

DELIVERABLE D.T1.1.2

**In depth study of refugee policies and
practices of the five cities involved - Berlin**

06 2019



1. Overview of national asylum policies

a) National Legislative Framework

The FRG's Constitutional Law (the Basic Law), which has been developed yet under the Western Allies' control and was issued in 1949, is taking up the right to asylum in its article 16. In the same article it is also safeguarded that no German citizen must be expelled from German territory. Both provisions were immediate reactions against Nazi practices during the dictatorship from 1933 to 45. It should be taken into account that the first 19 articles of the Basic Law are especially protected and should not be changed. Thus, one can say that the constitutional right to asylum belongs to the DNA of the Federal Republic and its democratic values.

On the same line, Germany (West) had agreed to the regulations of international law (Geneva Convention, EU directives etc. With unification the New Federal States *Länder* (former GDR and East Berlin) joined the regulations of the Basic Law in 1990.

There prevailed a general understanding that the constitutional right to asylum would reach farther and thus cover the regulations of the international law, despite the fact that that is not the case in regard to all regulations (Nicolaus: 1988)

b) Main Changes in the Last Decade

One cannot say that asylum policy gained importance over the last ten years in the FRG; yet more fundamental debates had occurred prior to 1998 in the reign of Chancellor Kohl. While applicants' numbers had been low until the mid 1970ies, the right to asylum got under severe constraint in West Germany during the period from 1976 until 1993 and further on towards the end of the millennium – also in the New Länder. Despite the time past, the earlier disputes lead to a general understanding, which is still relevant, that the right to asylum is a contested basic law.

In regard to the last decade, in the years 2009-14 debates on immigration were initially focussing on changes to the Immigration Act of 2005 (*Zuwanderungsgesetz*), such as better occupational skill development and also fulfilling language demands at the work place. That debate took place against the background of demographic change and demands for skilled labour. An issue was still how to deal with long-term de-facto refugees. For this group also, access to the labour market improved in a number of steps since 2007. Several deterring measures from the Kohl period were erased. In result, for asylum seekers access to professional education and the labour market was improved in the first half of the last decade. In those years, the numbers of asylum applicants were yet relatively low. More relevant was inner EU immigration due to the financial crisis and ethnic cleavages in South-Eastern EU-countries.

With the rising migration numbers in the period from 2014 onwards – most decisively from summer 2015 until the first quarter of 2016 – the “asylum crisis” became the dominant domestic topic, which divided the public discourse: among the actors are welcoming and other pro-refugees NGO; the country faced racist and other xenophobic actions; community services got under constraint; on the welcoming side there were also companies that offered employment, and in a number of communities mayors actively supported the residence of refugees.

In the political sphere, three developments are essential:

- 1 Different from earlier domestic debates on asylum in the late 20th century, the cleavage is also within the conservative parties (CDU/CSU, until last year lead by Madame Merkel). As a result, the parliamentary spectre changed substantially: The formerly large blocks (CDU/CSU and SPD) are taking up similar positions (social democratisation of the conservatives), are losing voters on that course and offer space at the right wing.
- 2 A new right-wing party (AfD, Alternative für Deutschland) is using that space and is taking up old-conservative positions (initially against the Euro and financial aid to Greece) and is now the anti-migration party. The AfD is gaining between 15 and 25% of the electorate at present.
- 3 The anti-refugee discourse is being continued, despite the fact that numbers of asylum applications have been reduced substantially since March 2016, as a result of the EU-Turkey agreement. This holds true for the AfD, what could be expected, but – more surprisingly also for the conservatives. The heads of CDU and CSU were taking up opposing positions as late as mid-2018. Thus, the refugee issue had yet the potential of bringing the government into failure – with very few refugees at that time. In the meantime, Mr. Seehofer, the leading anti-refugee figure within government by 2018, has recently changed stand in accepting refugees from the Mediterranean Sea.

c) Access to territory:

Access to Germany generally follows the rules of the Schengen accord. In regard to refugees, the safe-country and Dublin regulations lead to low application numbers in the first decade of the new century until 2012/2013. Rising numbers lead to two contradictory developments: For Germany, Chancellor Merkel allowed refugees access to the country in August/September 2015 without effective border control and data processing; on the other hand, free movement regulations under the Schengen accord were called off and

national border control put into effect, which lead to an open dispute between the Federal State of Bavaria versus the national government.

In general, the federal government bears the mandate in regard to access to the country. The federal government also decides about the Foreigners' and Asylum Laws as well as their general application rules. It needs to take into account, though, the positions of the *Länder* State governments if their competences are involved. In addition, EU-regulations in regard to access are being observed. Also here, decisions are taken by the federal government, due to the nation-state-structure in the European Council.

- d) Welfare of asylum seekers before granting international protection: The mandate for the regulations lies with the national government; decisions are being taken in accordance with the *Länder* State governments. Livelihood costs are being paid at the community level that are being reimbursed by the *Länder* to the communities and to the *Länder* by the federal government. Decisions on the extent of reimbursement by the federal government are taken by the Chancellor with the Prime Ministers of the *Länder* States.

In Berlin, the financial responsibilities rest with the *Land* State of Berlin; the districts have no individual financial liability like the communities in the larger Federal States. Like in the other states, during the application process welfare of refugees is being organised by a state agency (LAF, *Landesamt für Flüchtlingsangelegenheiten*), which is operating under the Senator for Social Affairs and the Senator for Health. Welfare services like housing and health are to a great extent being sub-contracted, mostly to welfare organisations.

Detention and Deportation: Asylum seekers are not being detained or deported during the application process.

Reception, housing, education: Reception and housing is being organised by the LAF, education, including pre-school is being organised by the Senator for Education and Youth.

Employment: The main actors are the Job Centres, which are communally managed by the BA Labour (*Bundesagentur für Arbeit*, a national agency under the Federal Ministry for Labour) and the Federal States. In Berlin, Job Centres exist in all districts (1 Job Centre for each of the 12 districts).

Vulnerable groups: The observation of rights of and services to vulnerable groups, is a horizontal obligation and needs to be observed by all agencies. Berlin is observing a broad approach to vulnerability, which covers the EU criteria and, in addition, the protection for refugees with same-sex orientation.

