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Germany country report

Government responses to increased influx of protection seekers in 2015/16 and 2022/23

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Abstract: This country report describes asylum, immigration and integration governance and policy changes from 2015-June 2023 in Germany. It particularly focus on developments in the periods of high influxes of protection seekers to Europe in 2015/16 and 2022/23

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1 Germany's history of immigration and integration

1.1 Overview and long-term developments

Germany's recent immigration history has been shaped by the recruitment of several million labour migrants (*Gastarbeiter*) by the Federal Republic of Germany (FRG). Labourers came mostly from Turkey, southern Europe and North Africa. The programme ran from the 1950s until 1973, when it was stopped in the aftermath of the economic crisis (Herbert 2017). While most workers were permitted to stay temporarily under what was known as the rotation principle, in the later phases of the programme they stayed in West Germany (FRG, 1949-1990) and brought their families with them.¹

(West) Germany has also been an important destination for refugees. Until the end of the 1970s, the number of asylum seekers, arriving mostly from socialist countries, remained relatively low. The majority of these political refugees were granted protection. In parallel with the development of an international legal framework for refugee protection, comparatively liberal laws regulating the right to asylum were introduced in West Germany as well. By including the right to asylum in the constitution (*Grundgesetz*), the Parliamentary Council (*Parlamentarischer Rat*) wanted to symbolically break with the National Socialist rule that had resulted in millions of deaths, refugees and displaced people (Münz et al. 1997; Herbert 2014).

Between 1979 and 1981, the total number of asylum applications peaked for the first time, reaching 200,000 (Münz et al. 1997). In an attempt to curb the number of asylum claims, federal and state governments introduced several restrictions, such as restricted possibility for appeals against negative asylum decisions, visa requirements for citizens of certain countries, a prohibition to work during the first 12 months of the asylum procedure, reduced social benefits and residency restrictions. Despite all these measures, the number of asylum claims rose again in the second half of the 1980s, accompanied by sinking recognition rates, due in part to a more restrictive interpretation of the already existing laws. For many rejected asylum seekers, return was not possible, and they remained in (West) Germany, a situation which continues to create serious political controversy to the present day (Herbert 2017; Münch 2014).

After the fall of the Iron Curtain, the number of asylum claims reached a new peak in 1992, with 438,200 applications. This meant that two of three asylum claims in Europe were lodged in Germany. Germany was a key destination for war refugees from the dismantled Yugoslavia, not least because of the existing social networks with past labour migration waves (Bade and Oltmer 2004). The parallel, large-scale immigration of ethnic Germans from Eastern Europe, referred to as *Aussiedler*, fuelled the increasingly fierce immigration debate. Between 1989 and 1993 alone, close to 1.5 million *Aussiedler* migrated to Germany (Bundesverwaltungsamt 2023, own calculation). The early 1990s witnessed a rising number of violent racist attacks against refugee shelters and individuals.

¹ In East Germany (German Democratic Republic, 1949-1990), labour migrants were also recruited from abroad. These came from socialist partner states (such as Mozambique, Cuba or Vietnam), albeit at a much lower level in terms of numbers (Bade/Oltmer 2005; Gruner-Domic 1996). A small number of people seeking protection also sought refuge in the GDR (Poutrus 2019: 103–159).

Against this backdrop, the Social Democrats (SPD), the Free Democrats (FDP) and the Christian Democratic parties (CDU/CSU) agreed on a restrictive reform of the German asylum law, known as the “asylum compromise”, which came into effect on 1 July 1993 (Poutrus 2019). Some countries were defined as “safe third countries” and “safe countries of origin”, which made asylum claims for people originating in these countries less likely to be recognised. Furthermore, the Asylum Seekers' Benefits Act introduced a separate social security scheme, with a significantly lower level of benefits and health services. The aim of those measures was to make Germany less attractive as a destination country, an approach that has been described as a deliberate “deterrence policy” by some observers (Roos 2023). Furthermore, the “asylum compromise” restricted immigration privileges for ethnic Germans.

In 1994, the number of new asylum applications lodged in Germany dropped significantly, and the significant flow of refugees shifted to other European states (Schimany 2014). At the same time, Germany succeeded in incorporating some of the main elements of its restrictive national asylum policy into EU law (Engler and Schneider 2015). The cornerstone of the new Common European Asylum System (CEAS) is the Dublin Regulation, which assigns responsibility for managing asylum applications to the member state through which an asylum seeker first entered the EU (Fratzke 2015). Because Germany has had no external EU border since 2004, the Dublin Regulation, though never fully implemented, resulted in a decrease in asylum applications lodged in Germany between the mid-1990s and 2012.

In the late 1990s, encouraged by moderate levels of immigration, a good labour market situation, a growing awareness of accelerated demographic ageing and the global competition for talent, Germany began liberalising its migration, asylum and integration policies. This process was initiated by the governing coalition of the Social Democrats (SPD) and the Greens (1998–2005), and continued under the grand coalition of SPD and CDU/CSU. The reforms were also driven by recognition that the lack of integration measures targeting guest workers had led to social problems in the past (SVR 2014; 2015) and by the new self-image of Germany as a country of immigration. New policies aimed to improve integration outcomes and make Germany more attractive to foreign skilled labour. Immigration requirements and recognition of foreign educational degrees were relaxed for highly skilled workers from outside the EU. Numerous measures were also implemented at state level to facilitate immigrant integration, prevent discrimination of foreigners and improve intercultural skills among civil servants.

This liberalisation process also encompassed humanitarian migration. As a result of the Europeanisation of the asylum rules, the legal situation for certain categories of asylum seekers improved, e.g. those under subsidiary protection. In September 2014, the German parliament passed a legislative package which reversed many of the restrictive measures. The ban on work for asylum seekers was shortened to three months, residence requirements were made less restrictive and access to language and integration courses was improved (SVR 2014). New admission schemes, such as resettlement and humanitarian admission programmes through which refugees could enter Germany in a safe and legal manner, were created (Engler 2015b). This liberalisation trend continued until mid-2015, when individuals with a subsidiary protected status were granted the right to facilitated family reunification.

However, this policy of liberalisation was never a linear process and was not without conflict. The significant increase in the number of asylum claims and the new arrivals from the Eastern European EU countries in mid 2010s were highly contested; local governments expressed concerns about the capacity to accommodate the refugees and immigrants. Insufficient personnel capacity at the Federal Office for Migration and Refugees (BAMF) caused a serious backlog and long processing times for asylum applications. The growing number of asylum applicants from the Western Balkan countries fuelled a debate on “asylum

abuse". Serbia, North Macedonia, and Bosnia and Herzegovina were added to the list of safe countries of origin in November 2014. Repatriation to these countries was intensified due to new agreements with the states in this region. Solidarity and support for refugees in German society was accompanied by scepticism and hostility, fuelled by radical right-wing groups.

1.2 Political situation and main policy processes in 2015–2016 and 2022–2023

Between 2005 and 2021, the German government was formed by the Christian conservative CDU/CSU under the leadership of Chancellor Angela Merkel. The CDU/CSU's coalition partners alternated. From 2005 to 2008 and from 2013 to 2021, it formed a grand coalition with the Social Democrat Party (SPD); from 2009 to 2012, the liberal Free Democratic Party (FDP) joined the government. Under the influence of Chancellor Merkel, the CDU has moved more towards the political centre, and has also taken a more liberal stance on immigration and integration policies than in the past (Engler 2023a; see also above). In late August 2015, Merkel's government suspended the Dublin Regulation and announced that Germany would also process asylum applications from Syrian refugees if they had arrived in Germany via other EU countries. That year, nearly 1.1 million asylum seekers entered Germany. Merkel's famous phrase "We can do this" initially met with a high level of solidarity with the refugees in German society, often referred to as a "welcome culture". Soon after, however, public opinion polarised. The right-wing Alternative for Germany (AfD) party recorded unprecedented electoral gains at local, regional and national level. The mainstream political debates took an increasingly harsh tone. Political conflicts grew within the coalition government. A part of the CDU and a large part of the CSU demanded further restrictions, such as yearly limits on filing asylum applications.²

From the autumn of 2015, the government presented an unusually large number of legislative initiatives ("legislative hyperactivity", Hruschka/Romann 2021). These laws were generally restrictive in nature. This trend continued into 2019 – despite significantly lower arrival numbers – and was interrupted by the COVID-19 pandemic, which led to a sharp decline in immigration to Germany. The salience of the topic of flight and migration decreased significantly, but without disappearing completely from the political agenda.

Asylum policy since 2015 is also characterised by increasingly differentiated treatment of different groups of origin. Depending on whether asylum seekers had "good" or "bad" prospects for obtaining protection (Schultz 2019), they would either receive extensive support early on or face restrictions and be expected to leave Germany. Another example of this are the special regulations for citizens of the Western Balkan states that were adopted in the autumn of 2015. On the one hand, Albania, Kosovo and Montenegro were declared safe countries of origin, and asylum applications filed by refugees from these countries were rejected in an accelerated procedure. On the other hand, access to the labour market for these citizens was facilitated; those who had an employment contract with a German employer did not need to prove sufficient German language proficiency or professional skills that were otherwise required to obtain a residence permit.

The political decisions in 2022–2023 must be considered in the context of two ongoing political processes. First, the change of government in 2021 to a new coalition of the Social

² In some migration and asylum-related topics, the Länder (federal states) act as co-legislators (see section 3.2). In some cases, majorities at the regional level prevented the introduction of restrictive policies such as classification of additional countries as safe countries of origin.

Democrats (SPD), the Greens and the Liberals (FDP) – known as the traffic light coalition – meant a change in the normative approach to migration. For this first time since 2005, the conservative (CDU/CSU), traditionally representing a more restrictive approach to migration and integration, was not part of the government. The new coalition's agreement included both measures which the past government partners SPD and FDP proposed in their coalitions with CDU/CSU and new measures for liberalising immigration and asylum policies. In turn, the new (current) government's approach towards migration and the proposals to open up pathways for regular migrants is more pragmatic, responding to the needs of the national economy facing a severe shortage of skilled labour. This paradigm shift was facilitated by lower immigration rates due to the pandemic-related mobility restrictions imposed in 2020 and 2021.

Second, the Russian invasion of Ukraine in February 2022 was a geopolitical earthquake for Germany in terms of the country's self-understanding and its economic, foreign and defence policies. The war in Ukraine necessitated that Germany end its ban on sending weapons to conflict zones and increase its military spending. The restrictions on trade with Russia enforced a diversification of energy sources to end the country's dependency on Russian gas. It also changed its relationship with the USA and the EU, including its eastern European member states. The rising prices for energy and raw materials and higher public spending following the post-pandemic burden put the state budget under pressure and fuelled inflation.

Under these conditions, Germany became one of the main destinations for Ukrainians fleeing the war. As in 2015–2016, the refugees were met with solidarity from German citizens, many of them providing material, financial and emotional support and even private accommodation. At the same time, the number of people seeking protection from other countries of origin has again increased. This large number of protection seekers created significant challenges in accommodation, schooling, and economic and social integration, particularly at municipal level.

