



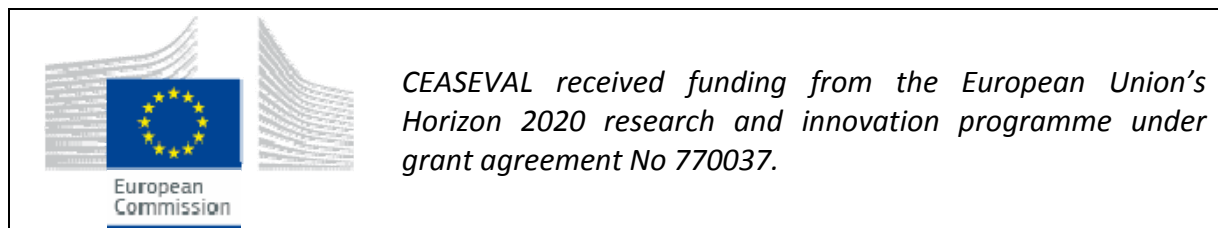
National report on the governance of the asylum reception system in Germany

Jana Beinhorn, Simone Gasch, Birgit Glorius, Melanie Kintz and Hanne Schneider

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Editors:

Prof. Birgit Glorius and Dr. Melanie Kintz
Chemnitz University of Technology
Institute for European Studies
Chair of Human Geography with Focus on European Migration Research
09107 Chemnitz

<http://www.tu-chemnitz.de/phil/europastudien/geographie>

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National report on the governance of the asylum reception system in Germany

Abstract

In this report we present an overview over the complex reception system in Germany. We find that due to Germany's federal system, that there is not one reception system, but 16 different ones. Further, asylum procedure and reception governance are heavily interlinked and requires the cooperation and coordination of multiple actors, including non-state actors. Legislation passed in recent years, that allows for further differential treatment of asylum seekers by nationality will lead to further reception divergence, but one based on nationality. In this report we further investigate the interaction of actors in two local case studies – Chemnitz and Aachen.

Keywords: Germany, Reception, Governance Asylum seekers, Refugees, Saxony, North Rhine-Westphalia, decision making, civil society

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AfD	Alternative for Germany
AGIUA	NGO Chemnitz
AKN	Uniform proof of arrival
AnKER-Zentren	Centre for reception, decision, return
AsylRÄndG	Legal Status Improvement Act
AsylbLG	Asylum Seekers Benefits Act
AsylG	Asylum Law (since 2015)
AsylVfG	Asylum Procedure Law (until 2014)
AufenthG	Residence Act
AWO	Workers' Welfare Association
AZR	Central Register of Foreigners
BAMF	Federal Office for Migration and Refugees
BMI	Federal Ministry for Interior, Building and Homeland
BÜMA	Notification of the registration as asylum seeker
Caritas	Welfare association
CDU	Christian Democratic Union
CSU	Christian Social Union
DaMigra	Umbrella organization of all migrant associations
DRK	German Red Cross
EAE	Initial reception facility
EASY	IT system for initial distribution of asylum seekers
eGK	Electronic health card
FDP	Free Democratic Party
FlüAG NRW	Refugee Reception Law North Rhine-Westphalia
FRG	Federal Republic of Germany
GDR	German Democratic Republic
GG	Basic Law
Greens	Alliance 90/The Greens
KDS	Core data system
LEA	Initial reception facility of the state (North Rhine-Westphalia)

LSVD	Lesbian and Gay Association
Malteser	Welfare association
MARiS	IT system (migration-asylum-reintegration-system)
MBE	Migration counselling for adults
MKFFI	Ministry of children, family, refugees and integration North Rhine-Westphalia
MIK	Ministry of interior and municipal affairs
NGO	Non-governmental organization
NPD	National Democratic Party of Germany
NRW	North Rhine-Westphalia
Pegida	Nationalist, far-right movement (Patriotic Europeans Against the Islamisation of the Occident)
PIK station	Personalized Infrastructure Component
Piraten	Pirate Party Germany
PRO ASYL	Refugee advocacy group
SächsFlüAG	Saxon Refugee Reception Law
SGB	Social security code
SPD	Social Democratic Party of Germany
ÜW	Department of transitional housing Aachen
ZUE	Secondary reception facility

1. Introduction

Multi-level governance of migration reception in Germany is a very complex subject. The implementation of reception policy is shared among actors from the national, state and local level and is heavily intertwined. Further, reception policy is a wide field covering a variety of tasks, regulated by a large number of rules and assigned to and carried out by a variety of state and non-state actors. Even though the field of reception policy in itself is very complex, it would be wrong to perceive it as a field that can be investigated in an isolated manner. Reception policy is part of asylum policy which in itself is embedded in the field of migration policy. Further, reception policy overlaps with other policy areas, like housing policy and education policy, but also foreign policy.

In the following report we will show how reception policy has developed in the history of post-war Germany and how it has been changed due to the pressure caused by the numerous arrival of asylum seekers, notably during the “long summer of migration” 2015.¹ We will show that even though several important adjustments and changes have been made in response to the challenging situation, from governance perspective, as in the way reception policy is structured, organized and funded, only few changes have occurred. Further we will show that reception governance is very heterogeneous in Germany based on Germany’s federal system and that recent legislation is not going to harmonize reception but add further, new dimensions of reception divergence. Last but not least, we show that reception is a complex field that requires the cooperation and coordination of many different actors on all levels of politics.

While our report will briefly provide some historical background information on the reception of governance in Germany, it will mainly focus in its analysis on the years 2013 to 2018, because that period reception governance was tremendously impacted by the massive arrival of asylum seekers. Aside from document analysis, our report relies on several interviews conducted between June 2018 and February 2019 with different stakeholders involved in reception governance.² Given the federal structure of Germany, we approached stakeholders at the national, state and local level. When speaking to political representatives, we included members of government as well as members from opposition parties for interviews. We found this necessary as oppositional parties often provide a critical analysis of the work of the government and are able to point out critical gaps in the current governance regime. Further, given Germany’s parliamentary culture and legislative process (*Arbeitsparlament/ Working parliament*)³ oppositional parties are heavily involved in policy making. Within the field of migration governance, the involvement of non-state actors and local level actors remains understudied. Thus, we attempt to remedy this by including representatives of NGOs and the local level in our interview process.

¹ We avoid the term “migration/refugee crisis” in order to oppose the dominant crisis narrative which nurtures further politicization processes (see Hess et al. 2017). Instead, we will refer to the quantity of arrivals as major challenge for the reception infrastructure in this paper.

² Document analysis was prepared by Birgit Glorius, Jana Beinhorn and Melanie Kintz, interviews with experts from the national and state level were conducted by Melanie Kintz and Hanne Schneider, local case studies were carried out by Jana Beinhorn (Chemnitz) and Simone Gasch (Aachen). Hanne Schneider contributed further interview data retrieved in the context of CEASEVAL and assisted with the document analysis.

³ The working parliament/ or transformatory legislature (such as the German Bundestag or the US Congress) stands in contrast to the debating parliament (such as the House of Commons). While working parliaments are highly structured by standing/permanent committees in which all parties debate and amend government policy proposals, the debating parliament rely on discussion in the plenary assembly. Committees have only a minor role in the policy formation.

1.1 Data Collection

We divided our interview phase in two parts. In the first part we focused on doing interviews with actors on the national and state (*Länder*-level). We originally aimed to conduct 8 interviews but were able to realize 11 interviews at the end – 6 at the national level and 5 at the state level (see Table 1). In doing so we are able to conduct 5 interviews with actors at the executive level, 3 at the legislative level and 3 interviews with partners from NGOs. The latter is specifically significant since Germany’s reception system heavily relies on non-governmental organizations for carrying out reception related responsibilities (although under the supervision of governmental institutions).

At the local level we conducted two city case studies, Aachen (North Rhine-Westphalia) and Chemnitz (Saxony). We planned to do 6 interviews with local stake holders (governmental and non-governmental) in both cities and were able to conduct at the point of writing this report 6 interviews in Aachen (2 with executive level actors and 4 with representatives of NGOs) and 5 interviews in Chemnitz (2 with executive level actors and 3 with representatives of NGOs).

Table 1: Interview Grid as of February 2019

	Executive	Legislative	NGO	Total
National	2	2	2	6
State	3	1	1	5
Local	4	-	7	11
Total	9	3	9	21

The cities were selected based on the common guidelines for the joint research in WP3 and aimed to reveal the divergence of local policies and practices regarding the reception of asylum seekers. Criteria were framing features such as geographical location, wealth level and population structure (especially regarding the share of migrant population) on the one hand, and political profile in terms of majorities (traditionally) at government and political cultures on the other hand, i.e. more progressive and positively oriented towards migration vs more conservative and less favourable on the issue.

Due to our interview selection our results are focused on the states Saxony, North Rhine-Westphalia and partially on Baden-Wuerttemberg. Given Germany’s subdivision into 16 very different states explanatory power of our results on the governance of reception is limited and we will explore how this impacts our findings in part 4 of our report and the concluding remarks. However, at the end of the report we will hope to show that even though the “long summer of migration” triggered several changes in migration policies there are hardly any changes in the governance system overall. The changes that we observe are philosophy shifts in reception and adjustment to existing laws. On the other hand, we also acknowledge that long-term changes in reception governance caused by the changes to existing laws are hard to observe and evaluate at this point of time, because most of them have only been implemented in the past two years.

1.2 Initial governance design

Germany’s initial governance design needs to be considered in the context of the existence of two, ideologically opposed, German nation states - the German Democratic Republic (GDR) and the Federal Republic of Germany (FRG), which were founded in May (FRG) and October (GDR) 1949 and existed until the re-unification at October 3 1990. The international context of the Cold War and the fact that each state belonged to a different ideological bloc (GDR to the communist/socialist bloc,

FRG to the anti-communist bloc) influenced who was considered deserving of asylum at the very outset of reception governance.

In the German Democratic Republic, refugee protection while part of the GDR's constitution (see Article 10 of the GDR Constitution 1949 and Article 23 of the GDR constitution 1968) asylum was granted on a discretionary basis decided by the GDR government. While very few asylum seekers were allowed to come to the GDR, given that the GDR government granted only asylum to refugees that fit ideological criteria, those who were allowed to come largely fled communist persecution in their own countries. Main groups were communists from Greece and Spain and, following the overthrowing of the Allende-Government, Chileans who were persecuted by the Pinochet system (Maurin 2005, p.349).⁴ Before unification the reformed GDR government granted, in recognition of German historical responsibility, "asylum" to Jews from the Soviet Union. While the act needs to be seen more as a symbolic political act than a legal change in the asylum system of the GDR, it started another movement of asylum seekers to the GDR. It also marked a political turn, as the GDR now accepted refugees from other socialist/communist countries, also acknowledging the existing antisemitism in those countries (see Belkin 2017). The different (from the FRG's) asylum policies as well as the very restrictive and segregational migration policy pursued by the GDR system resulted in a very low share of foreigners living on the territory of the former GDR at the time of unification. Further, the migration population also had a very different nationality structure compared to that of West Germany – a legacy that still impacts reception today as the following chapters of this report will show. Also, in the Federal Republic of Germany (FRG) the right to asylum became part of the constitution. Article 16 subs. 2 sentence 2 Basic Law (*Grundgesetz* – GG) granted asylum for politically persecuted persons. In 1951 the FRG also signed the Geneva Convention on Refugees confessing to grant asylum to persons in need of protection.

