "permanent crisis" (Rietig and Günnewig 2020). Despite persistent implementation challenges, return efforts also serve a symbolic purpose in German political discourse. Various narratives connect the process of returning rejected asylum-seekers to safeguarding asylum space and legitimizing the asylum system as a whole and point to its supposed function as a deterrent for people pondering migration (Biehler, Koch, and Meier 2021, 17–18).

To provide additional incentives for rejected asylum-seekers to return apart from the existing AVR programs, the German government has invested in reintegration support in the countries of origin through its development cooperation. The Returning to New Opportunities program aims to provide comprehensive support for prospective returnees, starting with advice and training opportunities in Germany; centres offering advice about jobs, migration, and reintegration in the countries of origin; and links to existing program focussing on employment promotion and job creation in these countries. These efforts have been criticized by civil society because they are financed and implemented by development funds and actors (Biehler and Meier 2019, 1–2). Government representatives, however, insist that collaborating in this program has led to valuable exchange among ministries and helped bring about more understanding for the different perspectives (Rietig and Günnewig 2020, 36).

#### **Lessons learned**

In the years following the so-called European refugee crisis, Germany has enacted a host of legislative reforms and policy measures related to migration, asylum, and integration. Some of these constitute a direct response to the events of 2015 and 2016, while others are more indirectly connected.<sup>29</sup> Overall, it is clear that the arrival of more than one million asylum-seekers within a short period of time constitutes a defining moment in recent German history that led to lasting changes in a wide range of sectors. While from the outside, the seemingly successful handling of this immense challenge often evokes admiration, German society at large has not come to a common assessment. The often-stated slogan, "2015 must never be repeated" indicates a lack of awareness of the many positive outcomes that grew out of this particular crisis, and of the lessons that can be learned from it.

The most obvious measure of success is the overall positive trend of labor market integration of those who arrived in 2015 and 2016. Not only has the percentage of those in paid employment increased

considerably over the years but this has been accompanied by an increase in the skills levels of employment. Factors that are likely to have contributed to this overall positive trend include the decentralized approach of the German federal system that-within the framework set by federal law-allowed each of the federal states to implement labor market integration schemes fit to the respective contexts, considering the different strengths of individual regions and industries. A factor somewhat specific to the German context may be the prevalence of economically dynamic medium-sized enterprises that made a big contribution to labor market integration outside major metropolitan hubs. In addition, the well-established German system of vocational training served as a bridge between secondary education and entry into the labor market, and as a key site of integration for young adults, in particular. Further, significant investments in German language and integration courses, despite at first sometimes delaying newcomers' entry into the labor market, seem to have paid off in the medium term. So did an emphasis on early intervention in terms of providing newcomers with access to the labor market by lowering hurdles to enter sectors experiencing an acute shortage of qualified staff, and providing job placements for asylum-seekers and refugees alike. In this context, awareness of the importance of skills recognition (both with regard to qualifications acquired abroad and to informally acquired skills) has grown, and has led to significant capacity-building in this area. Finally, awareness of the importance of legal certainty for longer-term planning and labor market integration has increased, and has given rise to relevant policy changes, such as the Beschäftigungsduldung.

Despite these positive developments, there is clearly room for improvement. The fact that during the COVID-19 pandemic, the unemployment rates of asylum-seekers and refugees increased much more than that of German citizens and permanent residents shows that many of the former continue to be employed in temporary jobs and precarious sectors of the economy. Further, data on the labor market integration of asylum-seekers and refugees show a significant and persistent gender gap that could most likely be partially addressed through further investments in early childcare. Recent findings have shown that obligatory geographic dispersal of asylum-seekers and refugees without considering the match between their skills and aspirations and the training and employment prospects in the respective regions is detrimental to labor market integration.

At the same time, an exclusive focus on the labor market falls short of accounting for the complex interplay of factors that played a role in tackling the challenges arising from the 2015–16 crisis. One of these is the initially positive framing achieved by then-Chancellor Merkel's "*Wir schaffen das*" and the extensive media coverage of the various manifestations of *Willkommenskultur*. Both had an integrating effect for large segments of German society in the sense that people wanted to be a part of the spontaneous mass display of hospitality and generosity that evoked astonishment and admiration abroad—all the more so because Germany's reputation within Europe had been badly tarnished by its harsh stance toward southern European countries during the European debt crisis.

Yet the initial emphasis on a purely positive narrative also had its drawbacks. Once the initial sense of euphoria dissipated and fatigue set in, early media coverage was denounced as having been one-sided, adding to a sense of alienation and distrust among parts of the population sceptical of migration. In hindsight, the take-away from this is that alongside the benefits of a positive narrative in terms of bringing people together and mobilizing support, a nuanced and even-handed media coverage from the outset is essential to avoid a further polarization of society.