Against the backdrop of major economic challenges, inflation, rising housing costs, and scarcity of school resources, the refugee and migration policies became increasingly politicised and polarised, as in 2015–2016 (and in 1992–1993). Consequently, refugees and irregular migrants were put in the spotlight, while protection seekers from Ukraine and skilled workers enjoyed relative acceptance and were not considered a social problem, though accommodation costs for Ukrainians remained an issue in local politics and the media. The conservative and right-wing parliamentary opposition and the media initiated the debates and voiced demands for reducing social benefits, introducing work bans and even abolishing the right of the individual to asylum in favour of refugee contingents. More restrictive approaches were also articulated within the coalition government.

These developments also resulted in amendments to the coalition's migration and asylum policies. Liberalisation measures agreed in the coalition agreement were either significantly delayed (right of residence, labour migration, citizenship law) or abandoned (family reunification). Controversy also escalated in regard to the discussed reform of the Common European Asylum System, in particular within the Greens and the SPD. The German government finally agreed on political compromises that were seen as a shift away from the position outlined in the coalition agreement (Engler 2023b). At national level, too, in reaction to the heated debates about refugees, the government prioritised policies related to repatriation of rejected asylum applicants, even though the repatriation initiative had been included in the coalition agreement from 2021. There were fears that the budget cuts advocated by the FDP finance minister would weaken the already overburdened reception and integration infrastructures. In the second half of 2023, the political debate came to a head and further restrictions were discussed and adopted. These included measures such as

the reduction of social benefits, the categorisation of other countries as safe countries of origin, and additional border controls at Germany's external borders.

2 Statistics: Asylum flows to Germany

Germany has over time been one of the European countries with the highest number of protection seekers, both in absolute and relative terms. As in other European countries the inflow to Germany has changed considerably over time and between different groups. In this section, we present an empirical overview of these asylum flows and permits to provide context to the government response to the situation in 2015–2016 and 2022–2023, respectively.

2.1 Asylum flows and permits 2012–2023

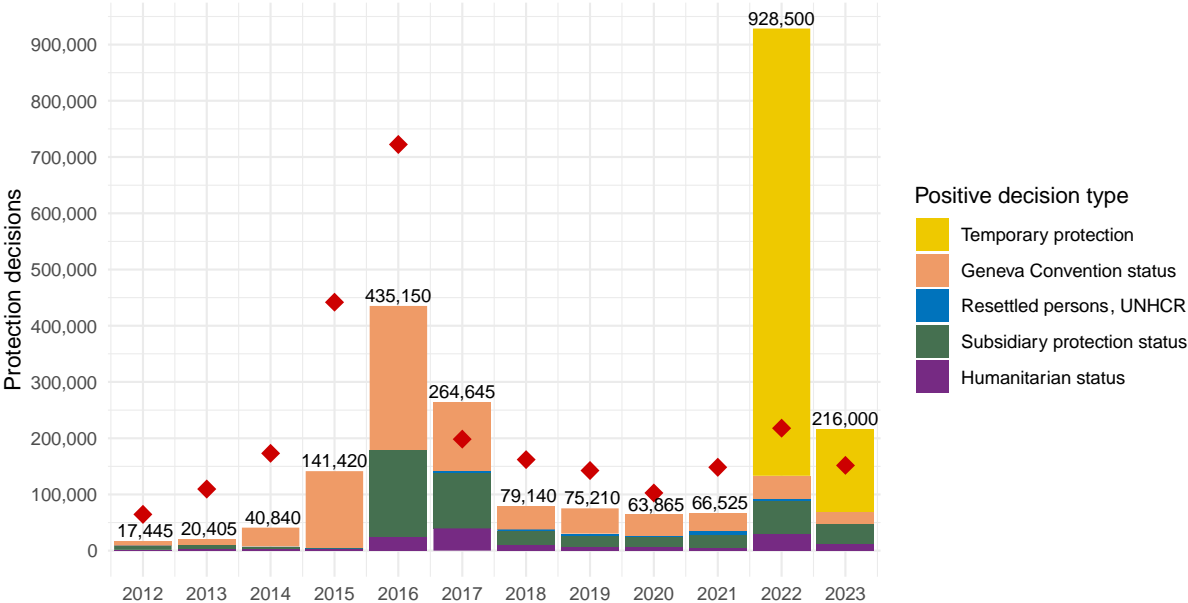
As in many other European countries, the inflow of protection seekers to Germany is heavily impacted by the two major displacement events in Syria and Ukraine that led to large influxes in 2015–2016 and 2022–2023. Somewhat unique to Germany was the early uptick in arrivals before 2015; while the number of arrivals in the EU doubled from 2014 to 2015, the flow to Germany nearly doubled during the preceding year, from 2013 to 2014 (refer to Figure 1). In the three years preceding 2015, the number of residence permits granted to protection seekers was between 20,000 and 40,000, while the number of first-time asylum requests were far higher, exceeding 100,000 in 2013 and 170,000 in 2014. More than 440,000 applications were registered in 2015, and more than 720,000 the following year. This was more than half of all protection seekers coming to the EU in 2016 (1.25 million in both years). Asylum claims fell over the next couple of years towards the pandemic lockdown years of 2020 and 2021, but a quite substantial number of applications were lodged in these years, too. Since 2022, the number of applications rose again, with more than 215,000 first-time applications. In 2023, 300,000 first-time applications are expected. In the past 10 years, Germany has also taken in refugees through resettlement programmes and other humanitarian admission programmes (see section 4.1). As a result of the Russian invasion of Ukraine, Germany has also become a major destination for people fleeing Ukraine (see section 2.3).

Data on asylum flows

Data on asylum flows are sourced from Eurostat Asylum Statistics. These data are based on **administrative sources**, supplied to Eurostat by statistical authorities, interior ministries or related immigration agencies. The data on protection holders and seekers presented in this section are a combination of several datasets from Eurostat: data on temporary protection ([2023a](#), [2023b](#)), first-time asylum applications ([2023c](#), [2023d](#)), resettlement refugees ([2023e](#)), and decisions on asylum applications ([2023f](#), [2023g](#)).

Source on documentation:
Eurostat [2023h](#).

Figure 1: Persons granted protection in Germany by protection decision vs. lodged asylum applications 2012–2023.



Data: Eurostat (*migr_asydcfst*, *migr_asytpfm*, *tps00195*, *migr_asyappctza*).

Among the types of residence permits given in the preceding decade (2012–2021), the majority (61%) had Refugee Convention status (the Geneva Convention³), the majority of which (403,000, 56%) was given to Syrians, followed by Iraq (98,000, 14%). The majority of those who were provided subsidiary protection status also came from Syria (260 000, 73%), followed by Iraq (28,000, 8%), and most of those granted humanitarian status came from Afghanistan (60,000, 62%), with Iraq some way behind (6,000, 6%). Before 2022, the share of women among those granted protection has varied little. Except for falling to around 33% in 2015 and 2017, it remained stable at around 40% in the decade preceding 2022 before spiking at 67% in 2022.

2.2 Situation in 2015–2016

In 2015, the number of asylum seekers to the EU soared to 1.25 million, up from 560,000 the year before. Another 1.2 million were registered in 2016. In both years, half of the around 1.2 million were Syrians, Afghans and Iraqis ([Eurostat 2016](#)). From 2014 to 2015, first-time asylum applications in Germany rose by 150% from a previous level of 173,000 in 2014 – the highest in the EU – to more than 440,000 in 2015 (Figure 1, red diamonds, above). Germany had a higher ratio of applications (5,411 applicants per million inhabitants) than the EU average (2,470), and was one of the top five receiving countries relative to population ([Eurostat 2016](#)). Germany experienced a further 63% increase in applications from 2015 to 2016, receiving 60% of all asylum applicants in the EU ([Eurostat 2017](#)). Due to the large number of arrivals since summer 2015, there were considerable delays in the registration of asylum applications. Some of the persons who formally applied for asylum in 2016 had

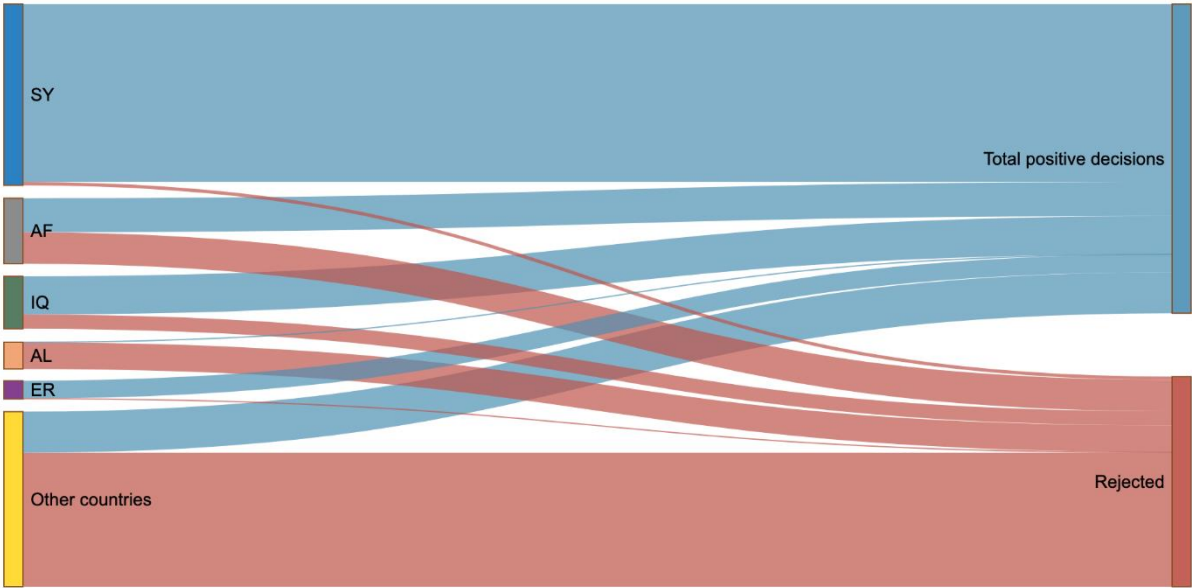
³ In the German case, this also includes constitutional asylum.

already arrived in 2015. The predominant origin countries of protection holders in this 2015–2017 period were Syria (481,000 positive decisions, 58% of all protection holders in this period), Iraq (103,000, 13%), and Afghanistan (92,000, 11%). These shares were largely similar to those for the EU in total.

There were small demographic variations between those who were denied and granted asylum in this period. Of the positive decisions in 2015–2017, 32% of adults were women compared to 27% of those who were denied asylum. For children under 18, the respective figures were 36% and 31%. Many of the young were unaccompanied migrants (unaccompanied and separated children, UASC). A few thousand unaccompanied minors arrived annually in the years prior to 2015. This number rose to more than 22,000 in 2015 (5% of applications) and to 35,000 in 2016 (5% of applications) ([Eurostat 2023](#)). Since 2017 the number of UASCs has dropped to a few thousand.