In the Federal Republic of Germany during the 1950s and 1960s, refugees mainly came from the German Democratic Republic (GDR) and the South and East of Europe, driven by dissatisfaction with the political system and the economic situation (Gans/Schlömer 2013: 130 f.). But already the 1970s experienced a "globalization" of flight, with more and more asylum seekers arriving from countries outside Europe. The most known group were the Vietnamese "boat people", some of which were resettled to the FRG. While asylum politics and the arrival of asylum seekers were not heavily debated in those early post-war decades, the economic crisis following the oil crisis of 1973 led to a general turnaround of immigration policies, leading to the "recruitment stop" for labour migrants and to the introduction of more restrictive measures against asylum seekers, such as restricted access to the labour market, a shift from financial benefits to social assistance benefits, the introduction of visa requirements for some countries of origin and the restriction of family reunification (Gans/Schlömer 2013: 134). In the late 1980s the number of asylum seekers reached 50,000 to 100,000 per year (BAMF 2015), which again led to changes in German asylum proceedings. Despite the efforts to restrict the number of asylum seekers, the numbers continued to rise and reached its peak in 1992 with 438,191 asylum seekers, who were mainly fleeing the Balkan Wars and the destabilized Eastern Europe after the collapse of the Soviet Union (Heinold 2008). Within the fragile political climate of reunified Germany in the early 1990s, migration and asylum were strongly politicized. Discourses on "bogus refugees" and asylum abuse gained ground, which gave way to increasing violence against refugees and asylum seeker accommodations. In 1992, eight explosive and 545 arson attacks were committed against refugee facilities. Furthermore, 6,336 "xenophobic offenses" were recorded in which 27 people lost their lives (Pieper 2008; Pro Asyl 2011). The increasing numbers of asylum seekers, paired with increased politicisation and the xenophobic social

⁴ Among the Chilean asylum seekers was the later president of Chile and current United Nations High Commissioner for Human Rights Michelle Bachelet, who came to the GDR from Australia in 1975.

climate led to amend the constitution – the so-called “asylum compromise” in 1993. Safe countries of origin were defined and the “first country concept” was introduced in the constitution, which later became EU standard with the Dublin Regulation. While the principle to grant asylum to politically persecuted persons stayed in the constitution, additions limited this constitutional following the “safe country of origin” and “first country” concepts. Also new procedures were introduced, such as the so-called airport procedure, the mandatory fingerprinting of asylum seekers and the internal distribution system for asylum seekers among the federal states. Further, benefits for asylum seekers were restricted in order to decrease economic incentives for asylum. In the following years, the number of asylum applications fell constantly to below 20,000 in 2007 and has only risen again since 2010. Since many asylum seekers came via the Central Mediterranean Sea Italy hosted most of them before 2015. The Dublin regulation provides that refugees must apply for asylum in those European countries where they first set foot on safe ground. As a result, Germany – surrounded by supposedly safe countries – was less affected at that time.

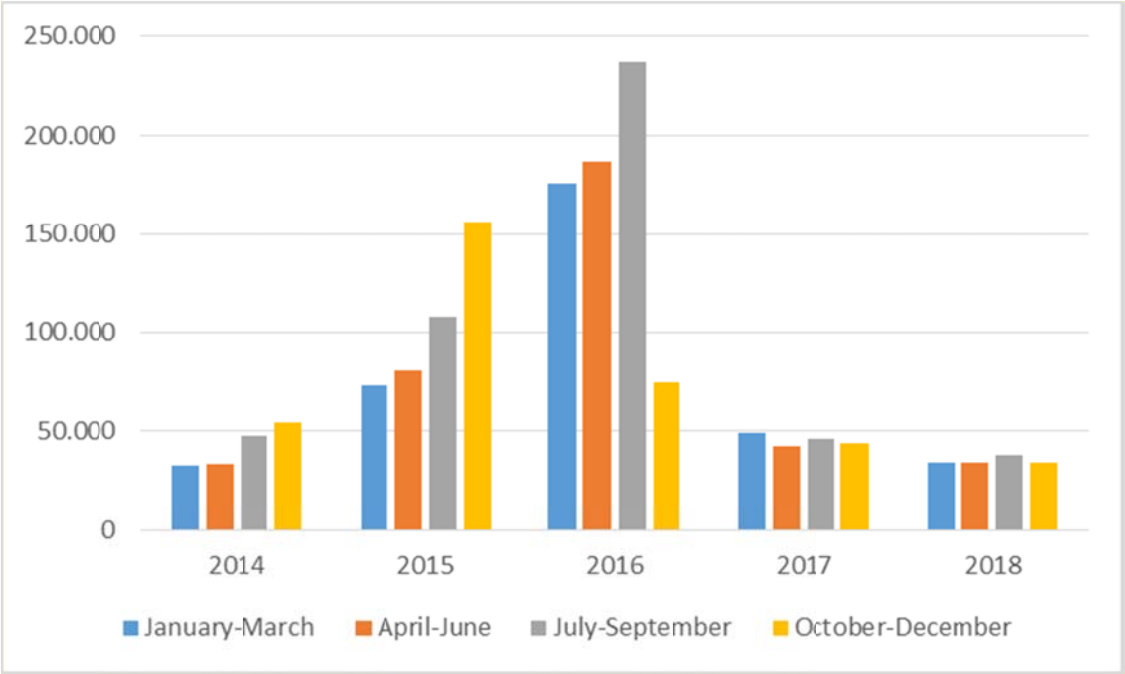
Since the release of the first asylum directive in 1953, asylum procedure and refugee reception are in the shared responsibility between the Federal Government and the individual states. The Ministry of the Interior was the lead supervising body for the asylum decision procedures, the distribution to the *Länder* was based on a key that the *Länder* themselves negotiated in the Bundesrat. The Asylum Directive of 1953 further specified, that asylum seekers could be accommodated in refugee camps. (Asylverordnung 1953, §20). The Asylum Procedure law passed 1982⁵ further clarified the rights of asylum seekers while they wait for a decision on their asylum application. It restricted the freedom of movement to the responsible Foreigners’ Authority’s district and allowed communities to further restrict the freedom of movement or obligate an asylum seeker to reside in a specific accommodation (AsylVfG 1982, §20). The law further stipulated that asylum seekers had no right to choose the state where they’d await their asylum decision, the distribution of asylum seekers would be regulated based on specified key (§22.2) unless the states decided on a different distribution mechanism. Further, a commissioner of the Federal Government would coordinate the assignment of asylum seekers to the individual states (§22.3). Once an asylum seeker was assigned the state had to immediately take care of accommodation of the asylum seekers (§22.9) and accommodation in collective facilities ought to be provided (§23). The revisions made to the law in 1992, following German reunification, further clarified the obligations by the states in reception governance. It ordered the *Länder* to provide and maintain accommodation facilities of asylum seekers (AsylVfG 1992, §44) and provided a key for the distribution of the now 16 federal states (AsylVfG 1992 §45). It finally placed the decision of the distribution by nationality in the hands of the Federal Ministry of the Interior and its executing agency, the Federal Office for Migration and Refugees (BAMF, AsylVfG 1992 §46). It further required that asylum seekers needed to be placed in an initial reception centre (EAE) for up to six weeks, at the most up to 3 months. Once the obligation to stay in an initial reception centre had elapsed, the states needed to take care of the intra-state distribution of asylum seekers (AsylVfG 1992, § 50). The regular form of accommodation was collective living, but public interest and needs of the asylum seeker were to be taken into consideration (AsylVfG 1992, §50.2) During the period where the asylum seeker was obliged to stay in an initial reception centre, he/she was not allowed to work (AsylVfG 1992, § 67) and had to accept health checks conducted by the public health authority (AsylVfG 1992, § 62). These formal regulations remained intact and were further complemented by the Asylum seekers Benefit Act of 1993 that regulated benefits of asylum seekers residing in initial reception centres or collective accommodations. The law combined cash benefits and benefits in kind, but after a decision of the Federal Constitutional Court in 2012, the Federal Government was forced to adjust these benefits. The changes made will be discussed in the following section.

⁵ Gesetz über das Asylverfahren (AsylVfG, 1982)

2. Recent reconfigurations of the governance of the reception system

The refugee movements via the Aegean Sea and further over the Balkan route brought a strong increase in arrivals in Germany (fig. 1). The peak of this development was reached in 2015 with around 890,000 registered entries and 441,899 applications for asylum (BAMF 2016, BMI 2016a, 2016c). For humanitarian reasons, the German Chancellor lifted the Dublin regulation for asylum seekers from Syria at the end of August 2015. As the refugee movements via the Balkan route increased and many refugees stranded in Hungary, the German Chancellor and the Austrian government decided on 4 September 2015 to accept several thousand asylum seekers from Hungary. During these weeks many refugees entered the country without registration and identity checks. They were partly registered weeks later in the initial reception facilities or local immigration authorities. Finally, border controls were introduced at the Bavarian-Austrian border on 13 September 2015. Nevertheless, the number of incoming asylum seekers remained high during the winter months. In some instances up to 10,000 people a day wanted to cross the border and had to be supplied at the border locations. In November 2015 alone, 206,101 asylum seekers were registered in Germany; the number of asylum applications rose from 73,135 in the first quarter of 2015 to 155,410 in the last quarter of 2015 (BAMF 2016: 10). Only the closure of the Balkan route in March 2016 and the deal between the European Union and Turkey brought a significant reduction in the number of asylum seekers entering the country. Arrivals in Germany fell from over 100,000 in January 2016 to around 16,000 in April 2016 (BMI 2016b). Nevertheless, the number of applications continued to rise during 2016 (to around 772,000 initial applications), as the Federal Office for Migration and Refugees was only able to process asylum applications in 2016 for a large amount of refugees who already arrived in 2015 (BMI 2016c).