The co-ordination of and reporting to the welfare activities lies with the Commissioner for Integration and Migration. This includes the regulations in regard to vulnerable groups.

- e) Content of international protection and conditions after status is granted: Administrative responsibility for refugees is generally transferred from the LAF to the districts after the application procedure. This refers to housing, welfare payment, health, pre-school education and employment. Other services, such as schools and universities remain with the Federal State of Berlin.

Persons who are acknowledged as refugees based on political grounds (full asylum status) receive a status close to that of nationals. If only protection is being granted, limitations then apply. Dispute within the federal government (in 2018 as noted above) referred mainly to the issue of family unification for this group.

f) Multilevel governance of asylum

The FRG has a complex governance structure in regard to asylum that evolved from the 1950s onwards. The competences and mandates within the multi-level structure are being summarised in the above sub-sections.

Vertical dimensions:

The EU plays a minor role only in regard to the application and also participation and integration processes, due to the fact that asylum policies were not communalised. Thus, the main role of the EU rests with the external border control.

Federal authorities have the power to issue asylum and other relevant laws, including employment and labour rights. Also, any question in regard to immigration (accessing the country, border control) rests with the federal level. Further, the federal level covers a large share of welfare costs, especially in the initial protection phase. Due to its federal structure, in the FRG most asylum and integration issues are dealt with and agreed upon also with the Federal States (the *Länder*).

Any practical measures of integration and participation, including welfare issues, rests with the Federal States and – in larger States *Länder* – the communities. This includes any legal status questions that are being dealt with

by the Foreigners' Office/Immigration Authority (*Ausländerbehörde*) after the first phase (in charge of BAMF, see above). In its decisions the Foreigners' Office needs to apply federal law, though.

In addition, in regard to refugees the division of competences/responsibilities is yet more complex as traditional mandates need to be observed. So, education rests with the competence of the Federal States (*Länder*). However, the competence/responsibility for housing, health, and youth matters, rests with the individual districts in Berlin.

Horizontal Dimension:

In any regard non-administrative actors play a role.

Most services are outsourced to other actors. Since the 1950s services to immigrants (guest workers and others) were mostly conducted by welfare organisations (Quangos). Similar sub-contracting occurred – and still occurs – in regard to language training. In the last 10 years, migrant organisations appear as new actors in that regard.

In the course of the last 5 years, the influence of welcoming networks and supporting NGO should not be underestimated. Civil society had two major functions: firstly, identifying bad practices on the administrative side; secondly demanding support and decisions in favour of refugees. In that regard they acted as a valuable counterpart against anti-refugee groups like AfD.

g) Conclusion

- 1 The above description refers to a multi-level division of labour and competences/responsibility among administrative bodies. Any administrative

decision may be contested in court, though. Finally, decisions on asylum issues are being made within the legal system.

2 The multi-level structure of governance is well established in Germany and not being questioned. Most problematic is the dominant position of the national level in comparison with both the EU the regional level, most important in regard to integration and participation. Two examples shall illustrate that:

a) In a number of regions with labour demand politicians and firms are asking for a more liberal practice in acknowledging a refugee status. Many times, companies have trained and employed asylum seekers. Often the cases have been and are being turned down by the Foreigners' Office in accordance with national asylum law. The same holds true for refugees who have made relevant steps (in terms of language, education, training) often with support from NGO or individuals.

b) More liberal State *Länder* governments – like in Berlin at present – do not bear the competence/responsibility for taking positive action like accepting larger groups of refugees, granting better access to the labour market or avoiding deportation in unsuccessful legal cases.

2. Origin, development and Consolidation of Refugee Policymaking at Regional/Local level.

2.1 The regional level – the Land of Berlin

Within the FRG the Federal States form regional governments, each headed by a

Prime Minister or – in the three city states – a Mayor, in Berlin called the Governing Mayor. Collectively, the 16 Federal States or *Länder* form the Federal Council, *Bundesrat*, the second parliamentary chamber of the FRG.

While the federal government is in charge of the FRG's overall policies, including all migration issues, such as immigration and citizenship laws; it needs to consider the positions of the *Bundesrat* (the Federal State governments) if their authority is required. In asylum issues this tends to be generally the case. In this case, it can be said that the Federal States *Länder* do participate in “policy making” with respect to refugee and asylum issues.

Refugees are distributed throughout the country in accordance with the *Königsteiner Schlüssel*, this formula assigns a fixed quota of incoming asylum seekers to a respective Federal State. Berlin's quota is a bit over 5%. To a large extent the *Länder* are responsible for the integration and participation of refugees.

With rising numbers of refugees (especially in 2015 into the first quarter of 2016) the support system was constrained. This was the case in many regions, but it was particularly difficult in Berlin. The failure of support structures in Berlin attracted national attention. This made the impression that support was primarily provided through NGOs. While this was not the case, the impression was made that one could not rely on administrative structures.

The government then in charge in 2016 responded and drew up a “Masterplan for Integration and Security” this provided a great deal of additional resources for the administration and NGOs that could initiate new projects in all districts.

The new Berlin Senate which assumed power in 2017, further developed a programme for the integration and participation of refugees (“Comprehensive Programme”), this was approved in December 2018. It covers all relevant aspects, from registration and

legal procedures, to education, housing, professional education, labour market access, health etc.

The programme focuses on the active participation of refugees. It supports welcoming networks and other local support structures as well as refugee organisations. It includes a monitoring and reporting process.

With respect to the political context, the 2018 programme is more liberal than that from 2016. The present Senate, formed by Social Democrats, the Left and the Green Party, in part lessens the more restrictive measures proposed by the federal government. The most important features of that approach are in contrast to the national practice:

- Interpreting the asylum law as liberal as the law would allow,
Offering legal advice on asylum cases through independent agencies;
- Avoiding large reception centres that are designed also for quicker deportation;
- Avoiding deportation into crisis regions,
- Offering integration measures as early as possible – and to all asylum seekers; these are language courses, information on job opportunities etc.