Among refugees granted protection in 2015–2017, the dependency ratio, defined as the ratio between young and old divided by the working age population, was low for Eritreans (14%), meaning that 86% were of working age. Due to larger numbers of children under 14 years of age, refugees granted protection from other dominant sending countries had a somewhat lower share of working-age refugees: the dependency rates for Syrians was (41%), for Afghans (59%) and for Iraqis (52%).

Figure 2: Relative shares of asylum seekers from the five largest sending countries to Germany, by asylum grants (blue) and rejections (red) in the period 2015–2017.



Data: Eurostat (*migr_asydcfsta, migr_asytpfm, tps00195, migr_asyappctza*).

The overall first-instance recognition rate in the same three-year period (2015–2017) was 60%, close to that for Sweden (61%), which – like Germany – received a very large share of protection seekers in this period. The actual protection rates were significantly higher if one excludes the formal negative decisions where no substantive decision was taken. This is the case when, among other things, other states are responsible according to the Dublin Regulation, people withdraw their applications or can no longer be contacted by the authorities. The overall protection rate is also increased by court decisions, which regularly correct negative decisions by the BAMF.

As in the Nordic countries, recognition rates were very high for Syrians (98%) and Eritreans (96%). Recognition rates were somewhat lower, but still relatively high compared to the Nordics, for applicants from Iraq (73%), Afghanistan (52%) and Iran (58%). A considerable number of refugees were granted protection without a known origin country, comprising the fifth-largest protected country cohort at 27,700 protection grants during this period (a recognition rate of 76%).

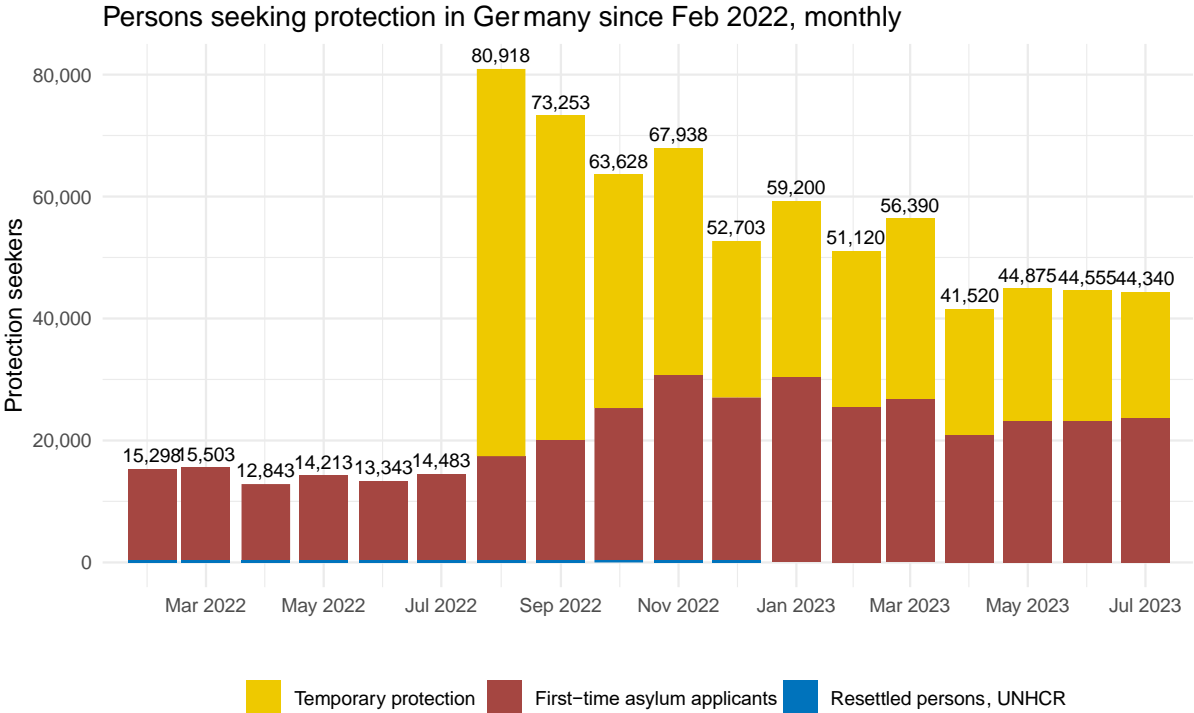
2.3 Situation in 2022–2023

In 2022 and 2023, the number of people seeking protection in Germany again increased significantly. This was due a very large number of protection seekers from Ukraine and to rising numbers of asylum seekers from other countries. This volume of non-Ukrainian applications was the largest since the record number of more than 720,000 in 2016 (red diamonds, Figure 1).

Germany received the second-highest number of arrivals of all EU countries in 2022; nearly 25% of protection seekers in the EU applied for protection in Germany. That year, more than 920,000 migrants were granted protection in the country, of which more than 776,000 were Ukrainians, though the real number may be higher due to missing registration records for the first crucial months (Figure 1 above; see also Figure 3 below). This made Ukraine the largest origin country of protection seekers to Germany over the 15-year period preceding 2022, followed by Syria.

Regarding regular asylum applications (not including Temporary Protection Directive (TPD) decisions), 128,000 asylum seekers were granted protection in 2022 and 69,000 were denied asylum. Half of these non-Ukrainian displaced persons granted protection in 2022 were from Syria (71,000), 37,000 were from Afghanistan, and a few thousand were from Iraq (5,000), Somalia (3,000), Turkey (3,000) and Eritrea (3,000). Among those who were rejected, half were from Iraq, Turkey, Georgia, Moldova and North Macedonia.

Figure 3: Asylum applicants, persons granted temporary protection after the invasion of Ukraine, and resettled persons in Germany since February 2022. Note: Data on decisions granting temporary protection to Ukrainians are not available for March–July 2022.



Numbers above bars: Sum of protection seekers each month.

Data: Eurostat (*migr_asyappctzm, migr_asytpfm, tps00195*).

By the end of 2022, Germany became the largest receiving country for displaced persons from Ukraine (Eurostat 2023g). Interestingly, non-Ukrainian arrivals comprised half of the protection seekers in the months following summer 2022 (Figure 3). The number of protection seekers each month has dropped to below 50,000 since April 2023. Among Ukrainian Temporary Protection Directive (TPD) holders who arrived since the start of 2022, about 32% are minors, and 70% of the adults are women. This stands in stark contrast to other protection seekers in Germany, where 29% of the adults are women and 45% are underage. The dependency ratio of Ukrainians is 44%, meaning that they are not of active working age. Although most of them are children (92,600 under 14 years), a non-negligible share is older (27,600 over 64 years), unlike in many other countries.

The German authorities track the number of temporary protection holders who leave the country and produce an estimate of currently residing protection holders every month. In some countries, many Ukrainians have moved on since they first obtained a temporary residence permit. According to these stock data, which may be biased or incorrect, more than 1.1 million displaced persons from Ukraine resided in Germany as of August 2023, comprising 1.4% of the German population. For comparison, the EU average is 0.9%.

3 Governance and multilevel responsibilities

3.1 National responsibilities and actors

The federal-level state institutions have the main responsibility for migration and integration policy development. At the federal level, the Federal Ministry of the Interior and Community bears the main responsibility for migration and integration policy development, including questions pertaining to asylum law or residence permits. However, other ministries also play an important role: the Ministry of Labour and Social Affairs, the Ministry for Economic Affairs and Climate Action, the Foreign Office, and the Ministry for Economic Cooperation and Development. In the field of integration policy, the most important ministries are the Federal Ministry of the Interior, the Ministry of Labour and Social Affairs, the Ministry for Family Affairs, Senior Citizens, Women and Youth, the Ministry of Justice and the Ministry of Education and Research.

Beside the abovementioned ministries, several federal agencies have specialised responsibilities in policy development and implementation. The Federal Office for Migration and Refugees (BAMF), subordinate to the Ministry of the Interior and Community, is in charge of the asylum processing procedure. BAMF also assists with humanitarian admission procedures and voluntary returns. Since the establishment of a German integration programme in 2005, the authority is responsible for implementing federal integration measures. BAMF is responsible for funding several integration programmes, including integration courses and programmes for linguistic, societal and vocational integration. Since 2005, it also provides funding for Migration Counselling for Adult Immigrants, implemented locally by seven major welfare associations in Germany. BAMF also finances several competitive programmes targeting migrant serving organisations and migrant self-organisations, facilitating their networking and professionalisation.

The Federal Employment Agency, subordinate to the Ministry of Labour and Social Affairs, has important competencies in issues related to the labour market integration of immigrants and refugees. The German Development Cooperation Agency (GIZ), subordinate to the Ministry for Economic Cooperation and Development, develops programmes, some of which aim to enable job market integration or facilitate the return of refugees and other migrants.

Since 2005, there has also been a Commissioner for Migration, Refugees and Integration (assigned to the Chancellery). The position of Commissioner for Anti-Racism was created in February 2022. In February 2023, the position of Special Representative of the Federal Government for Migration Agreements was created and attached to the Ministry of Interior and Community. With a focus on the external aspect of migration policy, it has been tasked with developing and establishing practical partnership agreements with major countries of origin that would include, for example, visa facilitation, qualification measures tailored to the German labour market, as well as cooperation in the matter of returns.

The German parliament (*Deutscher Bundestag*) and the relevant committees play a central role in the legislative process. In addition to legislating, the parliament has the right to decide on the budget.

3.2 Regional and local level

Germany's 16 federal states (*Länder*) play an important role in both migration and integration policies, in some cases acting as co-legislators together with the federal level, and are represented in the second chamber (*Bundesrat*), where they decide on national legislation (Schammann & Gluns 2021: 107f.). Moreover, they have leeway in implementing national laws and policies, such as in granting residence permits and making deportation decisions, as well as in how they manage first accommodation and housing for protection seekers. The states are also responsible for education and housing, and can adopt their own integration policies, regional deportation bans and refugee admission programmes, although the latter must be accepted by the federal government. Until 2020, it was common for the federal government, represented by the Ministry of Interior and Community (BMI), to follow the proposals of the federal states, but the BMI did not support the request of some federal states to accept protection seekers from overcrowded camps at the external EU borders. This led to political and legal conflicts (Heuser 2023).

Every state has its own hardship commission (*Härtefallkommission*), which decides on granting the right to stay in individual and severe cases, also based on individual integration achievements (Schammann & Gluns 2021: 108f.). In this respect, state decisions can contradict federal laws or practices. However, this has to be seen as a last-resort safety mechanism and only applies to a very limited number of individuals.

Controversial issues, especially concerning implementation of the right of residence or of deportation, are also negotiated between the federal government and the states within the framework of the Conference of Interior Ministers and the Conference of Integration Ministers. The aim of these consultations is to formulate a common position vis-à-vis the national level and to avoid strong regional differences.

The states are responsible for supervision of the municipal foreigners authorities. In turn, the decrees at the state level can limit the scope of decision-making at the municipal level (Schammann & Gluns 2021: 109). Municipalities have a wide range of tasks and responsibilities. They act as important lobbyists vis-à-vis the federal and state governments and are responsible for the implementation of asylum and immigration policies as well as for the administration of foreign populations. Since 2016–2017, some municipalities have lobbied for the right to admit additional refugees who were rescued at sea or elsewhere, which goes beyond their usual competencies (Bendel et al. 2019).