Those parts of civil society that supported receiving the large number of asylum-seekers in 2015 and 2016 proved to be a crucial resource, both during the chaotic first days and weeks, and in the medium to long term. An important lesson to be learned from this experience is that this important resource needs to be handled with care and should be actively fostered. This needs to happen both financially—in terms of building up permanent structures instead of relying on unpaid volunteer networks that are bound to show signs of fatigue after several weeks or months of active engagement—and in terms of investing in a sustained, respectful, and trusting cooperation between civil society and state authorities in a wide variety of areas, including but not limited to reception, accommodation, and integration. As became evident during the arrival of large numbers of Ukrainians in early 2022, civil society networks can, if adequately supported, offer an invaluable surge capacity in times of acute need, and further serve as a

precious repository of expertise that can be tapped into by state authority officials, who may rotate between different policy areas and typically hold less specialized and in-depth knowledge.

The benefits of decentralization are not limited to the field of labor market integration; they emerge as a common theme across several of the policy fields discussed in this paper. Overregulation and centralization proved to be counterproductive in the field of accommodation. Subnational entities were more flexible in addressing the new challenges, and, for example, better equipped to address concerns by the public affected by temporary housing arrangement for asylum-seekers. The greatest source of frustration and unrest that all too often turned into anger toward asylum-seekers was a perceived loss of control and a sense of state authorities being overwhelmed with the tasks at hand. This calls for better early warning mechanisms and but also entails lessons regarding political communication. To maintain and promote trust in state institutions in time of crisis, clear, informative, and solution-oriented communication is needed that signals that perceived hardships (such as local sports halls being occupied by asylum-seekers) are temporary and that efforts are being undertaken to find sustainable long-term solutions.

Several sector-specific insights emerge from the fields of education and health care. With regard to schools, there is a growing consensus that segregating newcomers who lack German language skills in separate classes tends to be counterproductive in the long term. Not surprisingly, alongside an early integration into regular structures, investing in language acquisition proved to be the key to success throughout all stages of education, as well as subsequently in terms of access to the labor market. In higher education, refugees tend to face hurdles similar to other international students but may still require additional support because of insecure status or lack of funds. In the realm of health policy, the introduction of electronic health cards for asylum-seekers in some federal states and municipalities made health services more accessible and proved to bring considerable benefits in terms of health outcomes without any significant drawbacks or increased costs. This pragmatic measure constitutes a good practice that should be expanded. In both education and health, the sudden and rapid increase of the number of asylum-seekers in 2015 and 2016 put a spotlight on long-standing shortcomings in terms of data, triggering new efforts to improve data collection and knowledge about the specific needs of asylumseekers, gaps in targeted service provision (such as in the field of mental health), and ways of addressing them. Similarly, BAMF responded to the crisis of 2015 and 2016 with a concerted effort to digitalize its processes, arguably leading to the most significant modernization of the agency over the past two decades.

One key take-away is that policy sectors are invariably interlinked, and that the successful integration of a large number of immigrants within a short period of time must take these interlinkages into account. That is, labor market integration is not only linked to language training, skills recognition, and vocational training, but also to childcare, prudent and flexible approaches to the distribution of those affected across the country in question, and the provision of secure residence titles. Positive trajectories in all these areas can be strengthened by drawing on civil society as a key resource, yet for this to be sustainable, civil society organizations need stable funding and opportunities for professionalization. The tasks at hand are so multifaceted that they require a strong basis of support across party lines. For this to be achieved, a positive framing and prudent political communication are important. In sum, this episode illustrates that good policy does make a difference, contrary to essentialist accounts that consider cultural proximity or a shared language a prerequisite for successful integration.

A more recent lesson comes not from the experience of accommodating the large number of arrivals in 2015 and 2016 but instead from the arrival of about 800,000 Ukrainians in Germany in the first half of 2022: well thought out and inclusive "regular" migration and integration policy can make it easier to respond to a sudden and dramatic increase in refugee arrivals. The capacities built up in response to integrating the arrivals from 2015 and 2016, as well as the lessons learned in this context, arguably left the German school system, labor market, health sector, municipal authorities, and civil society better equipped to respond to the arrival of Ukrainians than would have been the case without this prior experience. This points not only to potential interlinkages between refugee and migration policy but also to the fact that a society's absorption capacities cannot only—as is often feared—be exhausted but can be expanded over time.

While several of the factors relevant for the positive trajectory described are specific to the German context at the time—among these, a decentralized political system, a positive economic outlook, a well-developed civil society, and a certain public awareness of the negative long-term effects of upholding a fiction of return and not integrating immigrants into society—it does not follow that the lessons learned in this context cannot be transferred to other settings. The analysis of what worked and what did not remain a work in progress, with longer-term data only gradually becoming available. This paper's ambition has been to provide a first overview of the aspects worthwhile studying in more detail.