Figure 1: Development of initial applications for asylum in Germany per quarter, 2014-2018



Source: Bundesamt für Migration und Flüchtlinge (BAMF) (2019a, 12); Design: B. Glorius

The major increase of incoming asylum seekers challenged German authorities and NGOs. Most municipalities were not prepared and did not have the capacity to host the rapidly increasing number of asylum seekers allocated to them. This led to emergency plans, temporary solutions and revisions in German law.

In the following part of the report we will first define the complex system of asylum seeker and refugee reception that we apply in this report, before we outline the triggers, motivations and decision making processes of change in reception governance (2.1.), the substance of the revisions made (2.2.) and the formal governance of reception today (2.3.)

The problem with studying reception is that the term is not clearly defined. As European Council on Refugees and Exiles points out in its 2016 AIDA-Report: “The very notion of “reception”, however, is clouded by conceptual uncertainty, which is only exacerbated when states approach the plight of refugees under an emergency-driven mind-set. As far as asylum seekers are concerned, the recast Reception Conditions Directive, the main EU instrument outlining Member States’ obligations in this regard, provides no definition of reception, except for defining “reception conditions” as “the full set of measures that Member States grant to applicants” for international protection.” (ECRE 2016, p.8.). Conceptual uncertainty affects two dimensions – duration and scope of reception.

The EU Directive on reception conditions (2013/33/EU) defines the reception period as the period of time asylum seekers wait for the decision on their application. While this clearly defines the temporal end-point for which the directive is developed, it does not clearly identify the start point – which may vary. And as ECRE points out it is similarly vague on the scope of reception: “The EU asylum acquis makes reference to different forms of reception conditions made available to asylum seekers, including material conditions (housing, food, clothing, vouchers, financial allowances), health care, employment and education. When seen in practice, however, these conditions prove to be implemented in widely different ways from one country to another, or even within the same country. To that end, clarifying the concept of reception is necessary to ensuring a better understanding of states’ obligations and of the ways these are complied with.” (ibid.)

Also, German laws on refugee reception are vague with regards to the temporal and substantial definition of what is part of migrant reception. For example, the Saxon law on Refugee reception regulates the “admittance, accommodation and distribution of asylum seekers as defined by the Federal Asylum Law...”. This definition does not clearly define at what point of time reception begins and ends, nor does it define the full scope of tasks associated.

The EU directive’s definition of the reception period as “the period of time asylum seekers wait for the decision on their application” is not unambiguous in the German context. For the purpose of illustrating this point and for further reference when outlining changes to the reception system we’ve modelled this ideal-typical illustration of the German Asylum procedure based on information provided by the Federal Office of Migration and Refugees (BAMF), which explains the different steps of the asylum procedure in Germany.

Table 2: Ideal-typical model of the Asylum procedure and corresponding practical steps

Step 1: Arrival in Germany
Step 2: Request for Asylum lodged with government (national or state) authorities (border patrol, police etc.)
Step 3: Registration and Distribution <ul style="list-style-type: none"> • Initial registration • Assignment of responsible Federal State, based on the “Koenigsstein Quota”
Step 4: Transport to the responsible federal state/ Initial reception center <ul style="list-style-type: none"> • Room Assignment, Provision of first basic supplies (Bedding, hygiene articles)

<p>Step 5: Registration with Central Foreigners' Office</p> <ul style="list-style-type: none"> • Registration as asylum seeker • Personal data registered • Certificate about Registration • Schedules appointments for formal application for asylum with BAMF • Initial Health Assessment
<p>Step 6: Formal Application for Asylum at BAMF</p> <ul style="list-style-type: none"> • Files official residence authorization, restricted to district • Registration for EuroDac check and background checks • Passport check, Fingerprinting • Check for previous applications for asylum • Provides information on asylum procedure • Translator present
<p>Step 7: Asylum Hearing</p> <ul style="list-style-type: none"> • Documentation expected • Translator present • Protocol of hearing created, to be signed by asylum seeker
<p>Step 8: Asylum decision (details see Table 5)</p>
<p>Step 9: Integration or Return/Deportation or Tolerated Stay⁶</p>

Source: Own Compilation based on Bundesamt für Migration und Flüchtlinge (BAMF) (2015a),
Design: Melanie Kintz

In Germany the word asylum procedure defines the period from the formal application for asylum to the asylum decision (Steps 6 to 8 in table 1). However, as can be clearly seen from the illustration above reception does start earlier, usually with the request for asylum at the time of entry into a country.⁷ While ideally, the time span between making a request for asylum (Step 2) and the official application for asylum (Step 6) is only short, this is not always the case. In the midst of 2016 it took on average 5.9 months for asylum seekers from entering the country (Step 1) to formally filing for asylum (Step 6). Further, the waiting period varied by nationality, from on average 4.8 months for

⁶ While those who receive a protection status leave the reception system, asylum seekers that need to return to their home states, await deportation or have a tolerated stay often remain in reception facilities and thus in the reception system. Their rights are governed by reception regulations. Those with the status of a "tolerated stay" for instance receive benefits and services according to the Asylbewerberleistungsgesetz, while asylum seekers who are granted a protection status receive, if necessary, benefits based on the Social Insurance Code II (Sozialgesetzbuch II). Further, asylum seekers that only have a status of "tolerated stay" have to comply to stricter residency obligations than asylum seekers that were granted a protection status.

⁷ However, it is possible, that an asylum seeker contacts an official institution in Germany days or weeks after entering the country.

Eritreans to 6.8 months for Afghans⁸ to officially file their asylum application (Bundesregierung der Bundesrepublik Deutschland 2017, p. 35). Even in the second quarter of 2018 it took an asylum seeker up to 3.7 months from registration with the central foreign office to officially lodging the asylum application (Die Bundesregierung der Bundesrepublik Deutschland 2018). In order to make sure that asylum seekers receive the minimum standards of reception the directive aims at, it is necessary to clearly define the reception period for which reception conditions per EU Directive 2013/33/EU need to be provided. For the purposes of the report we will define reception from the point when the request of asylum is lodged with government authorities (Step 2) to the asylum decision (Step 8). Due to limits in resources, time and space we will only superficially cover governance of deportation and return of refugees (Step 9). However, the argument could be made that this is or has become part of reception, given that a) due to recent changes in law (see below) some nationalities of asylum seekers need to remain in initial reception centres (*Erstaufnahmeeinrichtungen*) until they receive their decision, b) deportation is responsibility of the *Länder*, just like reception and c) regulations regarding deportation are part of reception laws.⁹ Lastly, the concept for the so called „AnkER-Zentren“ (Zentrum für Ankunft, Entscheidung, Rückführung (AnkER)), the new centralized centres for admittance, decision and return, extends the scope of reception by definition to deportation or voluntary return of refugees.

Researching reception governance however is further complicated as it includes multiple tasks for which a variety of actors are responsible. As said above the EU directive on reception condition outlines largely the following areas as areas of reception: material conditions (housing, food, clothing, vouchers, financial allowances), health care, employment and education. Further it specifies registration procedures, information on asylum procedure and rights and privileges during the asylum procedure, potential sanctioning measures the asylum seeker may face, grounds for detention and detention conditions, and provides special attention to vulnerable persons, especially unaccompanied minors and victims of torture. It also requires that member states provide sufficient human and financial resources to guarantee these minimum standards and requires them to monitor the implementation of the directive and associated standards. While this definition outlines the broader scope of tasks that are part of reception, Figure 2 outlines the complexity of these tasks. Further, while integral to reception, the definition misses one key element of reception – distribution within the country. Of course, this is hard to govern and may not need a setting of definite standards for provision for as long as all other reception conditions are met. However, distribution of refugees within Germany is regulated by the German Asylum law (AsylG §45).¹⁰ Further, refugee reception laws of the states often formally regulate intra-state distribution (see for instance Saxony’s refugee reception law §6 and NRW Refugee reception law, §1). Thus, we consider it an integral part of reception and will discuss it as part of our report.

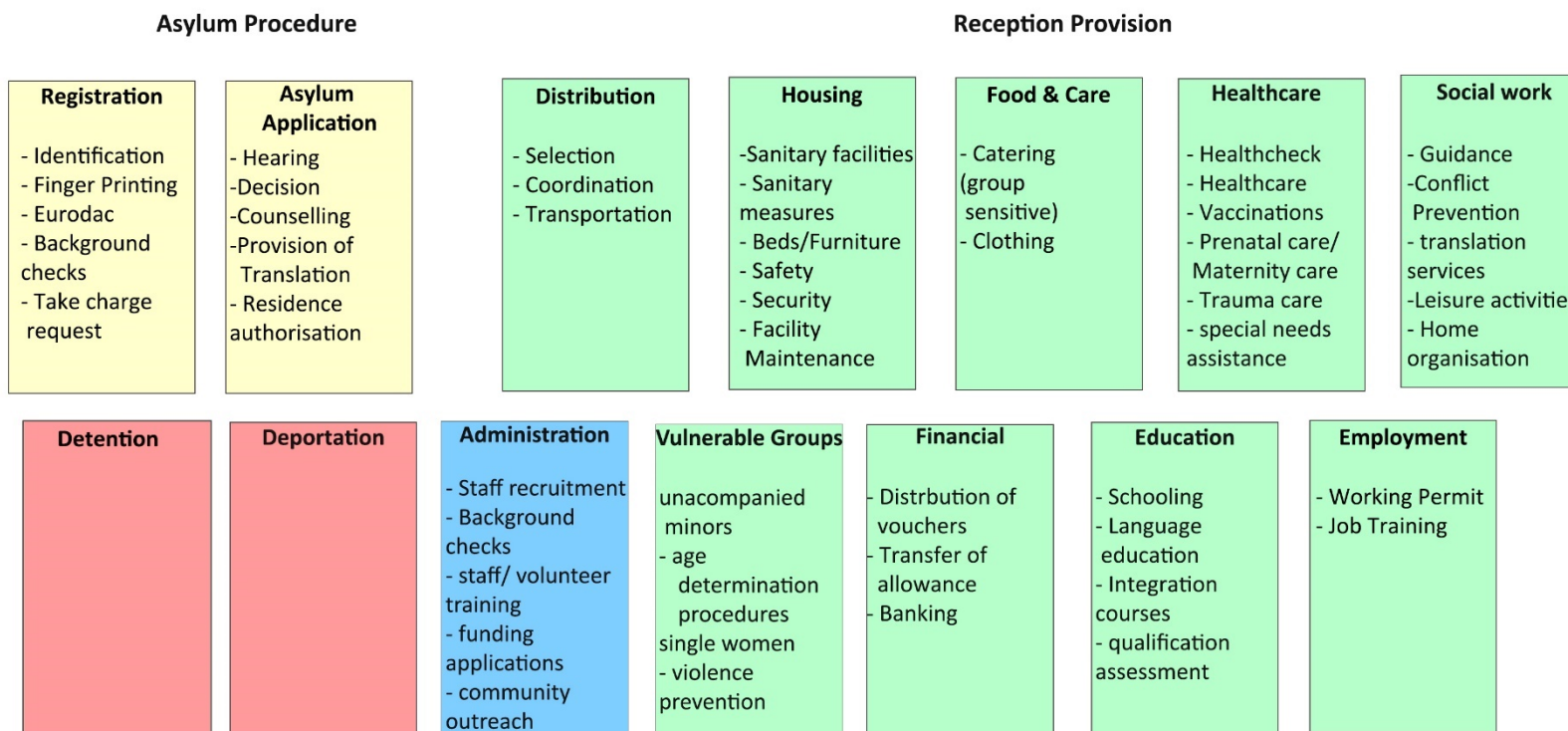
⁸ Data for only the most prominent 5 nationalities among asylum seekers were reported, it seems plausible that other national groups may have had to wait even longer.