The municipalities' relationship with the federal states depends on the type of tasks for which they are responsible. The content and implementation of the first type, the mandatory tasks, are specified in detail by the federal states. Enforcement of the right of residence is one such task. Nevertheless, local officials have some scope in their decision-making. Their decisions are often influenced by local events and engagement by civil society or other actors. The most common examples are decisions related to deportation. Local authorities also have some freedom in deciding on the provision of housing and social services for protection seekers. For example, the municipalities can introduce additional standards for housing that go beyond the federal state regulations.

With regard to the second type, the mandatory self-government tasks, the regulations and objectives are issued by the federal states. These address issues such as schools and daycare centres. The federal states are responsible for administering schools and curricula, but the municipalities are responsible for deciding whether children with refugee experience are integrated into existing classes, following an inclusive approach, or are enrolled in "welcome classes" for newly arrived children (Schammann & Gluns 2021:112).

Municipalities have the widest scope for action in their voluntary self-administration tasks, and can decide whether or not to take action at all, such as establishing and operating migrant counselling centres. There are numerous possibilities for financing such projects at state, federal and EU level (Ibid.:113).

3.3 Non-state actors

NGOs, including welfare organisations serving migrants and migrant self-organisations (MSO), are essential actors in Germany, and often cooperate with municipal governments, local labour offices and schools (Halm et al. 2020). Their tasks include counselling migrants and refugees, providing social support and services, offering an exchange platform and room for networking, and lobbying on behalf of immigrants and refugees, either separately or jointly (Friedrich et al. 2020). Funding for their activities is available from the state, the federal states, the EU and local sources. However, while welfare organisations receive structural funding for their activities, including counselling services for adult migrants, funding for MSOs is largely project-based, and separate periodical programmes are available to them for networking activities and competence building, aimed at building up their institutional structures. The main barrier to providing services identified by MSOs is the need to reapply for funding, short-term funding, and having to rely on volunteers to remedy the long-term challenges which migrants and refugees meet (Halm et al. 2020).

Religious organisations are important voices in the migration and asylum debates. In particular, Christian church networks extend to the political decision makers at all federal state levels. Islamic umbrella organisations are also active and important actors supporting immigrants and refugees. Labour and trade unions play an important role as lobbyists and in providing counselling services to immigrant and refugee workers. Works councils in companies play an active role in matters of integration and antiracism, and provide counselling to individual migrant workers.

Individuals or loosely organised local support networks are also of great importance in receiving and supporting people seeking protection. They generally operate on a voluntary basis and without external financial support. Private persons and households have played an important role in various forms of engagement and support, such as providing accommodation, assistance with administration, and food and clothing in situations of mass arrivals. Since 2019, private persons (and NGOs) may act as sponsors and mentors in a newly created private sponsorship admission programme.

Private commercial actors are often contracted by municipalities to operate reception centres or to implement language courses.

4 Protection status and permits

4.1 Asylum seekers and humanitarian admission programmes

The right to asylum is protected in Germany under the Basic Law. The German Asylum Act (GAA) regulates the forms of protection and accompanying rights. There are four main forms of protection: entitlement to asylum (Article 16a. of the Basic Law), refugee protection (section 3, GAA), subsidiary protection (section 4, GAA) and a ban on deportation (section 60, GAA), which is similar to humanitarian protection status in other countries. The different residence titles are accompanied by different rights and different lengths of validity (Informationsverbund 2023a). In the past, the rights and restrictions of the different residence titles were changed frequently. Now, however, there is a uniform asylum procedure in place for examining the need for protection and which protection status should be granted.

In accordance with Article 16 of the Basic Law, persons persecuted on political grounds have the right to asylum. As a matter of principle, only state persecution is considered. In Germany, this right is the only basic right to which foreigners are entitled, and it serves to protect human dignity, life, physical integrity, freedom and other fundamental human rights. According to Article 16, emergency situations such as poverty, civil war, natural disasters or lack of prospects are, as a matter of principle, ruled out as justification for granting asylum. Recognition of entitlement to asylum is ruled out if an individual enters Germany from a safe third country. The German Asylum Act defined the Member States of the European Union, Norway and Switzerland as safe third countries, but this list has been amended many times. Persons granted asylum receive a residence permit for three years and are entitled to take up work and to facilitated family reunification and permanent residence. The holder may receive an international passport for refugees.

Refugee protection status is more extensive than entitlement to asylum, and also applies to persecution by non-state actors. If granted protection according to section 3 of GAA, individuals receive the same rights as those granted asylum.

Subsidiary protection applies when neither refugee protection nor an entitlement to asylum can be granted and serious harm (e.g. torture or inhuman or degrading treatment, a serious threat to life, the imposition of the death penalty) is threatened in the country of origin. Persons granted subsidiary protection receive a residence permit for one year, which can be extended by two years, and unrestricted access to the labour market. The rights to family reunification and permanent residence are more restrictive than the two aforementioned statuses.

Should none of the three forms of protection be applicable, a ban on deportation can be issued if a protection-seeking person cannot return to the country of origin due to a considerable concrete danger to life, limb or liberty in that country, and if return would constitute a breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Residence permits can be issued for one year at least and can be prolonged or revoked. Under certain conditions, persons with this status can obtain settlement rights according to the Residence Act (Informationsverbund 2023a).

Rejected protection seekers can be granted the status of tolerated stay (*Duldung*) if they cannot be deported or leave the country on a voluntary basis. This is not a residence title and

can be revoked at any time. Under certain conditions, the status of tolerated persons can be regularised and the title of a right to stay (*Bleiberecht*) can be obtained.

In addition to the protection statuses, which are acquired after a positive asylum decision by the Federal Office for Migration or, in the second instance, by an administrative court, there are other protection titles available. The German protection system also has a component of active admission policies whereby protection seekers can come to Germany legally and safely. In the past, there have been a number of ad hoc admission programmes (Engler 2015). A pilot programme for resettlement ran from 2012 to 2014 in cooperation with UNHCR with an annual quota of 300 people, a regular resettlement quota was introduced in 2015 and a separate residence title for resettlement refugees was created in this context (BAMF 2023a). The programme is implemented in close cooperation with UNHCR and grants refugees under this programme the same rights as recognised refugees. The annual quota was initially set at 500 persons. There is also the path for individual admission for humanitarian reasons and/or if in the political interest of the Federal Republic, such as for certain dissidents or local forces. Only a small number of people have been admitted this way in the past.

In connection with the war in Syria, additional temporary admission programmes were set up in Germany in 2013 (Engler 2015). On the one hand, a federal programme with a total of approximately 20,000 places was offered to Syrian citizens. The federal states also set up additional admission programmes. Some of these were also extended to other countries of origin later. The federal humanitarian admission programme for Syrians was not renewed after 2015. Instead, a humanitarian admission scheme from Turkey – which is connected to the EU Turkey Statement and therefore has a strong migration control component – was activated in 2016 and is still operating today.

In response to the high influx of protection seekers in 2015, no fundamental changes were made in the form of protection. However, changes were made in procedures and in the weighting of certain protection statuses.

In 2015, almost all (99.5%) of the Syrian nationals granted protection in Germany obtained refugee status. This high recognition rate was a result of a special administrative practice introduced at the end of 2014. The large number of asylum applications forced the responsible office (BAMF) to make decisions based on the application dossier only and to refrain from individual hearings of applicants from Syria, as well as from Iraq and Eritrea (Dpa 2016). Protection seekers in this procedure were automatically granted refugee status. Hearings were increasingly reapplied in 2016 and 2017 due to security concerns about simplified asylum procedures expressed by parts of the government (Grote 2018:51). This resulted in a decrease in the number of Syrian applicants granted refugee status to 56.4% (2016) and 35% (2017). Instead, subsidiary protection was granted much more often. While in 2015, only 0.1% of Syrian applicants received subsidiary protection, this rate increased to 41.2% in 2016 and to 65% in 2017. In parallel, the right to family reunification was suspended for persons with subsidiary protection status (see section 7). This led to an increase in the number of appeals against rejections to grant refugee status (which enabled family reunification), known as “upgrade appeals”. The success rate for these appeals between 2016 and 2020 did not exceed 10% (Hoffmeyer-Zlotnik, Stiller 2023).

To reduce the overall workload, an accelerated asylum procedure was introduced in March 2016; this can be applied to different groups of persons, such as those from safe third countries, persons who have “deceived” the authorities or refused to give fingerprints, persons who have destroyed identity documents, and subsequent applicants. In the accelerated asylum procedure, a decision on an asylum application must be made within one

week. Deportation must be carried out within three weeks. If the procedure takes longer, regular asylum procedures are carried out (Pro Asyl 2016). However, this accelerated procedure has only rarely been used (Informationsverbund Asyl&Migration 2023).

Germany pursued a relatively restrictive asylum policy towards Afghan citizens compared to other European countries. The government took the view that at least parts of Afghanistan were safe. The protection rates for Afghans were therefore relatively low. In many cases, negative decisions by the BAMF were overturned by the courts. Following the Taliban's return to power in Afghanistan in 2021, this policy has changed. Since then, Afghans enjoy a high protection rate, commonly based on a deportation ban status.

More recently, changes were introduced to the reception programmes. In 2019, Germany launched a new Private Sponsorship Program for Refugees (up to 500 places per year), but in 2020 many programmes were suspended in the wake of the COVID-19 pandemic. In response to the Taliban's return to power in Afghanistan in August 2021, Germany launched various reception initiatives. First, there were direct evacuations from Afghanistan in the summer of 2021. Since then, around 20,000 local forces have been admitted through individual admission programmes. Admission programmes in some federal states were also opened to Afghans. A large-scale federal admission programme for Afghanistan led to numerous discussions and controversies. In practice, it remains largely inoperative. The new elected federal government increased the total resettlement quota slightly to 6,500 places in 2022 (despite the war in Ukraine). Germany has participated in several reception programmes within the framework of the EU in recent years, including relocation from Greece. Germany has regularly taken in people rescued from distress at sea under the Solidarity Mechanism. As a result of the increasing number of refugees and the polarising debate, these programmes have been regularly questioned since 2022, especially by the domestic political opposition.

The Opportunity Residence Act (*Chancenaufenthaltsrecht*), which was part of the coalition agreement, came into force on 31 December 2022. The act includes an 18-month residence permit "on trial" for people with a tolerated stay permit (*Duldung*) or a temporary residence permit (*Aufenthalts gestattet*) and a minimum of five years presence in Germany. Many of the potential beneficiaries come from refugee-sending countries. In order to obtain a regular residence title at the end of the trial phase, applicants have to reveal their identity, demonstrate German language skills (level A2) and at least partial economic self-sufficiency. The law also permanently eased some criteria for the right to stay (*Bleiberecht*) (Pro Asyl 2023b; Mediendienst Integration 2022).