## Notes

<sup>11</sup> For details, see Eichler (2019).

<sup>12</sup> For an overview of the legislative changes under the Migration Package, see Informationsverbund Asyl und Migration (2019).
 <sup>13</sup> Among other things, the Act has made it easier for foreigners to gain access to support for vocational training and preparation and thus also facilitated access to language support and integration courses.

<sup>15</sup> The proposed name of the planned Act is the Act on the Further Development of Skilled Immigration.

<sup>16</sup> In line with the aim of the overall paper, this section focuses on policy responses in reaction to the large number of new arrivals in 2015 and 2016. Ukrainians fleeing the war with Russia since February 2022 fall under a separate protection scheme; hence, a different set of rules applies to them. For further information, see MIDEM (2022).

<sup>17</sup> The number of displaced children and adolescents who arrived in 2015 and 2016 remains contested. While between 2014 and 2016, there were 350,000 asylum applications for children ages 4 to 18, as well as 320,000 asylum applications for young adults between 18 and 25, there are no reliable data on how many entered the German school system. An estimate of about 400,000 seems well-founded (see Agarwala 2020, 25).

<sup>18</sup> The labor market statistics of the Federal Employment Agency refer to people who come from the eight "countries of origin of asylum" (Afghanistan, Eritrea, Iran, Iraq, Nigeria, Pakistan, Somalia, Syria). However, the statistics also include people who are not asylum-seekers and asylum-seekers who have been living in Germany for a long time. Employment data on asylum-seekers *only* are not available. The selected countries correspond to the countries from which most asylum applications came in the calendar years 2012 to 2014 and January to April 2015.

<sup>19</sup> However, vocational training for this group is not seen as part of the federal government's Skilled Labor Strategy, in which a so-called "track change" (*Spurwechsel*) from the asylum sector to that of labor migration is not envisaged. Moreover, the vocational training and employment toleration ultimately only means a "suspension of deportation" and not the lifting of the general obligation to leave the country (Graf and Heß 2020, 79).

<sup>&</sup>lt;sup>1</sup> The decline occurred in both first instance and second instance applications. First instance refers to initial applications by asylum seekers; second instance to a second asylum application after the first application has been withdrawn or rejected.

<sup>&</sup>lt;sup>2</sup> The Libyan Coast Guards involvement (supported by EU funding) in search and rescue activities in the Libyan SAR Zone is controversial because many of the third-country nationals returned to Libya end up in detention centers where human rights violations are rife. Recent UN reports even mention crimes against humanity committed against migrants in Libya, See United Nations Human Rights Council (2022, 12–13).

<sup>&</sup>lt;sup>3</sup> The German legal category of *Duldung* is not a residence status, but merely a notification that deportation has been temporarily suspended (§60a German Residence Act). People who are obliged to leave the country are allowed to stay in Germany temporarily because they cannot be deported. Thus, tolerated persons do not have a secure residence; in purely legal terms, they can be deported at any time.

<sup>&</sup>lt;sup>4</sup> For example, Hruschka and Rohmann (2020) identify five partly complementary, partly competing objectives in the political negotiation process: promoting integration, administrative simplification, security issues, combating abuse, and better enforcement of the obligation to leave the country.

<sup>&</sup>lt;sup>5</sup> Citizens of Schengen countries can cross the Schengen internal borders without checks on persons. In essence, these are members of the European Union (with the exception of Ireland, Romania, Bulgaria, and Cyprus); through additional agreements with the European Union, the Schengen area also applies to Iceland, Liechtenstein, Norway, and Switzerland.

<sup>&</sup>lt;sup>6</sup> For an overview of the amendments and new regulations of the German Asylum and Residence Act since January 2015, with a focus on Asylum Package I and II, see Wissenschaftliche Dienste (2016).

<sup>&</sup>lt;sup>7</sup> In Germany, the following countries are currently considered safe countries of origin: Albania, Bosnia and Herzegovina, Ghana Kosovo, Macedonia, Montenegro, Senegal, and Serbia (status as of November 14, 2019) (see BAMF 2019).

<sup>&</sup>lt;sup>8</sup> Asylum-seekers from countries of origin with a protection rate exceeding 50 percent are considered to have "good prospects of remaining." This currently applies to asylum-seekers from Afghanistan, Eritrea, Somalia, and Syria (status as of January 17, 2022) (see BAMF 2022c).

<sup>&</sup>lt;sup>9</sup> These are, for example, persons from "safe countries of origin" or asylum-seekers who show no willingness to cooperate, such as in removing obstacles to deportation (for instance, locating missing identification documents).

<sup>&</sup>lt;sup>10</sup> Until 2018, only persons with refugee status and asylum eligibility were legally allowed to bring their family members to Germany, while all other persons could only hope to benefit from humanitarian exemptions (§22 and §23 German Residence Act) (Hruschka and Schader 2021, 29).