At the same time, the federal government recently passed new more restrictive regulations mainly for those refugees, who were not issued a protection status (so called asylum package (for a critical view see in English www.proasyl.de/en/).

2.2 The Local (City) Level

Practical participation and integration at the local level is essential. “Policy making” in the strict sense of the term is limited, as local actors do not have the right to issue laws. Moreover, they are obliged to follow national and Federal State (*Länder*) laws and regulations. In the sense of developing strategies, the local level is essential in conjunction with the regional level.

This became apparent with the increase in applications during the period 2015-2016; initially with negative effects: Very soon so the local level came under pressure. The provision of housing and health services became very problematic, At the local level there were complaints regarding the lack of support and information on short notice from the regional level. In addition, local institutions had to organize communication in the neighbourhoods and deal with local protest.

In the next phase (reaction to difficulties with the “*Masterplan*” and the “Berlin programme for refugees’ participation and integration”) the local level was fully included in planning the strategy and its implementation.

2.3 Discussion

If one may apply the term asylum crisis to developments in the years 2015-2016, then it was primarily a crisis of institutions. Failure in providing services created severe negative outcomes. These were negative and even hostile reactions in various neighbourhoods and within the institutions. Colleagues often failed to cope with their inability to provide good services.

One should learn from these experiences in that institutions on the regional and local levels need to be well equipped in order to provide services to the newcomers. This means that resources for flexible responses are required in order to avoid that the local population feels that their interests are being neglected.

3. The Multi-level Dimension of Refugee Policy-making

3.1 The levels of government

In the FRG asylum policies were developed from the 1950s onwards. During that process the division of competences/responsibility between the government levels

evolved. The multi-level dimension refers mainly to the hierarchical structure within the nation state.

The time dimension:

In addition to the hierarchical structure of the government, there is a time dimension that needs to be taken into consideration. This reflects the process from the refugee arrival to full participation within the society. Any individual or group of refugees has to follow that process. In the first phase, the federal level is dominant, while the regional and local institutions gain importance in the long-term.

Initial asylum applications are processed by the BAMF (the Federal Agency for Migration and Refugees). This agency is under the auspices of the Ministry of the Interior. The legal status of applicants is determined within BAMF. All further procedures are assumed by the local office for aliens (*Ausländerbehörden*) Immigration Authority. This is the Immigration Authority within the city-state of Berlin. In the larger States *Länder* that authority is transferred to the commune in cities and towns. These decision may be contested at court; therefore the final decisions on recognition of rights to asylum are being taken within the legal system.

An analogous transfer procedure takes place with welfare services for refugees. Initial supports are organised at the Länder (state) level, in Berlin organised by the LAF (State Agency for Refugee Concerns) an agency of the Land of Berlin, which operates under the auspices of the Senator for Social Affairs and the Senator for Health. Support from the LAF includes housing, costs of living, health and other all necessary support in the first phase. The responsibility of the LAF ends with the decision on the respective asylum case. Thereafter, the regular regional and local institutions such as the job centre, welfare office and other local authorities assume responsibility.

Vertical dimensions: EU-level:

The EU plays a minor role in the application, integration and participation processes of refugees, since asylum policies are not common within the Union. The main role of the EU lies with the external border control. The federal government plays the dominant role with respect to recognition, integration and participation, due to the nation-state-structure in the European Council. EU-regulations with respect to access are observed, but decisions are taken by the federal government, due to the nation-state-structure in the European Council.

The National Level:

In general, the federal government bears the mandate with respect to access to the country. EU-regulations with respect to access are also observed. The federal government also has the competence to issue asylum and other relevant laws, including employment and labour rights, as well as their general application rules. The Federal Government has to consider, as well the positions of the State *Länder* governments if their authorities are involved. In refugee issues this tends to be generally the case. Also, the federal level is covering a large share of welfare costs, especially in the initial protection phase.

The Regional Level, the Federal States -*Bundesländer*:

Due to its federal structure, in the FRG most asylum and integration issues are dealt with and agreed on also with the Federal States (the *Bundesländer*). Any practical measures of integration and participation, including welfare issues, rests with the Federal States and – in larger States *Länder* – the communes. This includes any legal status questions that are being dealt with by the Immigration Authorities (*Ausländerbehörde*) after the first phase in the charge of the BAMF. The local Immigration Authorities (*Ausländerbehörde*) are required to apply federal law.

The local level, in Berlin the districts:

The districts' role differs with regard to the time perspective. While the Land is responsible in the initial phase, the districts need to cooperate, for example by providing locations for housing. The districts become responsible after the status of the asylum seeker has been decided. Then, the ordinary division of labour between the Land and the districts is being observed (see section 5).

3.2 The Public and the Private Actors

The competences/responsibilities of the public actors have been described and discussed in the previous section, 3.1. Private actors play important roles in all steps within the process from application towards full participation within society.

a) Welfare

Most services are outsourced to other actors. Since the 1950s services to immigrants (guest workers and others) were mostly conducted by welfare organisation (Quangos). Similar sub-contracting occurred – and still occurs with respect to language training. In the last 10 years, migrant organizations appear as new actors in this field.

b) NGOs and political influence.

In the course of the last 5 years, the influence of welcoming networks and supporting NGO must not be underestimated. Civil society had two major functions: firstly, identifying bad practice on the administrative side; secondly demanding support and decisions in favour of refugees. In this regard they acted as valuable counterpart against anti-refugee parties like the nationalist and right-wing political party AfD.

3.3 The Benefits of the System

As the multi-level system is well established in the FRG provides for a sound division of labour and decision-making powers. The support provided through the “Comprehensive Berlin programme for refugee integration and participation” rests on that structure and incorporates support from actors in civil society.

The function at the national level of asylum and refugee policies is to provide for a comprehensive national strategy, despite the fact that such a streamlining is limiting more liberal aspirations at the Länder level.

3.4 The Disadvantages of the System

The dominant function of the national level in asylum and refugee policies limits the Länder from adopting more liberal approaches. For example, Länder are not in the position to grant protection to groups of refugees (recently those being rescued from drowning in the Mediterranean.). States *Länder* are also limited in their right to recognize asylum seekers after their applications were rejected (tolerated refugees). This became apparent recently in the case of the so-called asylum-package. General disputes between more liberal States *Länder* with the federal government applies to the deportation of refugees who lost their cases.