Box: Unaccompanied minor asylum seekers

Children and juveniles aged under 18 are regarded as minors under German law. If no adult person responsible for them enters Germany with them, they are regarded as unaccompanied minors. They are taken into care by the local youth welfare office to ensure that they are provided with a suitable person or facility (Scholaske & Kronenbitter 2021: 4). The temporary taking into care by the youth welfare office or the guardian is governed by Book VIII of the Social Code (SGB).

With regard to residence status, the same principles apply to unaccompanied minors (UMAs) as to other foreign nationals. As particularly vulnerable persons, minors enjoy protection and can be deported only in exceptional cases. According to section 58 (1a) of the Opportunity Residence Act, the authority must ensure that they will be handed over to a person with parental authority or to a suitable institution. If deportation is not possible, a ban on deportation applies. In general, UMAs receive tolerated stay status until their coming of age.

Until the rule changed in 2015, asylum seekers under the age of 16 were not considered capable of acting in the asylum procedure, which is why unaccompanied minors cannot file an asylum application without legal representation (Müller 2014: 17). The asylum application must be submitted in writing by the youth welfare office, the guardian or the additional guardian. During the asylum procedure, particular emphasis is placed on the best interests of the child. For example, their asylum applications are processed by specially commissioned case officers who have been specially trained to take a sensitive approach.

In response to the increase in the number of UMAs arriving and to overcrowding in the youth centres designated to accommodate UMAs, a new law came into force on 1 November 2015 (Scholaske & Kronenbitter 2021: 1). This law aimed to improve accommodation, provision and care for foreign children and teenagers. Essentially, it includes new procedures for distributing UMAs to facilities countrywide. Whereas before, few specialised facilities took UMAs into care, since 1 November 2015 UMAs are now directed to regular youth care facilities according to the mechanism known as the Königstein Key, which already applied for the distribution of adult protection seekers (BumF 2016). The procedure also considers the possibility for UMAs to be transferred, focusing on the welfare of the child. This means if placement with relatives is possible or if health is at risk, a transfer is ruled out (Scholaske & Kronenbitter 2021: 9).

On 24 October 2015, the Asylum Procedure Acceleration Act came into force. Among many other things, the law changed the age of eligibility for asylum proceedings from 16 to 18 years. Since then, young people aged below 18 can no longer act for themselves in the asylum procedure; the procedure can only be dealt with once a guardian has been appointed (Tangermann/Hoffmeyer-Zlotnik 2018:22).

Furthermore, UMAs are affected by the general restrictions on asylum seekers that were imposed in the second half of 2015, in terms of exclusion from integration opportunities and consolidation of residence (*Aufenthaltsverfestigung*) (BumF 2016: 1)⁴; (see sections 6.2 and 7.2). Moreover, the expulsion law was tightened with respect to UMAs in early 2016.⁵

⁴ A new regulation on the right to stay and termination of stay came into force in August 2015. Accordingly, tolerated and permitted minors who entered Germany before turning 17 years of age have the right to stay for four years. Minors who arrived at the age of 17 are considered adults (BumF 2016: 2).

⁵ Relevant for UMAs: receiving youth welfare benefits can no longer lead to expulsion. But juvenile sentences of at least two years without parole may justify a deportation interest. Similarly, supervision measures and *Auflagen* are possible without mandatory involvement of the youth welfare office (BumF 2016 :5).

4.2 Temporary Protection Directive

Following the EU Council decision on the activation of the Temporary Protection Directive (TPD) on 7 March 2022, the German Federal Government introduced the Ukraine Residence Transitional Regulation (*Ukraine-Aufenthalts-Übergangsverordnung*), which was extended and amended by the regulations of 26 April, 24 August, 28 November 2022 and 24 May 2023.

The Federal Ministry of Interior and Community distinguishes between three groups, namely (1) Ukrainian citizens, persons granted international protection in Ukraine and their family members, (2) non-Ukrainian nationals with permanent residency in Ukraine, and (3) non-Ukrainian nationals with a temporary residence in Ukraine. The criteria for obtaining temporary protection vary accordingly. Ukraine nationals and international protection holders shall be awarded temporary protection, while additional criteria apply for the other two groups. A special regulation applies for Jewish Ukrainians. Those who are Ukrainian nationals, stateless or third-country nationals with a legal residence permit in Ukraine, who are Jewish and were legally staying in Ukraine before 24 February 2022, who speak a certain level of German (A1) and who are welcomed by a local Jewish community can apply for a residence permit on humanitarian ground for one year (AIDA 2022).

From 1 September 2022 applications for temporary protection need to be made de facto within 90 days of arrival. Within these 90 days, people fleeing Ukraine may stay without a residence permit in Germany. If no application for temporary protection is made within this time period, applicants can however apply for other residence permits, e.g. asylum.

Concerning entitlement to social benefits, applicants and beneficiaries of temporary protection were first granted social benefits under the Asylum Seekers' Benefits Act. As of 1 June 2022, applicants (if they fulfil additional criteria) and beneficiaries of temporary protection are entitled to social benefits under the regular Social Code. They therefore receive the same benefits as German nationals regarding unemployment benefits, housing allowance, health care, access to the labour market, child and parental benefit, and to educational support programmes. The financial allowance is made up of basic benefits (up to EUR 502 monthly), as well as payment of rent and heating costs as long as these are assessed as appropriate. Parents are entitled to additional benefits (Pro Asyl 2023a). They have also access to German language and integration courses, subject to availability. The benefits are higher than those granted to protection seekers under the Asylum Seekers' Benefits Act (AIDA 2022).

In general, it is possible for Ukrainians to apply for other resident titles, but asylum applications by Ukrainians are currently not processed. Third-country nationals who were residing in Ukraine and who are not eligible to protection under the TPD can apply for other residence titles, such as a residence title for the purpose of studying or a humanitarian residence title. Different transition periods apply, depending on the federal state of residency. In some federal states, it is possible to issue a fictitious decree valid for one year to fulfil the requirements for a training or study stay (Informationsverbund 2023b).

Unlike persons with other types of protection status, temporary return for persons is possible in principle under the TPD, and not only in justified exceptional cases, without the risk of losing their protection title. However, there are rules that must be observed with regard to receiving social benefits and retaining the residence title. If a person receives basic income, the job centre must agree to the absence in order to assure continuation of payment and the validity of the registration to stay. In general, a person is allowed to spend 21 days per year abroad, including in Ukraine, while receiving social benefits. If a person receives a pension

benefit, they can remain abroad up to four weeks per year. If the stay extends between three and six weeks, the basic income will only be paid for the first three weeks. If the stay is extended between six weeks and six months, the beneficiary must inform the job centre in advance and reapply on their return. No payments are made during the absence. A stay of over six months is considered as a return (BAMF 2022a). In this case the residence title becomes invalid. However, it is also possible to apply for a longer absence from Germany (more than six months) at the competent foreigners office and retain the residence title.

5 Registration, application process and settlement

5.1 Procedures and accommodation before 2015

Upon arrival in Germany, asylum seekers are registered and receive a temporary identity document with their proof of arrival. They are then referred to the respective federal states via the EASY quota system (initial distribution of asylum seekers). These quotas correspond to the Königstein Key, which also regulates distribution of the share of joint financing, where a state's revenue weighs two-thirds and its population size weighs one-third.

Close family ties are considered in decisions regarding distribution. In addition, each state specialises in processing the asylum applications of applicants from certain countries of origin. Refugees who came to Germany through resettlement or other reception programmes are also distributed across the states. Further distribution to districts and municipalities takes place within the states. The exact distribution infrastructure differs between the states (Baba et al. 2023).

Protection seekers initially remain in central reception facilities in the assigned state. State governments are responsible for reception, care and support services for the refugees, together with the municipalities (see section 3). There are very different types of accommodation. Each state has its own initial reception facilities (*Erstaufnahmeeinrichtungen*). Larger facilities commonly host a branch office of the BAMF, where the asylum application can be filed and where registration and health examinations also take place. Asylum seekers then receive a certificate of residence (*Aufenthaltsgestattung*) for the duration of the procedure.

If the asylum seekers are accommodated in the central accommodation facility, they are subject to a residence obligation (*Residenzpflicht*), meaning they cannot change their place of residence. Until the amendment of section 47 of the Asylum Act by the Asylum Procedure Acceleration Act in October 2015, applicants were allowed to live in the central facility for a maximum of three months.

In addition to the central (initial) reception centres, there are various other reception centres of different sizes and under different ownership. Accommodation in single accommodation is also possible. New, temporary, accommodation facilities have been opened to accommodate the steadily rising number of asylum seekers since 2013. In many cases, local inhabitants protested against the creation of new refugee accommodation centres in their vicinity.

Asylum seekers, tolerated persons and holders of certain humanitarian residence titles have always been subject to a general residence restriction if they are unable to support themselves. Until the beginning of 2008, recognised refugees were also subject to such residence restrictions. This practice was discontinued after the Federal Administrative Court ruled that residence restrictions imposed on this group of individuals violated the Geneva Convention on Refugees if their sole purpose was to ensure equal distribution of the fiscal burden. The court considered residence restrictions in these cases to be permissible only if they were necessary for integration policy reasons. Similarly, the Federal Administrative Court ruled that residence restrictions imposed on refugees are permissible only if they were necessary for integration policy reasons (SVR 2016: 17). For beneficiaries of subsidiary protection, however, the government had more leeway and scope to justify the issuance of a residence requirement. Nevertheless, this instrument was little used. There were also

differences between the federal states (SVR 2016: 18). In practice, the vast majority of refugees who received a positive asylum decision were free to choose their place of residence after they were recognised.

Protection seekers coming from “safe countries of origin” constitute a special case. The Basic Law of the Federal Republic of Germany defines a safe country of origin as a state in which political persecution or inhuman or degrading treatment are deemed unlikely, on the basis of the laws, policies and practices of the said state (Article 16a paragraph (3)). Since these countries are considered safe, the approach to asylum applicants from these states is rather restrictive, and their applications are generally denied (section 29a, paragraph 1, Asylum Act, version dated 28 August 2007). The Asylum Act sets out the list of the safe countries of origin. Before 2015, it included Bosnia and Herzegovina, Ghana, North Macedonia, Senegal and Serbia in addition to the EU member states (section 29a and Annex II, Asylum Act, version dated 28 August 2007).

5.2 Policy response in 2015–2016

The Asylum Procedure Acceleration Act of October 2015 extended the maximum period of stay in a central reception facility from three to six months. Based on further amendments in August 2019, protection seekers are obliged to remain in the initial reception centre until the BAMF decision on their asylum application or for a maximum of 18 months (with exception of families with children, in which case a maximum period of six months applies).

Because of the increasing number of refugees, the federal government agreed to financially support the state governments when additional costs accrued. Due to the dramatic shortage of space in reception facilities, municipalities used hotels, sport centres and similar spaces as additional facilities. Private individuals offered accommodation to the refugees, too, but no public support was offered to them. To ease the situation of insufficient accommodation space, some legal standards for the construction and operation of new reception facilities were relaxed.