⁹ For instance, Saxony’s law on Refugee reception regulates that the counties and cities are not responsible for the establishment and operation of “deportation facilities” (Saxony Refugee Reception Law, §4). It is the responsibility of the Saxon State Directory (Landesdirektion Sachsen) and thus the same government body that is instrumental for reception in Saxony.

¹⁰ Distribution of refugees was already formally regulated in the first directive on Recognition and distribution of foreign nationals as refugees (Asylverordnung/ Asylum directive) in 1953 (Asylum Directive 1953, §20)

Figure 2: Tasks related to Asylum Seeker and Refugee Reception

Asylum Seeker and Refugee Reception



Design by: Melanie Kintz

2.1 Processes of decision-making in reception governance

2.1.1 Policy making in Germany – basic introduction

Germany's governmental system is that of a bi-cameral system, where the Bundestag, the Federal Assembly, functions as the house of representatives. The members are elected for four-year terms and given that Germany is a parliamentary, not a presidential system, it elects the Chancellor. The party with the most votes usually receives the task of forming a government. Given that Germany is a multi-party system (as compared to one-party dominant or two-party systems) government coalitions are the norm. For the period of observation (2014 to present), Germany has had two "Grand Coalitions" (formed by the sister parties CDU/CSU with the SPD) and led by Chancellor Angela Merkel. While in the 18th legislative period (2013-2017) the Grand Coalition enjoyed a comfortable majority of 504 out of the 631 seats (79.8%), the coalition's strength is much lower in the 19th legislative period, where, after lengthy negotiations, the CDU/CSU and SPD very reluctantly formed a government again, with a majority of 399 out of a total of 709 seats (56.3%). Further, while in the 18th Bundestag only four Party Parliamentary Groups were present, with two opposition parties (Greens and Left Party) which shared a leftist orientation and had about the same size (64 and 63 seats), the 19th Bundestag is a six-party parliament. The largest opposition party is now the right-wing populist party AfD (94 seats at the beginning of the legislative period). Additionally, the liberal¹¹ Party FDP re-entered the parliament, being the 4th strongest group in parliament (80 seats). Left Party and Green Party, while gaining a few seats each, are now the smallest parliamentary party groups (69 and 67 seats). The new coalition set up enables even stricter asylum and reception policies, as the AfD finds asylum policy in Germany too lenient. It is thus indicative that its first proposal targeting asylum seekers (see 19/461 in Table 3) argues for all minors, whose underage status cannot be determined at plain eyesight (claimed or true, accompanied or unaccompanied) entering Germany to undergo an age determination procedure within six weeks of initial reception.¹²The change in political constellation has significant consequences. As mentioned above, Germany's parliament is a working parliament where most government proposed legislation is amended. Most of the work occurs in standing committees of which the ones on Foreign Affairs, on EU-matters, on defence and on Petitions are demanded by Germany's constitution, the *Grundgesetz* (Basic Law). Committee chairmanships are distributed by proportion of parliamentary party groups and then committee selection negotiated among the different groups, even though certain traditions are maintained (i.e. that the largest opposition party usually gets to pick the important budget committee). Committee chairs prepare and call committee meetings, lead them and decide closure of the debate. Reports are prepared by one representative of each party parliamentary group headed by the committee chair.

With its dominance in the 18th legislative period, the Grand Coalition chaired most committees, Left Party and Greens only headed Budget and Petitions and Justice and Environments, but were strongly outnumbered in each. This means that in the 18th legislative period, passing required less consensus building across parties and less reliance on adherence to party discipline by the coalition.

This has changed significantly in the current legislative period given that the parliamentary set-up has changed. The governing coalition has lost chairmanship of several committees including some that are important to reception governance like the Committee on Family Matters, Seniors, Women and Youth (which currently discusses a proposal on unaccompanied minors). Further, the Budget committee that leads all financial decision-making including those related to funding refugee reception is now headed by the AfD.

¹¹ In the European, not American understanding of the word

¹² At point of writing, the proposed bill have not had its first reading yet.

In its first reading in parliament, every proposed bill that is introduced into the Bundestag is referred to a leading committee and two to three further content related committees. These debate the bill and come to decisions based on their consultation. For these consultations they may decide to hold a public hearing of experts. At the end of this process, the leading committee prepares a report that incorporates amendments negotiated and approved by the respective committees and votes on a recommendation for the second reading. At the bill's second reading, the committee's report is voted upon and further amendments can be introduced to the bill by parliamentary party groups. If no further amendments are requested, the bill can receive its final vote, which often happens right after the second reading.

While Asylum procedures fall under the governance of the Federal government (executed and overseen through the Ministry of the Interior, politically and administratively by the Federal Office for Migration and Refugees), reception governance is a responsibility of the *Länder*. Laws affecting policy areas that are granted to the *Länder* need approval by the Bundesrat. The Bundesrat, though smaller and subordinate in legislative authority to the Bundestag, is the representative council of the state governments. It is composed by delegations of state governments. The size of state delegations is determined by a procedure of degressive proportionality, by which larger states still receive more votes than smaller ones, but the voting power of the smaller states is enhanced.

The 69 members to the Bundesrat are not determined by vote, they are delegated by their states and need to cast a unified vote. They serve for as long as their state governments are in power. Since states hold their elections based on their constitutional terms¹³, the Bundesrat is a continuous body, where state elections in larger states or elections held by several states in close timely proximity (like the state elections in the Eastern States Brandenburg, Saxony and Thuringia in 2109) may cause major shifts in the set-up of the delegations. With the diversity of government coalitions and state delegations required to vote unified, most state delegations are considered neutral at the moment. This means, that even though one of the national government parties (CDU, CSU and SPD) is part of the state delegation, its coalition partner at the state level is part of the opposition at the national level. State delegations are thus forced to find consensus with their coalition partner in order to vote either for or against a law in the Bundesrat. If they are unable to do so, they may decide to abstain from voting, which equals a vote against the law. Currently, the grand coalition only has 17 out of 69 votes in the Bundesrat. This gives the *Länder* an important power in national policy-making. In the past years, two laws related to Asylum or Reception policy have effectively died in the Bundesrat.¹⁴ Further, opposition parties were able to negotiate important concessions and amendments to government proposals by threatening to block legislation in the Bundesrat.

¹³ legislative periods in the *Länder* vary between 4 and 5 years, but in cases of parliamentary dissolution and the subsequent call for new state elections they may be shorter.

¹⁴ A revision to the existing Asylum Seekers Benefits act, and the government's proposal to declare the north-African countries (Tunisia, Morocco and Algeria) as safe countries of origin

2.1.2 Asylum and Reception Policy making between 2013 and 2019

The period between 2013 and 2019 saw the introduction of 24 bill proposals to the German Bundestag that were directly geared towards asylum seekers and had direct or indirect relevance for reception, of which 14 passed, 8 did not pass and 2 are still pending (see Table 3).

As the table shows, six of the laws were introduced in 2014, six in 2015, six in 2016, two in 2017 (before the 2017 Bundestag election) and four in 2018. While most of the laws were triggered in response to the rising numbers of asylum seekers that put increasing pressure onto the German reception system from 2013 onward, not all of them were. Specifically, the law to improve the financial benefits for asylum seekers (18/2592) was introduced by the government in response to the 2012 ruling by the Federal Constitutional Court of Germany, that declared the financial benefits granted for asylum seekers until then unconstitutional. Others, like the bill on the introduction of accelerated asylum procedures (18/7538) and the bill on the simplification of deportation and exclusion from refugee protection of alien offender (18/7537) were introduced partially in response to the Cologne events on New Year's Eve 2015/2016¹⁵. Most of the other bill proposals introduced where in one way or another a response to the "migration crisis", as it overwhelmed Germany's existing reception system and aggravated other problems, such as the shortage of personnel at the BAMF, the shortage of lower-priced housing in urban areas or the shortage of teachers, specifically the shortage of teachers with a background of teaching German as a foreign language in schools. The massive arrival of asylum seekers presented several challenges to Germany. At the onset of the "long summer of migration" the largest challenge was uncertainty – an uncertainty about how many people would come, when they would come and who (nationality) would come to Germany. The influx of people was uneven over time -there were months of lower migration rates (winter months) and months with higher activities. Further, different national groups would come at different times. As one of our interview partners said: "Of course, we also had to make some fundamental decisions, because we needed to plan in two directions. On the one hand, the phenomenon [of massive influx of people] could have lasted a long time. We didn't know that in 2015. Or we would need to plan to reduce capacity again, but then how far?" (Representative of the Ministry for Social Affairs and Integration, Baden-Wuerttemberg).

¹⁵ During New Year's Eve celebrations 2015/16 there were numerous sexual assaults, 24 cases of rape, countless cases of theft, mainly in Cologne, but also other German cities. Most of these criminal acts were, allegedly, committed by asylum seekers with Arab or North African background. The events sparked a discussion about the security/safety of the German population as a consequence of the increased immigration.