The well-established division of competences/responsibilities between the administrative levels has often provided obstacles for reform strategies. For instance, NGOs have often created new projects that support refugees. Here an example of this, the organization of job opportunities or assisting in the search for adequate housing. At the same time parallel structures are evolving, and relations between supporters of such activities and the responsible institutions may at times conflict.

3.5 Discussion

Multi-level government structures are well established in refugee policies and not under dispute. In broad terms it may be summarized that the system works reasonably well, for cases that apply to refugees who do receive a protective status; but not in negative cases.

The most common disputes between the federal and the regional (Länder) level are with the more liberal State *Länder* governments. At the present, Berlin stands for early integration measures, better access to the labour market and hesitates with carrying out deportations. The federal government is often stricter in pushing through asylum law principles (including deportation in cases/application that were rejected).

This dispute reflects, on the one hand, different political positions, more liberal vs. more conservative. It also reflects experiences that were made, for example, in Berlin. Offering language courses, for example, after legal status was granted did not guarantee successful integration; obstacles regarding access to the labour market (an essential earlier deterrence measure) created severe problems, e.g. this delayed integration in the long term.

4. Current and Future Pathways on the Integration of Refugees

4.1. The effects of refugee policymaking on labour market integration

4.1.1 Current Situation with respect to labour market integration

In the past (1990-2015) it took about 15 years for persons registered as refugees to reach an employment quota relative to other immigrants entering the labour market. Asylum seekers did not appear in official labour market statistics until 2014.¹ Today there is a severe demographic decline and a need for skilled workers in many parts of

¹ Aumüller (2016) points out that “asylum seekers were widely banned” from work until 2014. In 2014 policy was loosened to permit registered refugees’ access to the labour market three months thereafter (Aumüller 2016:29).

the economy. The Berlin government set the objective to facilitate participation and integration of refugees who have a good chance to remain here. Free language and integration courses are available and required. Despite this, labour market integration of refugees in the last three to four years may not be as quick as many would like; in 2018, about 35% of those refugees registered in 2015 were found to be employed.² The authors state that this is better than expected considering the conditions of their flight and the high numbers arriving at once. With respect to Berlin employment statistics also show that, about one-third (35%) of refugees eligible from “asylum countries” are registered employed in 2018. Other studies (Sixtus, F. et al 2019) criticize the positive appraisal of the quality of work, due to the high share of very short temporary work and low skilled labour involved. Instead those with a “tolerated” status enter more quickly into the labour market and less favourable temporary jobs with poor working conditions and lower wages. (Cf. above). There appears to be a dilemma for both pathways.

4.1.2 How might policies be adapted to better support integration?

Immediate employment might indicate integration, but there is also a trade-off between “being employed” and entering the foreseen path of integration courses. Once registered, many refugees face becoming regular clients at local agencies of the government, and are bombarded with bureaucracy. Can this be considered “preparing themselves for work”? “This could be more advantageous” for integration in the long run but in the short run they are “locked-in”, and are not available for the labour market (Brücker and Kosyakova 2019:4). Workers who arrive in Germany with years of work experience face hiring difficulties for jobs that respect the skills they have

² This is based on a longitudinal study (BAMF-Kurzanalyse 01/2019:18). Employed refers here to all persons in the 18-65 year old age bracket who were either full- or part-time or self- employed: either working irregularly, occasionally or in an apprenticeship, in on the job training with minimal pay.

previously learned.³ The dual system is praised for its quality to combine learning in occupational schools with practical skills on the job, but it is not adapted to the needs of foreigners entering from outside this system. (SVR 2017).⁴ Business leaders representing some of the largest firms in Germany initiated the Interest Group for Refugees (IGF) with other stakeholders to support integrating refugees in the labour market. They have addressed some of these issues. The major focus has been on apprenticeship training, since younger arrivals between the ages of 18 and 25 should potentially adapt more easily into the dual apprenticeship system. Experiences with integrating refugees into apprenticeships has led them to push for some changes:

- Support for additional training in specialized technical language lessons for apprentices and experienced workers
- Legal status – plea for speedier recognition and stability of residence status to increase motivation for the investment of firms in hiring new workers
- Better communication between all concerned local agencies
- Form a joint commission with representatives of: employers, occupational teachers, university educators and the Chambers of Commerce and Trades in order to design more appropriate educational modules.

4.1.3 Women's Integration in Education, Training and the Labour Market

Women refugees are much less present in the policy debate above than men. In the first waves of entry (2015-2016) women were about a third of the arrivals (30%). The latest asylum statistics indicate that almost 50% asylum seekers arriving in 2018 and 2019 are women (Pallmann, et al 2019). According to the longitudinal study above a

³ The system of recognition of certificates in countries without a dual education system is problematic for persons who have learned on the job.

⁴ Sachverständigenrat für Integration und Migration (SVR) Expert Commission of German Foundation on Migration and Integration) 2017. These remarks refer to especially to the Federal Employment Office that has good programs for the unemployed, but they are not adapted to the needs of new foreigners entering from outside this system.

high share of women (86%) interviewed express a desire to work (Cf. Brücker, et al 2019). The most recent official employment statistics for Germany indicate that still many less women than men are registered as employed⁵. In Berlin it was a bit better about 17% in 2019⁶ (Bundesagentur für Arbeit 2019).

There have also been some activists among refugee women while still living in shelters. One example is the teamwork of refugee women in refugee shelters that came together to appeal to the authorities about miserable housing conditions.⁷ There are two major hindrances to women's ability to search for work. One has to do with the difficulties of families and women alone with children to find adequate housing. Equally difficult despite the high interest that women have to become employed is the lack of available childcare facilities.⁸

4.1.4 Other pathways to economic independence - Self-Employment

Despite the high rates of self-employment practiced by refugees before fleeing their countries one would expect a relative high share once settled here, this was less than 3% each in 2017 (Brücker, et al 2019:65). Generally, newly arriving migrants demonstrate a high presence among the self-employed (Leicht und Berwing 2016:142) The authors argue that this is due to their motivation, willingness to take risks and their participation in international networks. The Berlin Chamber of Commerce found that that one of the major barriers to self-employment among capable and motivated refugees is the access to investment funding due to insecure legal status and the lack of previous work history in the country (IHK 2016).