In August 2016, as part of the new Integration Act, a residence restriction (*Wohnsitzregelung*) was introduced and initially limited to three years. According to this new provision, persons with a recognised protection status – that is, persons entitled to asylum, recognised refugees and persons under subsidiary protection – and who are recipients of social benefits are not allowed to choose their place of residence. Consequently, after being granted residence, they have to remain for three years in the place to which they were assigned as part of the distribution mechanism in the course of the asylum procedure (Hanewinkel 2019a). Within one federal state, protection seekers may be assigned to a specific municipality or prohibited from moving to another. This should not hamper integration opportunities, such as training or employment opportunities. Therefore, the law allows exceptions (section 12a, paragraph 2, Residence Act, version dated 6 August 2016). Notably, the residence restriction can be lifted if the protection seeker takes up employment that is subject to social insurance contributions and is for least 15 hours per week (section 12a, paragraph 5, Residence Act).

In August 2016, the Integration Act introduced a residence rule (*Wohnsitzregelung*) for persons granted asylum, refugee and subsidiary protection or who have been granted a residence permit under the humanitarian provisions of the Residence Act for the first time. For a period of three years from the time of recognition of their protection status, the regulation obliges them to take up residence in the state to which they have been assigned in order to carry out the asylum or reception procedure. There are exceptional and hardship

arrangements, such as in the case of employment subject to social security contributions in another state (see section 5.2) (Worbs 2023). The Integration Act also made it more difficult to obtain a permanent residence title (see section 6).

Resettlement and quota refugees are also subject to the residence regulation. In this case, protection status is granted before entry and residence is assigned. Otherwise, the conditions are the same as for other persons granted protection status (Flüchtlingsrat 2017). Since the states can exercise discretion in implementing and imposing this residence restriction, they differ in how they apply the law.

The residence regulation is not to be confused with the regular residence requirement (see section 5.1). Although they may not choose their place of residence, persons subject to the residence restriction are not prevented from moving freely across the country or from travelling internationally (Flüchtlingsrat 2019). The residence restriction has been criticised for restricting the right of free movement under the Geneva Convention (IvaF (ed.) 2020: 11; SVR 2016).

The measure was extended for an indefinite period in 2019 before it was evaluated. Overall, the authors of the subsequent evaluation (Baba et al. 2023) conclude that the residence restriction is unlikely to have the intended effects. It creates a heavy bureaucratic burden on foreigners offices and relocations that potentially promote integration are largely hindered. In addition, the integrative effects of the regulation at the individual level are ambivalent and not sustainably positive, e.g. with regard to labour market participation. At the same time, the evaluators identified relieving effects for municipalities that are particularly affected by influxes.

5.3 Policy response in 2022–2023

Based on the experiences of 2015, when the registration system for asylum seekers no longer functioned well and saw long delays due to the large number of arrivals, a different approach was adopted for people fleeing Ukraine. People fleeing Ukraine could first self-register using an online tool. They then received a digital notification of arrival, which also gave them the right to work. At the same time, a new registration and distribution system (FREE) was developed and used only for protection seekers from Ukraine. In addition to the registration of personal data and fingerprints, this system also serves to distribute the applicants across the states. Ukrainians must use this system to register with the local authorities before the visa period (90 days) expires and in order to apply for social benefits. Most people fleeing Ukraine did not have to go through an asylum procedure. If persons who fall under temporary protection nevertheless submit an asylum application, the procedure is automatically suspended as long as the temporary protection status applies. Applicants must explicitly request that the asylum procedure be continued. However, only a few people have done this. For certain persons from third countries or stateless persons who have fled Ukraine and who are not covered by temporary protection, it is possible to file an asylum application.

In 2022, the residence provision (*Wohnsitzregelung*) introduced in 2016 was extended to protection seekers under the Temporary Protection Directive (TPD) (section 12a, paragraph 1, Residence Act, version dated 1 June 2022). Thus, persons who obtain residence status under the TPD and who require accommodation are obliged to take up residence in the state to which they are assigned according to the Königstein Key (Baba et al. 2023).

At the same time, new exceptions were introduced, lifting the residence restriction in cases where an integration course, a language course or a training or qualification programme was

to be pursued. In addition, earning an income that covered at least 51% of a person's needs could also lead to an exception to the restriction (GGUA 2022:10). Specifically, protection seekers from Ukraine who already found accommodation through private means were allowed to stay in the same accommodation and would not be subject to the distribution mechanism (BAMF 2022b).

Due to the large number of arrivals in the summer and autumn of 2022, up to 12 states temporarily ceased to participate in the distribution system (Königstein Key) and accept protection seekers from other states, arguing that they had reached the limits of their reception capacity (Zeit Online 2022).

Similar to 2015–2016, the accommodation system was overloaded. The federal states and local authorities endeavoured to increase capacity. Container and tent settlements were set up again, among other things. This often led to conflicts with local residents.

This issue has been the subject of protracted and conflict-ridden negotiations on cost sharing between the federal government, federal states and local authorities since the end of 2022. The federal government had already agreed in 2022 to support the federal states and municipalities with additional financial resources and to make federal real estate available for the accommodation of people seeking protection. However, the federal states demanded additional financial support that was not based on a lump sum but on the actual number of refugees arriving (known as a breathing system). After lengthy negotiations, representatives of the federal and state governments finally agreed on such a funding system in autumn 2023.

On the issue of accommodation, there was a trend towards increasing private accommodation in 2022. Due to the special legal situation of people from Ukraine seeking protection, this was also easier than in 2015, when everyone seeking protection had to go through an asylum procedure. Accommodation was provided either via personal networks or via IT-based placement platforms (Haller et al. 2023).

6 Permanent residency

Refugees who were granted asylum status according to the Basic Law and individuals with refugee protection or resettlement status (since August 2015) were required to stay at least three years in Germany to obtain the right to permanent residence (*Niederlassungserlaubnis*). This right was not linked to integration achievements such as German language competence, completion of an integration course or gaining employment. However, this right was contingent on BAMF not revoking a person's protection status because their country of origin was no longer assessed to be unsafe. This only happened in a very limited number of cases per year. Therefore, the transition to permanent residence was almost automatic for persons with refugee or asylum status.

In contrast, beneficiaries of subsidiary protection (section 4, GAA) and individuals subject to the ban on deportation (section 60, GAA) enjoyed no eased conditions to obtaining a permanent residence permit (section 26, paragraph 4, Residence Act, version dated 1 December 2013). It means that they were required to a minimum of seven-years-long stay in Germany (time of asylum application was counted), had a secured livelihood, sufficient living space, and a proof of contributing for at least 60 months to the pension system. Also, they were required to attend an integration course and prove the German language skills at the B1 level as well as the knowledge of the German legal and social order (section 9, paragraph 2, Residence Act, version dated 26 November 2011).

With the law (*Gesetz zur Neubestimmung des Bleiberechts und der Aufenthaltsbeendigung*) that came into force on 1 August 2015, the required regular prior residence was lowered to five years. They were thus put on an equal footing with other foreigners. This law has already been negotiated in the coalition since 2014 and can therefore not be seen as a reaction to the greatly increased influx of protection seekers. The motivation of the law was primarily to facilitate integration.

A large number of refugees from Syria were granted refugee status in 2014 and 2015, also as a result of the simplified asylum procedures (see section 5.2). In turn, many people received a permanent residence title after three years without having to provide any integration achievements such as language skills or labour market participation, a situation which was critically evaluated by the federal government. In consequence, the Integration Act that came into force on 6 August 2016 made the right to permanent residence more difficult (Lehrian & Mantel 2016: 290). For persons granted asylum, refugee status, as well as for resettled refugees a regular residence of five years (previously three) was now required. The time of the asylum procedure was – in contrast to the past - now taken into account. Furthermore, a German language level of A2 and a predominantly secured livelihood is required.⁶ Refugee who demonstrate “outstanding integration” can obtain permanent residence already after three years. This includes a proof of German language proficiency at C1 level, a “predominantly secured” livelihood and other requirements e.g. sufficient living space (section 26, paragraph 2, Residence Act, version dated 6 August 2016). The Integration Act did not make any changes for persons with other humanitarian residence titles.

Under current conditions (October 2023) an application for a permanent residence title, after the ending of TPD, is not foreseen. Temporary protection holders must thus obtain a different

⁶ The only difference to requirements for a permanent residence permit applied to other third-country nationals is the lower language level. A livelihood does not have to be fully secured and no proof of pension contributions is required (Lehrian & Mantel 2016: 293).

residence title, and fulfil requirements attached to this title (Minor 2023). In the absence of a political decision regulating the further residence of beneficiaries of TPD, the normal right of residence without simplifications would apply in order to obtain a permanent residence title.

7 Family reunification

Conditions for family reunification with third country nationals are set out in the German Residence Act in the sections 27-36. The right for family reunification applies to the core family including spouses, registered partners and minor children being joined by or joining their parents. Other family members can be eligible to family reunification under very specific and restrictive conditions (Grote 2017: 19).

In 2003 the Family Reunification Directive was established at the European level, according to which the conditions for beneficiaries of international protection (which according to EU law includes person with refugee status or subsidiary protection) benefit from more favourable conditions for family reunification. Certain requirements, as the provision of sufficient means for livelihood or sufficient living space, may be waived. The application for family reunification needs to be filed within three months after the final recognition of the protection status, and, in the case of resettlement refugees, after granting of a residence permit (*ibid.*: 28). The directive was implemented in Germany in 2007 (section 27, Residence Act, version dated 28 August 2007). However, only persons with refugee or asylum status were granted privileged family reunification. For other holders of humanitarian permits – including those with a subsidiary protection status – general and more demanding rules applied.

These regulations were changed by the Grand Coalition in 2015 with the “Law on the redefinition of the right to stay and termination of residence” (*Gesetz zur Neubestimmung des Bleiberechts und der Aufenthaltsbeendigung*). As of 1 August 2015, beneficiaries of subsidiary protection as well resettlement refugees obtained the same right to simplified family reunification as persons with an asylum status or refugee protection status. This law has already been negotiated in the coalition since 2014 and can therefore not be seen as a reaction to the sudden increased influx of protection seekers. The motivation of the law was primarily to facilitate integration.

Yet only few months later, on 17 March 2016, the Act on “Introduction of Accelerated Asylum Procedures” (*Gesetz zur Einführung beschleunigter Asylverfahren*) suspended the right to family reunification for beneficiaries of subsidiary protection for two years (until 16 March 2018) (Hruschka & Rohmann 2021: 7). The suspension also applied to parents wanting to join their unaccompanied underage child (Grote 2017: 21). This regulation was later extended until the end of July 2018. During this time, family reunification was only granted in a very limited number of extreme cases of hardship. No similar restrictions applied to persons who obtained asylum or refugee status (Grote 2017: 5). In parallel with this decision, Syrians were granted subsidiary protection again (see section 4.1) for the most part and were strongly affected by the restrictions.