<sup>&</sup>lt;sup>14</sup> The Act guarantees foreigners whose deportation is temporarily suspended (persons with *Duldung*), under certain conditions and for a certain period of time, a reliable residence status through a long-term *Duldung* if they complete vocational training or pursue employment.

<sup>20</sup> This is a check by the BA as to whether the respective position could not also be filled by Germans or other EU nationals of equal status.

<sup>21</sup> The scheme allowed broader labor migration from third countries for the first time, beyond the immigration of highly skilled workers. It has since been extended twice and is currently limited to a quota of 25,000 people per year until 2023.

<sup>22</sup> The majority of the available studies are based on IAB-BAMF-SOEP surveys of asylum-seekers, a longitudinal survey conducted in 2016–18. This annual repeat survey covers about 5,000 households and 7,400 adults. Data from the Central Register of Foreigners were used for this purpose. The survey conducted by the research cooperation of the IAB, BAMF, and the Socioeconomic Panel (SOEP) can be seen as representative for the asylum-seekers who arrived in Germany between 2013 and 2016.

<sup>23</sup> The results are based, among other things, on the third wave of the IAB-BAMF-SOEP longitudinal survey (Brücker, Kosyakova, and Schuß 2020, 2).

<sup>24</sup> Over time, refugees were integrated into the labor market: 9 percent of those surveyed who entered Germany between 2013 and 2016 were employed within the first two years of their arrival; 22 percent within two to three years; 32 percent within three to four years; 46 percent within four to five years; and 55 percent five years after arrival (Brücker et al. 2020, 2).

<sup>25</sup> Estimates show that the probability of being employed is 3 percentage points higher for persons with a permanent residence permit (§26 (3) German Residence Act: *Niederlassungserlaubnis*) than for a person granted asylum (§25 (1) Residence Act) or as a recognized refugee (§25 (2) Residence Act) or asylum-seekers or persons with tolerated status (Brücker, Rother, and Schupp 2016, 65).

<sup>26</sup> The established or newly created integration and labor market policy measures already showed initial effects in 2016. Jobrelated language courses by BAMF and the BA, measures by the BA to determine vocational competencies, and career counseling by the BA and the job centers correlated positively with higher employment rates (Brücker, Rother, and Schupp 2016, 66–67). This could indicate that the broad range of measures has increased asylum-seekers' employment opportunities.

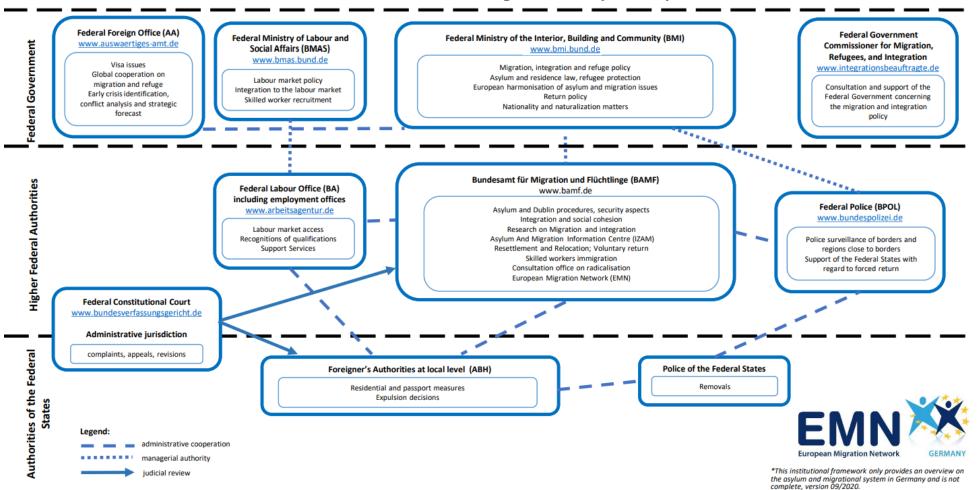
<sup>27</sup> Moabit hilft e.V. (Moabit Helps) is an association from the Berlin neighborhood of Moabit that rose to prominence for its assistance to asylum-seekers queuing outside the Berlin asylum authorities in Moabit for hours and days on end. It is still active in supporting refugees and asylum-seekers.

<sup>28</sup> While positive conditionality relies on incentives, negative conditionality concentrates on punishing measures.

<sup>29</sup> Policy developments in this field remain in constant flux, with the arrivals of hundreds of thousands of Ukrainian refugees in 2022 posing new challenges. Any overarching assessment therefore remains tentative.

## Appendix A. Institutional framework of the German migration and asylum policy

Institutional Framework of the Migration- and Asylum Policy\*



Source: European Migration Network, 2020, 6.

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