⁵ According to the official data⁵ there was a somewhat higher percentage of women 13% in 2018 from the 8 “asylum” countries with the highest share of persons who are employed (Bundesagentur für Arbeit).

⁶ Of a total of 13.668 persons from the countries with with a recognized status, women contribute to 2.350 employed officially in the city (Arbeitsagentur Berlin 2019)

⁷ See section 4.3 with respect to the initiation of informal networks among women refugees to demand better quality housing standards for women and families.

⁸ Few pilot projects address employment activities for women into the labour market as caretakers of small children. Exceptions are in Berlin: the “Stadtteil” (neighborhood) mothers”. Other pilots are in progress e.g. training refugee women who were teachers in the home country as Kindergarten teachers.

4.1.5 Discussion

Policies for integration of refugees have improved over previous times. More refugees receive an initial status of protection for a 2-3 year stay, that is potentially renewable. This is evidently not sufficient for enhancing entry into the labour market. Many refugees feel caught up in bureaucracy as clients of the public authorities for the first two years. The younger generation between 18 and 25 should have more opportunities. They, however, face additional issues: they enter midway into the German educational system without the background required and the strain between commuting around the city between school, housing, workplace and extra technical German courses. Mainly young males often away from their families are challenged by not knowing this system. They need to work harder to learn the background basics and the technical language necessary for participation in the labour force. (IGF 2017). These, mainly young males are challenged by not knowing this system, the need to work harder to learn the background basics in the occupational schools and the technical language necessary for participation in the labour force. (IGF 2017). Apprenticeship programs need more suitably designed compact modules, as well as pre-work technical language trainings for the specific skills and trades they are learning. For adult refugees, there is a need to improve the matching between previous skills learned on the job and the qualifications required for specific jobs that fit these experiences in Berlin.⁹

4.2. The effects of refugee policymaking on social integration

4.2.1 The effects of refugee policymaking on social integration

Social integration is understood here as both the context wherein refugees enter e.g., the climate of openness and acceptance toward newcomers and the opportunities for personal interaction with the locals. It appears that the social climate is generally

⁹(SVR Jahresgutachten 2017:16)

better than in the past.¹⁰ The arrival of the first wave was confusing and hectic. Administrations were not prepared for the numbers of arrivals; they were understaffed and had limited capacities to house people. At the same time there was an overwhelming spontaneous support of numerous persons, from all parts of civil society who volunteered to come out and help.¹¹ This spirit of engagement carried over to politicians, business leaders and officials. Nonetheless, in some quarters, fears were awakened and instrumentalized. Despite the enthusiasm of social movements, there remain sections of the population that continued to express social distance, to harass “others”- based on symbols of difference, language, headscarves and religion.

4.2.2 Policymaking and public discourse about refugees.

Policies toward refugees are influenced as well by the public discourse. The climate of the political debate about policies, the arguments, the ideologies¹² that spokespersons of political parties use to hold their electorate, influence reinforce the mind-sets among the general public. These are self-generating feedback processes. They are also instrumentalized. Demeaning discourse in the public arena encourages demeaning behavior in every-day life. The fact that many members of civil society became activated to work with refugees, does not diminish the danger of those who are actively opposed. Fears are fueled by far-right groups that awaken sentiments of relative deprivation and a nationalism that “the refugees” have taken public subsidies from them, endanger “our” society, our national values.¹³ Violence toward refugees has a history and perhaps a more violent in Germany than in other European

¹⁰ There were also shady and deplorable incidents including parents losing their small children. Especially frightening was the loss and abduction from crowds of 6 old Mohamed, later found murdered (October 2015).

¹¹ One team of authors (Schiffauer, et al, 2017, 2018) proposes that this itself created a new social movement that emanated from the experience of volunteering in local communities.

¹² Current debates rest also on historical experiences, it was not even a decade ago that Sarrazin (2010) became a best seller with his book that defined persons of Muslim origins such as of “Turks and Arabs” as inferior and negative additions to Berlin economy and culture.

¹³ Zick, A., Kupper, B., Berghan, W. 2019. Verlorene Mitte: Feindselige Zustand.

societies.¹⁴ There has been a reduction in fire-bombings and other attacks on refugee housing and organizations working with refugees since 2016¹⁵. Extreme violence is acted out by a minority, but a very harmful one.

4.3. The effects of refugee policymaking on housing integration

4.3.1 Housing policies for refugees in Berlin

Housing policy for refugees refers primarily to policies for temporary housing. The first concern was to find immediate rooms for the new arrivals to have a roof over their heads, a place to sleep.¹⁶ Large firms were hired to manage the often very inappropriate available buildings. They were responsible for all once they won the contract. This was the beginning and it took about two years to begin to correct these unbearable conditions. New directions were set with the establishment of the LAF (the State Agency for Refugee Housing and Affairs).¹⁷ This was enhanced in November 2017 with a new Director of the Coordination of Refugee Management. One of the first objectives was to set Quality Standards as well as the development of a transparent Quality and Complaints Service for all housing provided for refugees and the homeless in Berlin.¹⁸ Affordable housing remains one of the most difficult

¹⁴ In the early 1990's refugee housing was notoriously fire-bombed, first in Rostock-Lichtenhagen and a short time later the homes of guestworker families of Turkish origins in West Germany (Wilpert 1993) Far-right-extremists although a minority, their presence was felt and frightening crowds jeering and attacking settlements of refugees.

¹⁵ In 2018 there were 1,943 registered acts of violence, 173 were arson attacks on the housing units of refugees. Attacks on persons and organizations who work with refugees reported to the police reached 95 crimes in 2018.²² There has been a slight reduction in fire-bombings or other attacks on refugee housing or organizations working with refugees since 2016 (Bundesinnenministerien 2019).