As of 1 August 2018, the New Family Reunification Act (*Familiennachzugsneuregelungsgesetz*) set a quota of up to 1.000 persons per month eligible for family reunification, but this regulation was only hesitantly implemented (Krause et al. 2021; Borowsky et al. 2020: 11). A new and complicated procedure was developed for this purpose. There was still no legal entitlement to family reunification. Humanitarian hardship cases were to be given preferential treatment in the selection procedure.

The rise of applications for asylum refugee protection status and number of positive decisions put additional burden on the German diplomatic missions, in particular in countries neighbouring Syria, which filed the applications for family reunification. Despite additional measures introduced to speed up the processing, waiting times for filing an application

increased even by 1.5 year (Grote 2017: 6). These administrative waiting times also affected persons with refugee status. Due to the COVID-19 pandemic, there were again delays in issuing visas for family reunification (Krause et al. 2021; Hoffmeyer-Zlotnik & Stiller 2023).

In the coalition agreement of 2021, the new (current) government announced that it would reverse the restrictions on family reunification for persons with subsidiary protection (SPD, BÜNDNIS 90/DIE GRÜNEN, FDP 2021). However, due to the high influx of protection seekers from Ukraine and other countries of origin, the government has so far refrained from doing so.

8 Integration measures

8.1 Access to the labour market

Asylum seekers have been subject to restrictions on access to the labour market for decades. The duration of the employment ban has been gradually decreased from 12 months prior to 2013 to nine months in 2013, before being reduced to three months in 2014 (section 61, Asylum Act, versions dated 6 September 2013 and 6 November 2014). As of 1 January 2015, protection seekers were hence allowed to take up employment three months after their arrival, even if they continued to live in a reception centre. After the three-month waiting period, permission to take up employment remained subject to the approval of the Federal Employment Agency. Prior to 2016, the agency proceeded with two assessments. First, it conducted a "priority review", which included an assessment of whether or not privileged domestic or equivalent applicants were available for the specific employment. In addition to German applicants, citizens of the European Union, the European Economic Area and Switzerland were considered privileged, as were third-country nationals with unrestricted access to the labour market (Federal Employment Agency 2021). A second assessment included an assessment of the conditions of employment (related to an employment relationship, in particular remuneration and working hours) in order to ensure that the protection seekers were treated equally to other workers.

Protection seekers coming from "safe countries of origin" are subject to a general employment ban and cannot benefit from integration measures because they are highly unlikely to be granted protection.

As of 2016, the priority review was suspended for three years (EMN/BAMF 2017:41) and completely abolished in 2019. This has to be seen in the context of increasing labour shortages. Since then, the approval of the Federal Employment Agency relies solely on the assessment of the conditions of employment.

2016 also marks the introduction of a new kind of integration mechanism, called "Refugee Integration Measures". These measures consisted of job opportunities in local or welfare organisations in the public sector, but were not deemed equivalent to regular employment and were therefore neither subject to the three-month employment ban (for asylum seekers) nor to the approval of the Federal Employment Agency. This mechanism was made available to asylum seekers – foreigners from safe countries of origin were excluded – who were waiting for a decision on their application (EMN/BAMF 2017:40). However, as the number of asylum applications decreased and the Federal Office for Migration and Refugees processed the applications faster, interest in these measures declined (European Commission 2019).

New restrictions on access to the labour market were introduced in 2019. Since August 2019, asylum seekers who are obliged to live in a reception centre (for up to 18 months) are not allowed to work. For families with children, this ban is reduced to a maximum of six months. If, after nine months, the asylum procedure has not been completed, adults without children are also allowed to work. Asylum seekers from safe countries of origin remain excluded.

The EU's Temporary Protection Directive (TPD) was activated in 2022. Under the TPD, protection seekers do not have to observe a three-month waiting period before accessing the labour market. The right to work is included in their residence permit in the form of a fictional certificate. Similarly, permission to take up employment is not subject to the approval of the Federal Employment Agency. Because of the specific and short-term needs of Ukrainian-

speaking personnel in the education sector, applicants for jobs in this sector were not obliged to provide documents to prove their qualifications but could attest to them on the basis of a self-declaration.

In the coalition agreement of 2021, the parties involved agreed to abolish existing work bans for people already living in Germany, including asylum seekers, to ease labour shortages in the labour market. In autumn 2023, a legislative proposal was made to implement this plan at least partially. At the same time, proposals are being discussed to oblige asylum seekers to perform free community services. The federal government also plans to create the position of a special commissioner for the labour market integration of refugees who would develop measures to facilitate Ukrainians' integration in the labour market which is considered insufficient.

8.2 Integration courses

Prior to 2015, protection seekers whose application was being processed had no access to official integration courses (German language or civic training). However, numerous integration initiatives, such as language courses often organised by volunteers, existed at the municipal level and were open to this group.

The German integration programme was established in 2005 and its design has hardly changed since then. It is organised into three modules: two language components lasting 300 hours each, and an orientation course lasting 60 hours. The main goal of the integration course is for the participants to acquire basic knowledge of German language (up to a B1-level), culture, history and legal system.

A foreigner who is permanently residing in Germany has a right to one-time participation in an integration course. This right is only valid for two years after the residency title is granted. Those entitled include persons granted a residence permit for the first time a) for the purpose of gainful employment, b) for the purpose of family reunification, c) for humanitarian reasons, d) as a long-term resident, or other persons granted a residence title. As a rule, permanent residence is to be assumed if the foreigner is granted a residence permit for more than one year or has held a residence permit for more than 18 months, unless the stay is of a temporary nature. The right to participate in the language component of the course does not apply to children, adolescents and young adults who are receiving school education, in the case of a recognisably low need for integration or if the foreigner already has sufficient knowledge of the German language (BPB 2007).

The right to participate in these programmes can turn into an obligation if the candidate does not possess a sufficient level of German language proficiency, is considered to be "in particular need of integration" or is receiving social benefits (section 44, Residence Act, version dated 1 August 2015; section 44a, Residence Act, version dated 6 September 2013). Persons who are obliged to participate but who do not attend an integration course may be subject to sanctions. The possibilities for this were expanded in the Integration Act of 2016. In addition to financial sanctions, non-extension of the residence permit is also possible.

In 2015, the volume of and access to the integration programme were extended. In addition to the 600-hour language module, the duration of the orientation module was increased from 60 to 100 hours. The integration programme was also made available, depending on places available, to asylum applicants with "good prospects to remain" and whose level of German was considered insufficient (Heinrich-Böll-Stiftung 2017:8). However, implementation of the reform was challenging due to insufficient resources and lack of coordination of the various

initiatives launched at different levels (state, regional, civil society) and to the steadily increasing number of refugees (ibid.: 7).

Regarding the integration programme, TPD holders do not enjoy direct entitlement to it, but can be granted entitlement upon application, depending on places available.

At the beginning of 2023, the restriction on access to integration courses for asylum seekers with "good prospects to remain" was lifted. All asylum seekers – with the exception of those from "safe countries of origin" – can now take part in an integration course if places are available. Actual access to integration courses has become more difficult due to the large number of new immigrants since 2022.

8.3 Recognition of skills

Regardless of their status, protection seekers can apply for recognition of their skills and qualifications. To this end, they are required to submit various documents, such as CVs and diplomas, as proof. If the protection seeker is unable to file the necessary documents, they can be subjected to a competence analysis in the form of a work trial, an interview, a knowledge test or an "adaptation qualification measure" to acquire the remaining skills needed for full recognition of a qualification. Some professions are regulated at state level, so regional differences regarding requirements may apply.

With a view to simplifying the skills recognition procedure, protection seekers can, since 2016, file their application for recognition of their skills and competencies electronically using one address. The various documents and forms are then distributed to the agencies or bodies concerned (BQ Portal 2016).

9 Financial assistance

In 1993, as part of a general asylum reform, (see section 1.1), adoption of the Asylum Seekers' Benefits Act created a separate social security scheme for asylum seekers, providing a significantly lower level of benefits. The legislator justified this by stating that the majority of those seeking protection were only in Germany temporarily and had no need for long-term assistance. In addition, the explicit aim was to reduce the economic incentives for protection seekers to come and stay in Germany. In addition to asylum seekers, war refugees entering Germany via humanitarian admission programmes set up by the federal states (section 23.1, Residence Act) as well as tolerated foreigners and persons who are obliged to leave the country, as well as family members of the aforementioned groups, also receive the reduced benefits. Originally, the reduced benefits were granted for a period of 12 months, after which the Social Code (SGB) applied. In the 1990s and 2000s, the regulations were amended several times to change the maximum period of time these individuals were entitled to receiving the reduced benefits. From August 2007 onwards, it was extended to 48 months. The granting of benefits, and in particular the amount of cash benefits proportionate to benefits in kind, varied between the federal states and also depended on the type of accommodation involved. Financial assistance to applicants in state-provided accommodation centers while their application was considered, was provided in the form of in kind or cash benefits meant to cover their basic personal needs. The amount depended on the family situation and the age of the beneficiary. For those in private accommodation monthly financial allowance in cash was granted to cover all basic needs. The amount depended on the family situation and the age of the beneficiaries. Refugee organisations had harshly criticised the law since it was passed and had tried to take legal action against it. Among other things, the excessively low level of benefits, their stigmatizing effect, and the additional costs incurred by maintaining this special benefit system were condemned.

In 2012, the Federal Constitutional Court ruled that the fundamental right to a subsistence minimum that is in line with human dignity applies to all people in Germany. The court criticised the fact that the level of benefits for asylum seekers had not been adjusted to align with rising living costs since 1993⁷ and thus the benefit was significantly inadequate and had to be increased. In addition, the court found that the basis for calculating the benefits was not transparent. The court also clarified for general guidance that benefits for asylum seekers must be oriented towards the general social assistance benefits and could not be further reduced, as it is often demanded by conservative and right-wing politicians for migration governance purposes. The first increase in benefits was implemented in 2015.

At the end of 2014, the German government negotiated amendments to the Asylum Seekers' Benefits Act. The changes came into force on 1 March 2015 and thus had no connection with the refugee flows of the summer and autumn of 2015. The Act Amending the Asylum Seekers' Benefits Act (AsylbLGuaÄndG) significantly shortened the period of entitlement to benefits from 48 months (period of entitlement) to 15 months (period of prior residence, meaning that access to regular social benefits is granted after 15 months of staying in Germany, regardless of whether reduced benefits have been granted or not).

Only a few weeks after the large influx, the government passed a first package of legal changes (Asylum Package I), which also regulated the social benefits for refugees anew. Since October 2015, financial assistance during the asylum application procedure in state-

⁷ This was done regardless of the governing coalition. The red-green federal government of 1998–2005 had not adjusted the amounts, either.

provided accommodation was provided as a benefit in kind for both basic and non-basic personal needs (Flüchtlingsrat & Pro Asyl 2022). Thereby, the preferable form of benefit was coupons, and cash benefits were provided only if the administrative effort for issuing coupons was considered unduly high. This shows the increased tendency to reduce cash benefits. From 17 March 2016 onwards, further changes were introduced in the Act on the Introduction of Accelerated Asylum Procedures (known as Asylum Package II). In respect of financial assistance, up to EUR 8 were deducted from the cash benefit to cover participation in integration courses, despite the fact that many protection seekers were not entitled to such courses at all or had no access. The assistance provided to protection seekers in self-settlement was also reduced, though it remained a cash benefit (Pro Asyl 2016).