Table 3: Laws introduced to the German Bundestag with direct or indirect relevance for refugee reception, 2013-2019

#	Name of Law (German)	Name of Bill (English)	Reception relevance	Date of Introduction to Parliament	Origin	Passed Bundestag	Referral to Bundesrat	Became law	Date it became law
18/445	Entwurf eines Gesetzes zur Öffnung der Integrationskurse für EU-Bürgerinnen und EU-Bürger, Ausländerinnen und Ausländer mit humanitären, völkerrechtlichen oder politischen Aufenthaltserlaubnissen sie für Flüchtlinge im laufenden Asylverfahren	Bill to open integration courses to asylum seekers	giving permission of Asylumseekers to attend the mandatory integration courses, while their protection status is still undecided	05.02.2014	Bundesrat (BR, RP, HH)	no	.	no	
18/1528	Entwurf eines Gesetzes zur Einstufung weiterer Staaten als sichere Herkunftsstaaten und zur Erleichterung des Arbeitsmarktzugangs für Asylbewerber und geduldete Ausländer	Bill to declare Bosnia and Herzegovina, Serbia and Macedonia as safe country of origin and improve access to labor market for asylum seekers and foreign nationals with toleration status	declaring Bosnia and Herzegovina, Serbia and Macedonia as safe countries of origin, improve access to labor market for asylum seekers and foreign nationals with "toleration status"	26.05.2014	FedGov	yes	Yes	Yes	06.11.2014
18/2592	Entwurf eines Gesetzes zur Änderung des Asylbewerberleistungsgesetzes und des Sozialgerichtsgesetzes	Bill to change the Asylum seekers Benefit Act and the Social Courts Act	adjust (and increase) benefits for asylum seekers	22.09.2014	FedGov	Yes	Yes	Yes	01.03.2015
18/2736	Entwurf eines Gesetzes zur Aufhebung des Asylbewerberleistungsgesetz	Bill to repeal the Asylum Seekers Benefit Act	to repeal Asylum seekers benefit act and grant asylum seekers the benefits as German citizens falling under Social Insurance Code II, V or XII	07.10.2014	Greens	No	No	No	
18/2752	Entwurf eines Gesetzes über Maßnahmen im Bauplanungsrecht zur Erleichterung der Unterbringung von Flüchtlingen (common: Flüchtlingsunterbringungs-Maßnahmengesetz)	Bill to establish measures in construction planning law that facilitate accommodating for Refugees	temporary removes planning restrictions to faster acquire approval in order to establish new accommodations for refugees	08.10.2014	Bundesrat (BW, BR, HH)	Yes	.	Yes	26.11.2014
18/3144 18/3160	Entwurf eines Gesetzes zur Verbesserung der Rechtsstellung von asylsuchenden und geduldeten Ausländern	Bill to improve the legal status of asylum seeking and "tolerated" foreign nationals	changes regulations about residency obligations, distribution of benefits in kind and priority check for labor market access	11.11.2014 12.11.2014	CDU/CSU, SPD FedGov	Yes	Yes	Yes	01.01.2015
18/4097	Entwurf eines Gesetzes zur Neubestimmung des Bleiberechts und der Aufenthaltsbeendigung	Bill to redefine right to stay and termination of stay	to reward integration efforts of foreign nationals with toleration status, regulates reception of resettlement-refugees and their legal status as well as the legal status of victims of human trafficking	25.02.2015	FedGov	Yes	Yes	Yes	01.08.2015
18/4653	Entwurf eines Gesetzes zur Förderung von Investitionen finanzschwacher Kommunen und zur Entlastung von Ländern und Kommunen bei der Aufnahme und Unterbringung von Asylbewerbern	Bill to relief financial pressures on states and Localities in reception and accommodation of refugees	concerns the financing of reception and accommodation of asylum seekers at the state and local level	20.04.2015	FedGov	Yes	Yes	Yes	30.06.2015
18/5921	Entwurf eines Gesetzes zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder und Jugendlicher	Bill to improve the accommodation and care for children and minors that are foreign nationals	to relief pressure on youth welfare offices (Jugendämter) in accommodating and caring for unaccompanied minors and children; establishes a distribution scheme for these minors for national reception	07.09.2015	FedGov	Yes	Yes	Yes	01.11.2015
18/6185	Entwurf eines Asylverfahrensbeschleunigungsgesetzes (common Asypaket I)	Bill for an Asylum Procedure Acceleration Act	extends duration of stay in initial reception centers from 3 to 6 months, for asylum seekers from safe countries of origin until the end of their asylum procedure, facilitates the replacement of cash benefits by benefits in kind, facilitates faster return procedures (including deportation), regulates access to labor market and integration courses	29.09.2015	CDU/CSU, SPD	Yes	Yes	Yes	24.10.2015
18/6172	Entwurf eines Gesetzes zur schnelleren Entlastung der Länder und Kommunen bei der Aufnahme und Unterbringung von Asylbewerbern (Entlastungsbeschleunigungsgesetz)	Bill to facilitate faster relief of States and communities in reception and accommodation of asylum seekers	provides states and communities with additional funding for reception and accommodation of asylum seekers	29.09.2015	FedGov	No	Yes	No	
18/6278	Entwurf eines Gesetzes zur Gewährleistung der Wahrnehmung sozialer Rechte von Menschen ohne Aufenthaltsstatus	Bill to Guarantee the exercise of social rights for people with no residency status	to remove bureaucratic barriers (specifically notification duties) in order to facilitate the exercise of social rights by people without residency status	08.10.2015	Greens	No	No	No	

#	Name of Law (German)	Name of Bill (English)	Reception relevance	Date of Introduction to Parliament	Origin	Passed Bundestag	Referral to Bundesrat	Became law	Date it became law
18/7043 18/7203	Entwurf eines Gesetzes zur Verbesserung der Registrierung und des Datenaustausches zu aufenthalts- und asylrechtlichen Zwecken (common Datenaustauschverbesserungsgesetz)	Bill to improve registration and data exchange on residency and asylum law related issues	creation of a central database on asylum seekers, extension of data collected to health status, vaccinations and qualifications, authorization of federal and state agencies dealing with asylum seekers (including those regulating access to labor market) to access this database	06.01.2016	CDU/CSU, SPD, FedGov	Yes	No Yes	Yes	05.02.2016
18/7538	Entwurf eines Gesetzes zur Einführung beschleunigter Asylverfahren (common Asylpaket II)	Bill to introduce accelerated Asylum procedures	enforcement of distribution decision by BAMF, removing obstacles to facilitate deportation, suspension of family reunion for those with subsidiary protection, connecting registration, id procedure and asylum seekers benefits, improved protection of unaccompanied minors, re-definition of cash benefits for personal needs, regulating of requirements for medical certificates	16.02.2016	CDU/CSU, SPD	Yes	No	Yes	17.03.2016
18/7537	Entwurf eines Gesetzes zur erleichterten Ausweisung von straffälligen Ausländern und zum erweiterten Ausschluss der Flüchtlingsanerkennung bei straffälligen Asylbewerbern	Bill to facilitate deportation of alien offenders and exclude them from refugee protection	includes compliance with law as a criterion for acceptance as refugee, in cases where alien offenders do not receive protection status, they need to remain in initial reception facilities (or in detention facilities) until their return	16.02.2016	CDU/CSU, SPD	Yes	No	Yes	17.03.2016
18/8039	Entwurf zur Einstufung der Demokratischen Volksrepublik Algerien, des Königreichs Marokko und der Tunesischen Republik als sichere Herkunftsstaaten	Bill to declare Algeria, Morocco and Tunisia as safe countries of origin	to relief cost of reception and accommodation of refugees by forcing asylum seekers from these countries to prove their need of protection and process their asylum applications faster and force them to stay in initial reception centers for the duration of their procedure	06.04.2016	FedGov	Yes	Yes	No	
18/8615 18/8829	Entwurf eines Integrationsgesetzes	Bill for an integration law	improvement of labor access other integration programs for people with protection status and asylum seekers with high prospects of being granted the right to stay, establishment of job opportunities for asylum seekers, introduction of benefit sanctions for asylum seekers	31.05.2016 20.06.2016	CDU/CSU, SPD FedGov	Yes	Yes	Yes	06.08.2016
18/9985	Entwurf eines Dritten Gesetzes zur Änderung des Asylbewerberleistungsgesetzes	Bill for a Third Law to change the Asylum Seekers Benefits Act	regulates asylum seeker benefits, specifically as relating to accommodation when living in collective accommodation	17.10.2016	FedGov	Yes	Yes	No	
18/11546	Entwurf eines Gesetzes zur besseren Durchsetzung der Ausreisepflicht	Bill to improve enforcement of return to home countries/leave country	extends maximum duration for asylumseeker's obligation to stay in initial reception center	16.03.2017	FedGov	Yes	Yes	Yes	29.07.2017
18/12546	Entwurf eines Gesetzes zur Änderung des Aufenthaltsgesetzes	Bill to change the German Residence Act	improve the protection of refugees (with or without protection status) for the duration of their vocational training	30.05.2017	Greens	No	No	No	
19th Legislative Period Starts									
19/461	Entwurf eines Gesetzes zur Feststellung der Volljährigkeit bei jungen Ausländern	Bill for mandatory age determination procedure of young asylum seekers	different care responsibility for unaccompanied minors and adult refugees, different protection systems by age with regard to deportation	17.01.2018	AFD	-	-	pending	
19/957	Entwurf eines Gesetzes zur Änderung des Asylgesetzes – Einstufung der Demokratischen Volksrepublik Algerien, des Königreichs Marokko und Tunesiens als sichere Herkunftsländer	Bill to declare Algeria, Morocco and Tunisia as safe countries of origin	to relief cost of reception and accommodation of refugees by forcing asylum seekers from these countries to prove their need of protection and process their asylum applications faster and force them to stay in initial reception centers for the duration of their procedure	27.02.2018	FDP	No	No	No	
19/5314	Entwurf eines Gesetzes zur Einstufung Georgiens, der Demokratischen Republik Algerien, des Königreich Marokko und der Tunesischen Republik als sichere Herkunftsstaaten	Bill to declare Georgia, Algeria, Morocco and Tunisia as safe countries of origin	to relief cost of reception and accommodation of refugees by fast processing of applications of asylum seekers from these countries due to their low prospects of being granted a right to stay, faster returns, lower application rates in future	29.10.2018	FedGov	Yes	Yes	Pending	
19/5465	Entwurf eines Gesetzes zur fortgesetzten Beteiligung des Bundes an den Integrationskosten der Länder und Kommunen und zur Regelung der Folgen der Abfinanzierung des Fonds „Deutsche Einheit“	Bill for further funding by the Federal Government for integration programs and for the financial relief of States and Communities and regulating the financing of the Fond "German unity"	financing the accommodation/ housing of refugees and asylum seekers	05.11.2018	FedGov	Yes	Yes	Yes	21.12.2018

Source: Parliamentary Documentation Database of the German Bundestag (Deutscher Bundestag [2019]). Compilation and Design: Melanie Kintz

In response the federal government and the parliamentary party groups in the government (CDU/CSU and SPD) introduced between 2014 and 2017 overall 15 bill proposals of which all but three passed. As one of the major goals of the government was to reduce incentives to apply for asylum and reduce eligibility for asylum or recognition as refugee, it is hardly surprising that three of these laws targeted questions of eligibility for asylum and legal matters (18/1528, 18/3160, 18/4097), further three were geared towards making the asylum procedure more efficient (18/6185, 18/7043, 18/7538) and two attempted to simplify and facilitate deportation. Only two laws were oriented to help the refugees and support their integration (18/5921, 18/8829). Last but not least, one law was passed to relieve the financial burden communities were faced with in accommodating refugees (18/4653).