¹⁶ In 2015 in the city of Berlin some 55.000 asylum seekers were registered. Not all of them could necessarily profit from the above housing arrangements. Homelessness grew as well at that time. On August 31, 2018 there were 77,423 persons registered in the city with residence permits for humanitarian or for political reasons. By October 2018 nearly one third of those refugees (25,450) were housed outside of the above emergency housing arrangements (School halls and Gyms, e.g.) and other temporary collective refugee facilities. Just over 21,092 persons were registered as still living in collective refugee facilities in the city on June 17, 2019; of these 1,777 persons were living in emergency housing. (LAF-ZBN:17.06.19).

¹⁷ Cf. Ch. 5 of this report

¹⁸ By 2017 a group of refugee women had organized themselves to deliver a list of unbearable conditions that numerous women and families were facing in a number of different refugee housing facilities. These women were later able to participate in the study and development of quality standards later conducted.

challenges to any kind of housing policy in the city of Berlin. The new government foresaw this and since April 2017 Berlin Ministry for Urban Development has designed a new program BENN¹⁹ to facilitate better social integration within a variety of neighbourhoods in the city.²⁰

4.5. Discussion

Integration into the labour market is a significant basis for further success and development of the individual refugee and their families. Cross fertilization of communication between employers, the Department of Employment, other local Ministries and NGOs has led to new ideas that have a potential to adapt training modules and perhaps some systemic changes. Multiple actors are presently engaged in the creation of new approaches, developing new concepts and tools. A proposal to set up a broader commission to cooperate in re-thinking potentially revising traditional structures for apprenticeships or the assessment of skills. The BENN program is an explicit policy to integrate housing and social integration: via the initiation of joint projects and activities within a social space of neighbourhoods. Multilingual facilitators are designated to activate communication between locals and new neighbours: to initiate activities that connect neighbours, to experience and appreciate diversity while sharing parks, playgrounds, kindergartens and schools and other community activities.

5. Assessment / positions on/of local policies

¹⁹ BENN stands for “Berlin develops new neighbourliness”.

²⁰ Twenty multilingual teams are working within the neighbourhoods that surround the large housing quarters of refugees at 20 different points in the districts of Berlin. The BENN teams are there to initiate, support and accompany the communication process between the local infrastructural programs, other initiatives and associations in these different districts.

5.1. The role of pre-existing local policies and administrative structures on refugee policymaking

As a rule, all public offices and structures care for Berlin's inhabitants, independent of their status. This includes refugees. As has been discussed in section 3, an exception is being made for newly arriving refugees who are taken care of by the LAF under the jurisdiction of the Asylbewerberleistungsgesetz (AsylbLG) until their asylum case has been decided.

After that, other public offices assume charge. Refugees who receive an asylum or other protective status then fall under the general jurisdiction of these offices (SGB II for welfare, SGB III for qualification, SGB V for health, SGB VIII for youth, SGB XII for disabilities etc.); refugees who lost their asylum case and do not receive such a status remain under the AsylbLG, but nevertheless are also being taken care of by the general public offices, mostly offices in the districts where they are registered.

Consequently, the ordinary division of labour between the regional and local level also applies to refugees after the asylum decisions have been completed. Responsibility for youth, housing, health and social aid lies in the competence of the districts, while education mainly remains within Land Berlin. With respect to employment Job Centers are located within the districts. But, they are nonetheless managed by the BA Labour (Bundesagentur für Arbeit) the national agency under the Federal Ministry for Labour) and the Länder. Thus, they do not fall under the mandate of the districts nor strictly under the mandate of the Land.

5.2. The effects of welfare and social local policies on refugee policymaking

The division of mandates that has been summarised in section 5.1 also applies to social policies. The districts are responsible for providing for welfare and social services at the local level. The administration subcontracts a great deal of social services to service providers. In most cases the large welfare bodies function as

service providers. This holds true for needs of the general population and applies as well to consultation and other social services to immigrants, including refugees.

5.3. Critical aspects of refugee policymaking

It follows from the descriptions above that all public authorities at the regional and the local level need to develop competencies in dealing with foreign citizens – refugees and other immigrants, independent of their status. This feature is essential in a modern city characterized by immigration and diversity.

5.4. Discussion

Every public institution at the regional and the local level need to require that their staff develop diversity competencies. Policies, however, – refugee policies as well as diversity strategies – are not decided at the regional or local level. Consequently, it is necessary that the heads of these administrative bodies develop diversity-strategies to enact their program planning to meet the needs of immigrant populations. Each department must ensure that their staff develop as well their diversity abilities. Policy makers need both, an understanding for the needs of a diverse population as well as for the potentials and demands in the respective public bodies.

Services for immigrants have long been transferred from public bodies to the major welfare organizations. That goes back to the 1950ies when it referred mainly to so-called guest-workers, and it was continued with refugees. Criticism against this decision mainly argued that the state was avoiding its responsibility. That changed – at the latest – with the Immigration Act of 2005 (Zuwanderungsgesetz, federal level), which established immigration as a core field of politics in the FRG. Since then, the position of welfare organizations has changed. They do continue to take up a critical stand with respect to general policies in the interest of better services and resources for refugees. But, since they now function as sub-contractors, their critical potential is likely more limited.

6. The implementation of refugee policies: Practices and perspectives on local politics

6.1 The political debate on refugees

With the rising numbers of new arrivals seeking asylum from 2014 onwards – especially from Summer 2015 until the first quarter of 2016 – the “asylum crisis” became the dominant theme in domestic politics. Public discourse was split between pro-refugee actors and NGOs and other ideologues that were fear mongering pointing to the threat of Islam, Muslims and terrorists. Different from earlier domestic debates on asylum in the late 20th century, the cleavage in this respect is also within the conservative parties (CDU/CSU). The positions within parliament have changed substantially. The formerly large blocks (CDU/CSU and SPD) are taking up similar positions (social democratisation of the conservatives). Following that course, they are losing voters to the right wing. A relatively new right-wing party, AfD (Alternative für Deutschland) has become the antimigration party²¹. The AfD has gained between 15 to 25% of the electorate in East and West currently. In part, the AfD represents the older conservative views of the CDU/CSU, but it also includes a nationalist wing with distinct racist ideology²². The anti-refugee discourse continues, despite the diminishing numbers of asylum applications since March 2016, due to the EU-Turkey agreement. The coalition between the conservative CDU and CSU (Bavaria) held opposing positions as late as mid-2018. It appeared that the refugee issue might cause the split of the Federal government’s coalition, despite the decline in numbers arriving. Most recently, Minister of the Interior Seehofer (CSU), the leading

²¹ AfD were initially also anti-EURO and anti-EU.