An attempt to fundamentally revise the law and the method of benefit calculation failed in the Bundesrat (Federal Council representing the 16 federal states) in 2016. In turn, the old benefit rates continued to apply, meaning that no inflation adjustments were made between 2016 and 2019.

It was not until 2019 that another reform changed the method for calculating benefits, in response to the ruling by the Federal Constitutional Court. Yet this change did not result in increased benefits. On the contrary, the level of benefits for several groups of recipients was in fact reduced, albeit insignificantly. This applied in particular to residents in collective accommodation, who are assumed to have lower expenses because they lived together (Hanewinkel 2019b; BVerfG 2012). These reductions were partially revised by the court decisions in 2022. As of 21 August 2019, the Second Act to Improve the Enforcement of the Obligation to Leave the Country (*Zweiten Gesetz zur besseren Durchsetzung der Ausreisepflicht – Geordnete Rückkehr-Gesetz*), also known as the Orderly Return Act, increased the duration of the period for which only limited benefits can be granted from 15 to 18 months of stay in Germany.

In 2020–2022, adjustments were made to reflect the increased cost of living, but the increases remained well below the level of inflation. Again, NGOs considered the level of the benefits to be unconstitutional (Classen 2023).

In addition, the possibility of sanction for certain categories of protection seekers was significantly expanded in several laws, most importantly in the Asylum Procedure Acceleration Act (*Asylverfahrensbeschleunigungsgesetz*), which came into force on 24 October 2015 and the Second Act to Improve the Enforcement of the Obligation to Leave the Country, which came into force on 21 August 2019). Under the new regulations the level of benefits provided to persons whose asylum application was denied and who therefore had to leave Germany and to asylum seekers who had already obtained protection in another Dublin Regulation state was even lower than that provided under the Asylum Seekers' Benefits Act and which already had been reduced. Human rights organisations saw this as a clear violation of the Constitution.

In January 2023, financial assistance for personal needs for asylum seekers in state-provided accommodations and in self-settlement was increased by more than 30%. The increase resulted from the adjustment of benefits defined by the Asylum Seekers' Benefits Act to the level of social benefits according to the Social Code, was successively adjusted in line with inflation, and was increased by the SPD/Greens/FDP coalition government within the framework of the newly adopted Citizen's Benefit Act (*Bürgergeldgesetz*) from 16 December 2022, which introduced a new citizen's benefit to replace an unemployment benefit (Informationsverbund 2023c).

Initially, persons fleeing from Ukraine to Germany following the invasion of Ukraine by Russia in February 2022 also had access to the reduced social benefits pursuant to the Asylum Seekers' Benefits Act. This was changed as of 1 June 2023. Since then, beneficiaries of temporary protection are entitled to the regular social benefits (Informationsverbund 2022). The prerequisite is that they have undergone an identification procedure and hold a residence permit or at least a fictitious certificate (*Fiktionsbescheinigung*), which is issued to foreigners by a foreigners office to prove their provisional right of residence.

10 Access to health care

Asylum seekers receive reduced healthcare according to the Asylum Seekers' Benefits Act, which was first introduced in 1993 (see section 9). According to this act, asylum seekers are entitled to treatment for conditions causing acute pain and to health care services that alleviate or improve illnesses and their consequences. Care during pregnancy and childbirth are also covered. Thus, they do not have access to all the treatments normally covered by the regular German public health scheme. In specific cases, more comprehensive treatments can be granted on request if deemed essential to safeguard health. Particularly vulnerable persons, such as pregnant women, minors, traumatised persons or persons with disabilities, are also entitled to necessary health care. After 15 months of staying in Germany – if the asylum procedure is still pending – access to the regular health scheme is granted. The provisions in the Asylum Seekers' Benefits Act also apply to tolerated persons and to persons who are obliged to leave the country. Once protection status is granted, the regular health scheme applies. Actual access to healthcare varies widely between the federal states. While asylum seekers in many federal states receive an electronic health card, those seeking protection in other federal states must still apply for a treatment certificate from the relevant office before receiving treatment, a practice that can delay or inhibit actual access to treatment.

The Asylum Procedure Acceleration Act of October 2015 and several subsequent legal amendments imposed restrictions on health care benefits for some asylum seekers (Roos 2022). For asylum seekers whose application is rejected and who are obliged to leave the country, access to health care was restricted to the absolutely necessary (emergency care), regardless of the length of time passing between the decision on their legal status and their actual departure. Under the same law, by way of contrast, vaccinations have been added to the services covered, which can be seen as a response to an increase in measles infections in some accommodation centres for refugees in the preceding years (section 4, Asylum Act, version dated 24 October 2015).

In 2019, the period in which protection seekers are entitled to reduced services only was extended from 15 to 18 months. People with temporary protection status (since June 2022) as well as most refugees who entered Germany via resettlement or humanitarian admission programmes have access to the regular scheme on arrival.

11 Pre-school and pre-university education

Regardless of their legal status, children from the age of one have the right to attend (pre-) school/kindergarten. A general schooling obligation applies to children aged six years and older. However, during the asylum application process, this obligation only applies to the children of applicants who do not live in a reception centre. Federal states in Germany differ in how they apply this rule. The regular schooling obligations apply after a positive asylum decision and to refugees who came to Germany as part of a humanitarian admission programme.

With regard to the legal situation, the years 2015 and 2016 brought no changes, but in order to face the increased influx of protection seekers, most states set up separate "welcome classes". These classes are open to children whose level of German does not suffice to follow regular classes in German schools.

As in 2015–2016, no changes were made in 2022 in respect to the rights to schooling for the children of the protection seekers. Eleven of 16 states made use of the "welcome classes" mechanism to ease the integration of children into schools.

The refugees from Ukraine included many children and young people, both in relative and in absolute numbers (see section 2.3). Since they did not have to go through an asylum procedure and more or less automatically received protection status upon entry, they could attend schools in Germany very quickly. Only a few weeks after the war began, the first children from Ukraine started attending a school in Germany. The German education system, which suffers from increasing lack staff shortages, could not immediately accept all of these additional children, and had to form waiting lists. In order to meet the short-term needs of Ukrainian-speaking teaching personnel, the employment requirements for teachers were relaxed to allow declaration-based qualifications instead of regular documents and certificates (Kultusministerkonferenz 2022).

In contrast to other groups of protection seekers, measures were taken to enable Ukrainian children to pursue the Ukrainian school curriculum. Children could follow online classes and sit the necessary tests to access Ukrainian universities from Germany (Ibid.) These measures, which aim to facilitate potential return, seem to conflict with the general political will to favour and prioritise acquisition of the German language and integration into the German system.

12 Overall analysis

The two periods considered in this report, i.e., 2015–2016 and 2022–2023, show several similarities but also important differences in political responses to the incoming protection seekers. In both periods, a very large number of protection seekers arrived in Germany in a relatively short time, although in 2015–2016 arrivals stretched over many months while in 2022 arrivals were more compressed in time. This posed major challenges for the institutions of the host society vis-à-vis the existing infrastructural resources. In both cases, reception was accompanied by tremendous engagement in civil society. In both cases, the political debate polarised after a few months and political restrictions were imposed.

In the political debate, an increasing polarisation can be observed at both points in time. This emanates in each case from the same political forces, but in different roles: CDU/CSU and AfD. In 2015–2016 and subsequent years, the CDU/CSU formed a government coalition. This coalition was characterised by internal conflicts. Part of the CDU and the CSU demanded more far-reaching restrictions, such as the introduction of an annual ceiling for asylum seekers. Since 2021, the CDU/CSU has been in opposition at the federal level but holds comparable political positions. The current governing coalition parties, SPD, FDP and the Greens, often disagree not only with each other but also within their respective parties, particularly the Greens and the SPD. This may result from their participation in a government in which they must compromise while at the same time not lose their distinctive profiles. In parallel, the poll ratings for the right-wing AfD rose significantly in both periods, putting the other parties under pressure.

At the same time, there are significant differences between the two period in terms of the type of refugee flows and of political and social reactions. In 2015–2016, the vast majority of the refugee arrivals took place via the Aegean and Balkan routes. In addition, most refugees came from Syria, Afghanistan and Iraq. Thus, the refugee population was very heterogenous in terms of experiences, languages spoken, and needs. The dangerous routes led to a degree of selectivity whereby young single men were significantly overrepresented. This bias was cemented by restrictions on family reunification. The 2022–2023 arrivals from Ukraine were characterised by a different demographic profile. Thanks to the short geographic distance to Germany, combined with existing visa exemptions and a ban on men of conscription age leaving Ukraine, men under 60 years were significantly underrepresented among the protection seekers who arrived in Germany. This has consequences for reception and accommodation infrastructures, such as housing, education and daycare centres, but also for language courses (the latter, for example, require childcare arrangements).

Policy measures introduced in Germany since the autumn of 2015 were mainly restrictive in character, but the restrictions affected each group of refugees in a different manner and to varying degrees. On the one hand, there are policies coordinated at EU level aimed at limiting immigration, in which the German government took a leading role. This was particularly the case with the EU-Turkey-Statement. While those policies generally are restrictive in character, they also include new possibilities for legal pathways to migration which are still highly selective. Under a national admission programme linked to the EU-Turkey Statement, several thousand Syrians living in Turkey could resettle in Germany. The same selective characteristic applies to other German humanitarian admission programmes (see section 4.1). Second, new national regulations lead to further differentiation of formal access to integration measures, and in turn shape different integration trajectories. The basis for this differential access is the concept of prospects to remain, as measured by the average recognition rate for specific groups of origin. As a consequence, for example, protection

seekers from Syria or Eritrea have had better integration opportunities than other groups of origin. Particularly charged and controversial was the treatment of protection seekers from Afghanistan. Compared with other EU states, Germany pursued a rather restrictive admission policy towards protection seekers from this country.

The unequal treatment of groups is also a central feature of German refugee policies since 2022. Persons arriving from Ukraine – unlike other protection seekers – can enter the country safely and legally. This is a consequence of the visa-free regime that already existed before the Russian invasion. Moreover, Ukrainian citizens could first seek private accommodation or even apply for and receive benefits before registering in Germany based simply on their passport. The differential treatment upon arrival for protection seekers from Ukraine and all other third countries leads to different pathways of reception and integration, both when we compare 2015–2016 with 2022–2023 and in respect to the situation of various groups of protection seekers since 2022. This direct granting of far-reaching rights otherwise only occurs for a small group of refugees who have come to Germany through humanitarian admission programmes. It is against this backdrop that intense discussions about unfair treatment of refugees from other countries have been ongoing since 2022. In this context, critical scholars point to racism underlying the differential policy treatment for intra-European and external protection seekers. As this situation continues, for example through differentiated access to the labour market (including counselling and placement opportunities), many observers warn of the risks to the long-term integration of refugees and to social cohesion in Germany.

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