Even though the focus of the laws proposed and passed was often on asylum procedure, it had direct or indirect relevance for reception governance. The law on the declaration of the three West Balkan states as safe countries of origin and facilitation of labour market access for asylum seekers and tolerated foreigners (18/1528) explicitly combines asylum procedure and an area of reception governance. Other laws, specifically the two laws known as “Asylum package I” (18/6185) and Asylum Package II (18/7538) contain provisions that regulate reception governance areas directly or indirectly and also restructure financing of reception (18/6185). Other laws also combine asylum procedure regulations with reception related regulations. For instance, the law on redefinition of the right of stay and termination of stay (18/4097) regulates the reception of resettled refugees and values integration efforts undertaken by asylum seekers who have stayed in Germany for a long time without residency permit. The Law on the improved implementation of the obligation to return (18/11546) impacts reception governance, because those who need to leave may be forced to stay in initial reception centres until their return. The actual return however can take a long time (and prove impossible in some cases) thus affecting the capacities of those initial reception centres and places further pressure on the *Länder* to provide more reception facilities.

Helping the communities was important to relieve their financial burden and keep social peace. By doing so, policy makers were trying to keep right-wing populists and right-wing extremists at bay and to keep the spirit of a welcoming culture alive, even under pressure. As Aydan Özoguz, who served as state minister for migration, integration and refugees between 2013 and 2018, says in her interview: “one of the key changes, which was also very important to me, was financing. We were able to achieve that the Federal Government now pays for the accommodation of an asylum seeker until the decision is made whether he receives protection or not.” And later on: “The trigger was to avoid [fears] of competition [between native population and asylum seekers]. There should not be a feeling that ‘the states take better care of refugees than of the native population.’” Similarly, the interview partner from the Greens in the Bundestag said “we should have done a big social campaign: we need to take care of the refugees but at the same time our population needs to benefit as well: affordable housing, more administration, more jobs, more social involvement. Because – what happened? People who felt left behind asked themselves why suddenly there was all this funding available for refugees. And this pitting of social groups against each other lead, in my eyes, to the strengthening of the AfD and the idea that refugees shouldn’t be here or that they are different and thus not as valuable as others.” Another interview partner said that “... the populist movements were responsible, because they enabled a discourse about restrictions on asylum seekers. The populists pushed the government to restrictive policies to reduce the number of asylum seekers coming to Germany.” (Interview partner of umbrella organization of welfare associations, July 2018).

While formally most proposals were introduced by the Federal Government, the federal states and local communities were very important in inspiring these proposals. “In informal roundtables with state prime ministers and federal government at the chancellery, ... these important points were made: The federal government must not leave us out in the cold” (Aydan Özoguz, interview October

2018). Speaking about the condition of fixed abode (*Wohnsitzauflage*) the representative of the Left Party said: “The *Länder* and local communities were important players in this area. The states said: Federal government – you need to help us. The representatives of the communities argued: We are doing the largest part of integration work; we need these and these tools to do so.” While financing reception and relieving the financial burden of the communities by the Federal Government was supported by all states, calls for a tightening of the access to asylum were mainly demanded by Bavaria (interview partner from Left Party in the Bundestag). It is thus especially noteworthy that former State Prime Minister of Bavaria, Horst Seehofer, became the Minister of the Interior, Construction and Homeland in the Merkel Cabinet of the current legislative period.

There were only three laws that the government introduced, that did not pass. The so-called *Entlastungsbeschleunigungsgesetz* (18/6172), a further proposal to relief the financial stress on states and communities, became obsolete due to the passing of another regulation in the *Asylverfahrensbeschleunigungsgesetz* (18/6185) and was dropped from the agenda. However, the proposed changes to the Asylum Seekers Benefit Act (18/9985), which included a differentiation of benefits for refugees based on their mode of accommodation (collective living or apartment), was vetoed in the Bundesrat and moved to the reconciliation committee. Negotiations there could not be completed before the end of the legislative period. The Bundesrat (specifically the Green Party) also denied approval of the law to declare Algeria, Morocco and Tunisia as safe countries of origin (18/8039) and the law could not be passed in the 18th legislative period. However it has been re-introduced in the 19th legislative period – once by the FDP, a proposal that failed (the governing coalition voted against it) and once by the Federal Government, which added the country of Georgia to the list of countries to be declared safe countries of origin together with the three Maghreb-countries (19/5314). The decision on this law is pending – while the Bundestag passed the law on January 18, 2019, the Bundesrat still needs to approve the law, but it might be blocked there again due to resistance of the Greens.

Deliberative process

Given the perceived pressure, many of the laws were passed in fast succession and fairly quickly. As Table 4 demonstrates, the proposed bills that passed were passed within on average 36.4 days in the 18th and 24 days in the 19th legislative period, with the decision about the Act on the Redefinition of right to stay and the termination of residency rights (18/4097) taking the longest with 127 days. Other laws, like Data Exchange Improvement Act (18/7043), the Act on the Introduction of Accelerated Asylum procedures (18/7538) as well as the Act About Simplified Deportation and Exclusion from Refugee Protection of Alien Offenders (18/7537) needed less than 10 days for approval. This short period of time for passing laws raises the question about the quality of deliberation and the involvement of civil society stakeholders in this process. Usually in Germany’s decision-making procedure there are two points at which civil society stakeholders get involved in the bill creation process. Before the government introduces a bill, it often asks several NGOs and relevant associations for feedback on draft versions of the proposed bill. Secondly, once the bill is introduced, NGOs and other civil society stakeholders may be asked to attend public committee hearings as experts.

Table 4: Legislative processes on passed asylum law between 2013 and 2019

#	Name of Law (German)	Date of introduction to Parliament	Origin	Declared urgent	Alternative proposal available	Leading Committee	Recommendation leading committee	Civil Society statements included in Report	Date of hearing	Passed Bundestag	Date of final vote	Time between introduction and final vote	Result of vote	Became law	Date it became law
18/1528	Gesetz zur Einstufung weiterer Staaten als sichere Herkunftsstaaten und zur Erleichterung des Arbeitsaufenthalts für Asylbewerber und geduldeten Ausländer	26.05.2014	FedGov	yes	yes, Left Party 18/7616	Interior	accept government proposal without changes	no	23.06.2014	Yes	03.07.2014	38	Yes: CDU/CSU, SPD, No: Left Party, Greens	Yes	06.11.2014
18/2592	Entwurf eines Gesetzes zur Änderung des Asylbewerberleistungsgesetzes und des Sozialrechtsgesetzes	22.09.2014	FedGov	yes	yes, Greens (18/2730) Left Party, 18/2874	Labour and Social Issues	accept government proposal without changes	Yes, Deutscher Verein für öffentliche und private Fürsorge e.V., Deutscher Städtetag, Deutscher Landkreistag, AÖE Bremen/Bremehaven, Stadt Dortmund (Deutscher Bund für Arbeit, Gesundheit, Soziales, Wohnungen, Sport und Freizeit), Bundesamt für Migration und Flüchtlinge, Flüchtlingsrat Berlin, Deutsches Rotes Kreuz, Hans Dick (München), Antje Herbst (München), Dr. Andreas Decker (Gülich)	03.11.2014	Yes	06.11.2014	45	Yes: CDU/CSU, SPD, No: Left Party, Greens	Yes	01.03.2015
18/2752	Entwurf eines Gesetzes über Maßnahmen im Bauplanungsrecht zur Erleichterung der Unterbringung von Flüchtlingen	08.10.2014	Bundesrat BW, BR, HH	no	no	Environment, Construction and Nuclear reactor safety	accept proposal with changes	Yes, Tine Fuchs (Deutscher Industrie- und Handelskammertag e.V.), Katharina Stamm (Bundesarbeitsgemeinschaft der freien Wohlfahrtspflege), Rüdiger Junge (Freie und Hansestadt Hamburg, Behörde für Stadtentwicklung und Umwelt, Amt für Rechtsangelegenheiten und Beteiligungsverwaltung), Katharina Vogt (AWO Bundesverband e.V.), Dr. Henrik Cremer (Deutsches Institut für Menschenrechte), Ben Rau (Bayerischer Flüchtlingsrat), Hilmar von Logevik (Bundesvereinigung der kommunalen Spitzenverbände Stadt Dortmund (Deutscher Bund für Arbeit, Gesundheit, Soziales, Wohnungen, Sport und Freizeit), Bundesamt für Migration und Flüchtlinge)	03.11.2014	Yes	06.11.2014	29	Yes: CDU/CSU, SPD, No: Left Party, Greens	Yes	26.11.2014
18/3144	Entwurf eines Gesetzes zur Verbesserung der Rechtsstellung von ansuchenden und geduldeten Ausländern	11.11.2014	CDU/CSU, SPD	no	no	Interior	accept proposal with changes	no	Yes	04.12.2014	23	Yes: CDU/CSU, SPD, Greens, No: no one, Abstain: Left Party	Yes	01.01.2015	
18/3160	Entwurf eines Gesetzes zur Neubesimmung des Bundesrechts und der Außenbeziehungen	12.11.2014	FedGov	no	no	Interior	accept proposal with changes	no	Yes	02.07.2015	127	Yes: CDU/CSU, SPD, No: Left Party, Greens	Yes	01.08.2015	
18/4097	Entwurf eines Gesetzes zur Förderung von Investitionen in Wirtschaftskommunen und zur Einlösung von Ländern und Kommunen bei der Aufnahme und Unterbringung von Asylbewerbern	20.04.2015	FedGov	yes	no	Budget	accept proposal with changes	Yes, Stefan Anton (Deutscher Städtetag), Prof. Dr. Hans Günter Henkel (Deutscher Landkreistag), Prof. Dr. Martin Junkermann (Technische Universität Kaiserslautern), Gabriele C. Klug (Stadtkämmerei der Stadt Köln), Dr. Gerd Landberg (Deutscher Städte- und Gemeindeförderung, Staatssekretärin Daniela Trochowski (Ministerium der Finanzen des Landes Brandenburg), Dr. Jörg Zeuner, (Kreditanstalt für Wiederaufbau)	04.05.2015	Yes	21.05.2015	31	Yes: CDU/CSU, SPD, No: no one, Abstain: Left Party, Greens	Yes	30.06.2015
18/5921	Entwurf eines Gesetzes zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder und Jugendlicher	07.09.2015	FedGov	yes	yes (Left Party 18/4185) and Greens (2032)	Family, Seniors and Youth	accept with proposal with changes	Yes, Niels Epenhorst, (Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V., Berlin), Dr. Björn Hagen, (Evangelischer Erziehungsverband e.V., Hannover), Dr. Birgit Lambert, (SOS Kinderdorf e.V., München), Dr. Thomas Meyern, (Hilfshandwerk, Klaus-Dieter Möller (Landesbetrieb Erziehung und Beratung, Hamburg), Bernhard Ostrop (Deutscher Caritasverband e.V., Berlin), Franz Proß/Landratsamt Passau, Kreisjugendamt, Passau), Verena Köpfer (Vertreter in der Bundesvereinigung der kommunalen Spitzenverbände, Berlin)	12.10.2015	Yes	15.10.2015	38	Yes: CDU/CSU, SPD, No: Left Party, Abstain: Greens	Yes	01.11.2015
18/6185	Entwurf eines Asylverfahrensbeschleunigungsgesetzes	29.09.2015	CDU/CSU, SPD	no	yes (Left Party 18/3838 & 18/6190) and Greens (18/4694)	Interior	accept proposal with changes	no	Yes	15.10.2015	16	namely: Yes: 475, No: 68, Abstain: 37	Yes	24.10.2015	
18/7043	Entwurf eines Gesetzes zur Verbesserung der Registrierung und des Datenaustausches zu Aufenthalts- und juristischen Zwecken	06.01.2016	CDU/CSU, SPD	no	no	Interior	accept proposal with changes	no	Yes	14.01.2016	8	Yes: CDU/CSU, SPD, No: no one, Abstain: Left Party, Greens	Yes	05.02.2016	
18/7203	Entwurf eines Gesetzes zur Einführung beschleunigter Asylverfahren	16.02.2016	CDU/CSU, SPD	no	Yes (Greens, 18/6202)	Interior	accept proposal without changes	yes (7 experts)	22.02.2016	Yes	25.02.2016	9	namely: Yes: 429, No: 147, Abstain: 4	Yes	17.03.2016
18/7537	Entwurf eines Gesetzes zur erleichterten Ausweisung von straffälligen Ausländern und zum erweiterten Ausschluss der Flüchtlingsanerkennung bei straffälligen Asylbewerbern	16.02.2016	CDU/CSU, SPD	no	no	Interior	accept proposal with changes	yes (7 experts)	22.02.2016	Yes	25.02.2016	9	Yes: CDU/CSU, SPD, No: Left Party, Greens	Yes	17.03.2016
18/8615	Entwurf eines Integrationsgesetzes	31.05.2016	CDU/CSU, SPD	no	yes, Left party (18/6644), Greens (18/7618/7623)	Labour and Social Issues	accept proposal with changes	Yes, Deutscher Landkreistag, Deutscher Städte- und Gemeindeförderung, Deutscher Städtetag, Deutscher Gewerkschaftsbund, Bundesvereinigung der Deutschen Arbeitgeberverbände, Deutscher Industrie- und Handelskammertag e.V., Zentralverband des Deutschen Handwerks e.V., Institut für Arbeitsmarkt- und Berufsforschung, Bundesagentur für Arbeit, Bundesamt für Migration und Flüchtlinge, Sachverständigenrat deutscher Stiftungen für Integration und Migration GmbH, Senatsverwaltung für Arbeit, Integration und Frauen (Berlin), Deutscher Anwaltverein e.V., AWO-Bundesverband e.V., Akademie Bauhof GmbH, Diakonie Deutschland – Evangelischer Bundesverband, Kombiart der Deutschen Bischöfe, Prof. Dr. Holm-Peter, Prof. Dr. Daniel Thum, Dr. Martin Lenz, Prof. Dr. Rolf Rosenbrock	20.06.2016	Yes	07.07.2016	37	Yes: CDU/CSU, SPD, No: Greens, Left Party	Yes	06.08.2016
18/8829	Entwurf eines Gesetzes zur besseren Durchsetzung der Ausreisepflicht	18.03.2017	FedGov	no	no	Interior	accept proposal with changes	no	Yes	18.05.2017	63	Yes: CDU/CSU, SPD (-2); No: Left Party/ Greens	Yes	29.07.2017	
19th Legislative Period Starts															
19/4665	Entwurf eines Gesetzes zur fortgesetzten Beteiligung des Bundes an den Integrationskosten der Länder und Kommunen und zur Regelung der Folgen der Abfindung des Fonds „Deutsche Einheit“	05.11.2018	FedGov	Yes	no	Budget	accept without changes	no hearing, but position papers by Deutschen Landkreistages, des Deutschen Städtetages, des Deutschen Städte- und Gemeindebundes	Yes	29.11.2018	24	Yes: CDU/CSU, SPD, FDP (-1), Left Party, Greens, No: AfD, Abstain: 3 FDP member	Yes	21.12.2018	