²² Refugees have stimulated sentiments of relative deprivation among the right arguing about the endangered the rights of the indigenous, competition for inadequate welfare benefits, jobs or housing. A little more than 50% of the population (both East and West) devalued asylum seekers. This is expressed primarily in relationship to the primacy of the established rights of natives, social distance to new arrivals, “re-sentiments” toward outsiders. These views were shared by about 38% of the entire population but 43% in the East. These feelings are stronger in the lower and middle-income groups and much higher with those who belong to the AfD sympathizers (76%) (Zick et al), 2019).

anti-refugee figure within government, has recently changed his position with respect to accepting refugees rescued in the Mediterranean.

6.2. Political trends in Berlin

6.2.1 The political context of the Berlin coalition – Municipal elections in 2016

Berlin and the urban centres of Germany tend to be more liberal with respect to immigration and the city's diversity is welcomed by many. Berlin especially reflects the former division of the country, as it is the only city that grew overnight with unification. At the time Berlin gained a new left party the Linke.²³ The political landscape has changed its composition also in these two and one-half decades. From 2002 until 2011 Berlin had a red-red (Social Democrats and The Left); from 2011 until 2016 there was a coalition between the two larger parties the SPD (28,3) and the CDU (23.3).²⁴ In 2011 and 2016 there were potentially nine parties vying for election. In the most recent election, 2016 the new AfD entered the Berlin Parliament for the first time with 14,2% of the vote. However, the almost 7% increase in voter participation may also account for part of this. Despite the diminished votes of the SPD 21,6% and Greens 15,2%, the gain of the Linke to 15,9% has made it possible to form a relative progressive government in Berlin.

6.2.2 The position of the city mayor and his/her cabinet on refugees' integration

²³ Until 2011 the PDS.

²⁴ City-State elections take place every 5 years. Cf. Annex 3 for the election of political parties in this period. Cf. Also Excel Table for the two last elections in 2011 and 2016.

The coalition agreement (Dec. 2016) of the three parties provided the basis for a new approach that should be more liberal than the Masterplan of 2016.²⁵ That new approach was developed in the years 2017 and 2018 with strong participation from all relevant Senate departments and civil society actors. It was agreed by the Berlin Government (Senat) in Dec. 2018. -While the “general programme” continues with financing successful projects from the previous Masterplan, the discourse has changed, with respect to two points: It avoids connecting migration to security issues that the title of the Masterplan suggested; it provides the basis for a more critical position of the national government’s more restrictive regulations that are summarised in section 2.1.

The Governing Mayor Michael Müller heads the government (Senate) and stands up – in general – for these positions. However, as his party, the SPD, also is in a coalition with the CDU at federal level, opposition to restrictions issued by the federal government often become problematic. As a rule, such differences are contested between the Senator for Integration (The Left) and the Senator for Interior (SPD), while the Mayor avoids direct conflict with his coalition partner.

The Mayor was skeptical about whether the general welcoming attitudes in the city would prevail for long. He then asked the Commissioner for Integration and Migration for support for the new NGO approaches.²⁶ In 2016, after the numbers of refugees had declined due to the EU-Turkey agreement, he was quoted in the media that Berlin should accept more refugees in the future. He has not, however, more recently defended this position. Nevertheless, he signed the Solidarity City agreement (organised under the auspices of EURO CITIES) in November 2018.

²⁵ Comprehensive Programme for the Integration and Participation of Refugees. Approved by the Government of Berlin on Dec. 11, 2018.

²⁶ Personal communication, Sept. 2015

6.3 The actions of the city government for implementing its agenda on refugee-related issues

The actions of the city government are described above in section 2.1. Here, we focus on changes in structures:

- 1) Among the most important structural decisions has been the development of the LAF that is responsible for any support to refugees during the asylum procedure, including welfare costs, health and the management of refugee housing. The foundation was a reaction to the failure in providing services (see 2.1, 4.2 and 4.3). As it covers services, which before were dealt with in a larger agency, it is not a fully new, but rather a more focused institution.

- 2) A Coordinator of Refugee Management was installed that shall guarantee the horizontal communication and quality standards, develop an independent complaint system as well as lateral communication with the various services for refugees within the different Administrations. The coordinator is attached directly under the Minister and not within the LAF.

- 3) Among strategies that address relations within neighbourhoods the BENN program may be named. This was initially financed under the Masterplan and now under the “Comprehensive Programme”. BENN (literally: Berlin is developing new neighbourhoods) is active in 20 locations, all neighbouring refugee housing areas. Twenty teams with multilingual animators are there to facilitate and support connecting and communicating between refugees and the local citizens in the neighbourhoods surrounding these settlements. The objective is to gain participation other the local community and its associations in the process, and also to avoid conflicts between local citizens and refugees.

4) The Welcome Centre Berlin was set up by the previous Berlin Government in August 2016. Initially it was planned as a central consulting centre for the “growing city.” Since 2011, Berlin had faced a strong inflow from Southern European countries, due to effects of the financial crisis there. In the light of rising refugee numbers, it is also addressing refugee needs. The Welcome Center provides initial guidance for people arriving in Berlin, orientation, legal on residence and employment issues as well as issues with respect to access to social, educational, health and housing facilities. Interpreters in several of the main languages of visitors. And, it cooperates with a wide range of partners that provide additional *services* offered by other agencies in their quarters.