Source: Parliamentary Documentation Database of the Bundestag, Database of the Bundesrat (Deutscher Bundestag [2019]; Bundesrat [2019]). Compilation: Melanie Kintz

Our interview partners criticized that the government did not really care for the input of NGOs in the deliberative process on reception related laws.

“Until now, the consultation of non-state actors remains unsatisfactory. Sometimes we are involved and get the chance to comment on legislative proposals, but within deadlines which do not allow us to comment in an appropriate way: 24 hours, 36 hours, 48 hours. ... Sometimes they even send requests for opinions on holidays. This year it was on the 1st of May.¹⁶ That’s why we are concerned that they do not care at all about our opinion. It is more a pro-forma request than an interest in our

¹⁶ The 1st of May is a public holiday in Germany.

expertise.” (interview partner from Umbrella organization of Welfare associations, July 2018). In similar fashion our interview partner from the Left Party’s parliamentary party group told us that even though the bylaws of the Federal Government require a participation of public associations, they tend to disregard the replies they get.

“In the past years it has become a farce. The deadlines for the associations to respond were either a couple of hours or very few days. This means, that the government snubs the associations and the procedure shows: we do not care at all about what you are writing. We will put it away and won’t consider it. And it is like that. There’s never been an idea, a vision proposed by an NGO that has been incorporated into the legislative process. This procedure is unbelievable and leads to the results that we can observe now: a mass of procedural deficiencies. Deficiencies, NGOs and professional associations have complained about for years. We still have them and we have them because the proposal coming from this side [NGOs and professional associations] are not being considered and implemented.” (interview partner from the Left Party in the Bundestag, September 2018).

Among these deficiencies the representative mentioned in the quote above were regulations that may be unconstitutional or contradict current law like the treatment of mentally ill asylum seekers in the deportation process, the searching of mobile devices by the BAMF and the permanent stay in reception facilities without access to integration (residency requirement in a certain district, prohibition to work, and access to benefits in kind only instead of monetary benefits). Further, some of passed laws contain impractical and irrelevant regulations. For instance, only very few asylum claims could be processed in the accelerated procedure and the number of asylum seekers from the West Balkan States have gone down in recent years already. (Representative of the Left Party in the Bundestag, September 2018).¹⁷In a more elaborative way a Minor Inquiry of the Left Party investigated this issue further. It asked specifically which and at what point of time non-parliamentary actors were asked for their opinion on proposal and by what time the answer was expected. The answer by the German Federal Government (18/13478) showed, that at times there were more than 100 professional associations and NGOs asked for their opinion on law proposals, including refugee advocacy groups like PRO ASYL and Amnesty International, welfare associations like Caritas or Malteser, migrant organizations like the Turkish Community or DaMigra (umbrella organization of all migrant associations), but also professional associations that do not seem directly related to the content of the law, like the German Football Association or the Association of German Architects. While the inquiry does not cover all the bill proposals relevant to reception listed above, it shows that non-state actors had in most cases less than a week to reply to the request of an opinion. Further, the cabinet resolution often followed shortly (within a day or two) after the deadline of the opinion request had passed, giving the impression that the replies were not even considered before the cabinet decided on the proposal.

As second point of influence for non-state actors to influence legislation is by appearing as experts in public committee hearings. Out of the 17 bill proposals that were introduced to the Bundestag between 2013 and 2019, four were passed with the recommendation to pass it as the government proposed, among them the Introduction of Accelerated Asylum Procedures Act (18/7538), that was passed un-amended despite having had a hearing of seven (in the report unnamed) experts.

In eight instances we found that public hearings by committees were held and the committee reports provided exact information about the experts that were heard. Public hearings by committees tend to invite between six and ten experts on law proposals. Aside from academic and legal experts, welfare associations who do major work in implementing reception, as well as representatives of the associations of the cities, districts and local communities were heard regularly. In most but not all

¹⁷ Similar claims are made about the bill proposal to declare Georgia, Algeria, Morocco and Tunisia as save countries of origin.

hearings, refugee advocacy groups were heard as well. However, they were absent in the public hearing on the Integration Law (18/8829) and on the law proposal about the Support investment by financially weak communities and financial relief for states and localities for the accommodation of asylum seekers and refugees (18/4653).

However, there are further, more indirect ways for non-state actors to influence and inspire legislation. As Aydan Özoguz (2018) said in her interview:

“We did two or three roundtables where almost all – well that is impossible – where the most important organizations like Churches, Welfare Associations, Volunteer organizations, Amnesty international ... were present. We let them report about their problems and worries. ... In my view this was very important, because everyone could talk about their problems in front of the chancellor and the present ministers ... and we could say: ‘Gosh! Person X or Y should take care of that’ or ‘Maybe we need additional funding for that or maybe we need a different involvement in that.’ And we did provide funding.”

Asked, whether she thinks that those meetings keep influencing policy-making regarding reception even now she answered: “I hope so. But I do not hold this position anymore and have no idea what they are doing now.” (ibid.)

Another informal way of non-state actors to influence decision making are through regular contacts with parliamentary party groups. As our interview partner from the Left Party Parliamentary Group indicated, they have regular contact with migrant advocacy groups, specifically PRO ASYL or the Refugee Councils, but also with the Welfare Associations like Caritas or the German Red Cross as well as Unions. They meet at conferences and exchange e-mails regularly and the Party Parliamentary Group informs them regularly on relevant bill proposals and schedules hearings. (Interview Representative Left Party, September 2018).