6.4 The political and social actors supporting the refugees' integration in the City.

As indicated in Chapter 3 numerous persons immediately volunteered and later formed local networks (e.g. Moabit Hilft, Schöneberg Hilft, usw, Charlottenburg, etc.) in each district of the city to accompany or serve the needs of the new arrivals. These networks persist today and exist both at the local level and a larger Netzwerk “Berlin hilft” that connects these. Furthermore, as mentioned in the chapter about employment two other major Networks of representatives of the largest firms in Germany which were concerned about the integration of the refugees in the labour market and as apprentices in a number of sectors of the economy.

There exists as well the Bridge Network²⁷, which provides legal advice and counselling with respect to access to employment and occupational training programs.

²⁷ Bridge Netzwerk <http://www.bridge-bleiberecht.de/die-netzwerke/> is housed in the Welcome Center and includes as well as legal counseling, 10 NGOs with long experience in work with refugees, several pre-dating the 2015-2016 flow. Among these are several that specialize in occupational counseling and training for the dual system as well as professional training.

The Interessengruppe Flüchtlinge (IGF) in Berlin included not only some of the largest international firms like Bayer and Siemens but also representatives from the public firms (the state is shareholder) such as the BVG (public transport), the BSR (public waste and re-cycling), Charité (University Hospital), as well as public agencies and the chambers. In Chapter 3.2 reference has been made to the resourceful initiatives of projects in the field of education, services, and in numerous other spheres.

6.5 The political and social actors opposing the refugees' integration in the City.

Within the city the AfD manages to represent anti-refugee sentiments (see 6.1). There are no NGOs that represent this system, such as those active in the welcoming networks and other pro-refugee groups. However, often anti-refugee activities pop-up in some neighbourhoods when new areas are identified as spots for refugee-housing. In 2015/16 it seemed that such anti-refugee neighbourhood groups might gain strength. A number of district mayors did a marvellous job with their integration units in organising productive neighbourhood strategies and strengthening welcoming networks.

6.6. Discussion

With the new arrival of ca. 80.000 refugees in 2015 and 2016 community services were threatened since the services were not prepared for larger groups of new refugees. In the beginning the newcomers faced long lines for all public services. At the same time, volunteers organized in all districts of the city to help, some local districts Mayors actively supported the refugee housing. Firms came out to offering jobs. Berlin and the populations and governments of many cities throughout Germany were mobilized to support the incoming refugees. They opened their neighbourhoods, some their homes, their associations and created new points to receive and support the arrival of refugees to the city in late Summer 2015. Many initiatives that began at the local level in 2015 and 2016 have continued as networks and projects.

At the governmental level new structures have been set up and much has been more professionalized. A number of them include improvements for the population as a whole.²⁸ These experiences and the spirit of their engagement carried over to and included from the outset to politicians, business leaders and many officials in different branches of public administration.

Obviously, that does not mean that everything is as smooth as would be desired. There is the danger of the nationalist right political party (AfD) that exists and their impact on traditional conservative political parties in the centre to move more toward the right. Violence toward refugees continues, especially arsonist attacks on housing. We know that especially women who wear headscarves experience harassment daily from neighbours and on the street as do others who are perceived of as unwelcome outsiders. (CF. Sect. 4.2 Social Integration).

There are many institutional complexities that have to do with traditional bureaucracy that impacts on the difficulties of responding efficiently and quickly enough to the needs of the potential new refugees in the employment system. The three year “protected” status has been also a hindrance to the willingness of firms to adjust their procedures or risk in investments when the political decisions regarding acceptable length of stay are not clear enough.

7. Conclusion and Debate

In the course of the last four years, political discourse in the FRG was strongly influenced by immigration and asylum issues. The refugee issue has added great turmoil to the political system. The leader of the conservatives, Mme. Merkel (CDU), in summer of 2015 made a courageous move by not stopping the refugees for papers

²⁸ Such as the new Quality Standards for housing shelters and the independent Complaints office that extends to Berlin homeless housing as well as housing for asylum seekers and refugees.

at the border– for a while. This brought her under severe pressure within her own party; it also mobilized a new party at the right wing of the spectrum, which itself fuels a racist potential in the country; at the same time, the more liberal parties are losing their distinct characteristics.

In part, the disputes on the asylum issue are symbolic. Indicators of this can be seen in the yearly debate concerning ceiling the number of asylum seekers permitted entry, while in reality the inflow is already reduced with the EU-Turkey agreement. At the same time, anti-refugee sentiments play an important role, despite the fact, that numbers are low. This became apparent in recent elections at state level, A number of cleavages are dividing the country: between East and West; between productive participants in the economy vs. those who perceive a loss; urban vs. rural areas; and, often congruent with the latter, those who are diversity sensitized and experienced vs. those who have not been.

Positive factors that eased the situation in the period of the highest inflow of refugees on the national level has been the strong economic performance in the FRG (different from the 2000-2005 period), the debate on a demand for skilled labour (2007-ongoing), and positive experiences with immigration in the period between 2010 until 2014 mainly from European countries. However, it would be too simple if one would identify the reception of refugees with a demand for labour. Quite correctly, it had been analysed in 2015 that full integration into the labour market could not be expected from the majority of asylum seekers. it would require time.

These features do not hold true for Berlin in the same way. Berlin is a rather economically poor capital; and was since unification regularly among the two top Länder with the highest unemployment figures. However, other features are more positive, Berlin's experiences with immigration, it is one of the German cities most characterised by diversity. Also, the economy has been improving in recent years.

With respect to asylum, two main lessons may be learned from the last four years: First, the administration needs to function effectively. The failure in providing good services to refugees – especially in 2015-16 – created a severe crisis. With this the reasoning shifted from blaming the administrators and the local political order to labelling the refugees for causing a crisis. It can be concluded that a European metropolis needs to be prepared for receiving refugees and immigrants and consequently needs to provide good resources for fulfilling the task. Of course, migration issues are themes within political discourse; but responsible politicians should try to end this debate when a solution has been found; otherwise refugees risk to be continually scapegoated.

Secondly, the question is whether the asylum clause in the basic law can efficiently serve to solve crises facing refugees due to global wars. This is an issue that needs to be debated. In European comparison; Germany receives a fairly large number of refugees in global perspective not. Quota-solutions that were applied for Vietnamese and civil war refugees may turn out as more efficient.

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