Decision-making processes at the state level

Formally legislative processes at the state level function similarly to that on the national level, except that bills only need to pass one chamber before becoming laws. Data on state legislative decision making with regard to reception could not be retrieved systematically due to limits in time and resources. However, preliminary research we conducted shows that in the three states we have data for some bills relevant to reception were proposed, often by the governments of the states. Most of these laws were about adjustments of the existing refugee reception laws. The involvement of non-state actors at hearings was also similar at the state level with a regular presence of associations representing the interests of municipalities and the districts and a lesser presence of migrant advocacy groups. We further noted in Saxony there was also a stronger presence of experts from other German states (mostly from state actors) providing their expertise. However, further research is needed to present a more conclusive assessment of the involvement on non-state actors to provide more representative data and investigate patterns of inclusion and exclusion of non-governmental actors in the decision-making process. Our interview partners at the state level however indicated that, compared to the national level, the cooperation between state governments and NGOs is much stronger and much more intensive and that state governments are much more receptive to the proposals of non-state actors (interview with Ilko Kessler, Arbeiterwohlfahrt Saxony).

Other forms of holding the government accountable on reception

Between June 1st, 2013 and January 25th 2019, parliamentary documents referred to the EU Reception directive 115 times. Aside from bill proposals, where mainly the opposition parties Greens and Left Party referred to it, it was most widely used in major or minor inquiries of opposition parties to the Federal Government and the government’s responses to it. While not shaping legislation, such

minor and major inquiries hold the government accountable and raise awareness to problems. Further it provides the opposition parties with data that they may use in deliberations on bill proposals in the committees in the future. Inquiries concerned instances of police violence in deportation procedures, the protection of vulnerable groups (women, LGBTII, traumatized refugees, refugees with disabilities, minorities) in reception centres and the newly established AnKER-centres, as well as the situation of refugees in other countries (like Greece, Libya, Bosnia and Herzegovina). Lastly these inquiries also investigated the access to health and mental health services by refugees and asylum seekers as well as their access to schooling and the labour market.

Given that reception is state responsibility, it is likely that the reception directive was more frequently discussed at the state level. Due to the limits in time and resources, we did not conduct a thorough investigation on instances of state parliamentary references to the EU reception directive. However, a quick investigation in the states that we cover more closely in this report, Saxony and North Rhine-Westphalia shows that there was not a significant discussion of the directive there. It was referred to in only one instance in Saxony and 14 times¹⁸ in NRW. What became apparent however was that in both states opposition parties (in Saxony the Left Party; in NRW the Pirates Party, part of the NRW Landtag until 2017) used minor inquiries to ask the state governments about the status of the implementation of the reception directive in the state.

2.2 Main revisions of the current reception system

The increase of incoming asylum seekers in 2014 and 2015 led to revisions of the asylum law that impacted the reception system. Two important revisions in asylum law took place in October 2015, also named “asylum package I” (*Asylpaket I*), and in February 2016, also called “asylum package II” (*Asylpaket II*). Part of these two asylum packages were the Asylum Procedure Acceleration Law (*Asylverfahrensbeschleunigungsgesetz*) from 20 October 2015 and the Law on the Introduction of Accelerated Asylum Procedures (*Gesetz zur Einführung beschleunigter Asylverfahren*) from 11 March 2016, which brought changes in various laws, among others in the Residence Act (*Aufenthaltsgesetz*), the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*) and the Asylum Procedure Law (*Asylverfahrensgesetz*) which since then is named Asylum Law (*Asylgesetz – AsylG*). In addition, the Data Exchange Improvement Act (*Datenaustauschverbesserungsgesetz*) came into force on 5 February 2016 and the Integration Law (*Integrationsgesetz*) was introduced on 31 July 2016. Important changes are presented below along the categories registration, asylum procedure, distribution, accommodation and social care, asylum seekers’ benefits, health care, and integration.

2.2.1 Registration and asylum procedure

In 2015 and 2016 authorities were overwhelmed by the increasing entries of asylum seekers so that registration did not take place or was carried out belatedly. In order to speed up the process of registration and identification of asylum seekers, new technical infrastructures were introduced. For this the Data Exchange Improvement Act that came into force on 5 February 2016 was necessary as legal basis. The aim was to avoid multiple registrations and to improve the exchange of data among the authorities. The law allows the Federal Office of Administration (*Bundesverwaltungsamt*), which is responsible for the administration of the Central Register of Foreigners, to involve further authorities such as administrative courts, youth welfare offices, public health departments, social welfare offices and job centres. The Federal Office for Migration and Refugees (BAMF) is the competent registration authority and uses the data of the Central Register of Foreigners for its work.

¹⁸ It needs to be said that Saxony’s state parliamentary database counted Original inquiry and its answer by the state government as one instance, while the Bundestag as well as the NRW Landtag count question and answer as separate instance.

This was also done in order to reduce multiple withdrawals of money for the registration by the federal states.

2.2.2 Distribution and accommodation

The distribution in Germany takes place according to a quota called the “Koenigstein Key”. The *Koenigstein* quota ought to ensure that asylum seekers and the “burden” of covering the cost for accommodating and providing necessary needs to them is distributed fairly throughout Germany. This distribution system has not changed over the years. The Asylum Procedure Acceleration Law of 2015 only added a new subsection in section 45 of the Asylum Law regulating that two or more federal states have the possibility to agree upon taking in asylum seekers from another federal state in change of a compensation of costs (section 45 subs. 2 AsylG) (Wissenschaftliche Dienste 2016, 5).

When asylum seekers arrive at the federal state, they are accommodated in initial reception facilities for the first weeks. People are obliged to stay there for the first weeks in order to be available at all times when the asylum procedure is being initiated (BAMF 2014, 7). Until 2015 the obligatory stay in initial reception facilities was limited to the duration of three months. The Asylum Procedure Acceleration Law provides a change in section 47 subs. 1 of the Asylum Law that obliges asylum seekers to live there up to six months. Asylum seekers from so-called safe countries of origin (Bosnia and Herzegovina, Macedonia, Serbia, Ghana, Senegal and since 2015 Kosovo, Montenegro as well as Albania) are accommodated in initial reception facilities for the whole asylum procedure, if necessary, longer than six months (Section 47 subs. 1a AsylG). This longer stay has consequences for the free movement of asylum seekers. Section 56 of the Asylum Law permits asylum seekers only to stay in the district of the Foreign Authority where the reception facility is located (residence obligation). If they want to leave the district or city, they need permission of the responsible authority. The Legal Status Improvement Act (*Gesetz zur Verbesserung der Rechtsstellung von asylsuchenden und geduldeten Ausländern – AsylRÄndG*) that entered into force on 1 January 2015 had brought improvements for the free movement of asylum seekers. This Act introduced Section 59a to the Asylum Law and limits the residence obligation for asylum seekers to three months. But the Asylum Procedure Acceleration Law in October 2015 again restricted the relaxation linking the residence obligation to the stay in the initial reception facilities (section 59a subs. 1 sentence 2 AsylG). So asylum seekers in the initial reception centres cannot move freely within Germany without permission.

Furthermore, the Law for Better Enforcement of the Obligation to Leave the Country (*Gesetz zur besseren Durchsetzung der Ausreisepflicht*) of 20 July 2017 introduced a new subsection to the section 47 of the Asylum Law which regulates that the states have the possibility to impose an obligation to stay in initial reception facilities up to 24 months (subs. 47 subs. 1b AsylG).

2.2.3 Asylum seekers’ benefits

Asylum seekers receive benefits in order to cover their vital needs if they do not have sufficient income or assets. The legal basis is the Asylum Seekers Benefits Act (Asylbewerberleistungsgesetz – AsylbLG). The basic benefits are set out in section 3 of the Asylum Seekers Benefits Act (AsylbLG) and include “[...] the need for food, housing, heating, clothing, health care and household utensils and consumables (basic needs) [...]” (Section 3 subs. 1 AsylbLG). In addition, beneficiaries receive benefits to meet their personal needs of everyday life (Section 3 subs. 1 AsylbLG). It is not defined in the law what this implies, but could be a bus ticket, a cell phone or personal body care.

Since the passing of the Asylum Seekers Benefits Act in 1993 the amount of granted benefits was not adapted for almost 20 years. On 18 July 2012 the Federal Constitutional Court considered the amount of granted benefits as insufficient in order to participate in social, cultural and political life. Until the recalculation and the amendment of the law, asylum seekers’ benefits were based on a

specific regulation and provisions were about 35% less than for Germans receiving social benefits. Further, benefits were usually provided preferably in kind. In March 2015 the Asylum Seekers Benefits Act was adapted according to the court decision of 2012. The amount of benefits is now defined in the law. The benefits for single adults in 2015 for the basic needs amounted to 212 Euros per month and the benefits for the personal needs to 140 Euros/month (section 3 subs. 1 no. 1 and subs. 2 no. 1 AsylbLG). Since the changes in March 2016 single adults receive 216 Euros/month for the basic needs and 135 Euros per month for personal needs.

An important issue to be mentioned when it comes to the benefits for covering asylum seekers' vital needs is the dispute about benefits in kind or cash benefits. Until 2015 the Asylum Seekers Benefits Act provided the priority of benefits in kind. However, many municipalities already passed to using cash benefits, especially for the benefits to meet the personal needs of everyday life. Finally, in March 2015 a change of the Asylum Seekers Benefits Act took place determining the priority of cash benefits for covering the basic needs outside the initial reception facilities (section 3 subs. 2 AsylbLG). In addition, the benefits to meet the personal needs of everyday life had to be paid cash, also in initial reception facilities. This changed again in October 2015 with the Asylum Procedure Acceleration Law. Since then the basic needs in initial reception facilities have to be covered by benefits in kind (section 3 subs. 1 AsylbLG). Benefits for the personal needs are supposed to be covered by benefits in kind in initial reception facilities "if possible, with reasonable administrative effort" (section 3 subs. 1 sentence 6 AsylbLG). However, the disbursement of the "pocket money" as benefit in kind is uncommon in practice (Schammann/Kühn 2017, 15). Another amendment to the Asylum Seekers Benefits Act (AsylbLG) in October 2015 concerns the benefit cuts for different groups of persons, such as persons whose deportation has been temporarily suspended according to section 60a of the Residence Act (AufenthG) as well as to persons that are obliged to leave the country, even if a deportation order is not yet or no longer enforceable (section 1a subs. 1 AsylbLG).

Another revision concerns the leeway of the local authorities to limit the benefits. Before 2016 there were already reasons for sanctioning the benefits, for example when refusing employment opportunities proposed by the authorities (section 5 AsylbLG). The Integration Law (Integrationsgesetz) of 31 July 2016 regulates that benefits can be reduced tremendously if asylum seekers violate their duty to cooperate during the asylum procedure (section 1a subs. 5 AsylbLG) (came into force on 6 August 2016) or if they reject to attend an integration course (section 5b AsylbLG) (came into force on 1 January 2017). However, the local authorities have the possibility to not limit the benefits if the person can give "important reasons" for his or her behaviour (Schammann/Kühn 2017, 17).

2.2.4 Health care

The Asylum Benefits Act also regulates a limited health care for asylum seekers. Section 4 subs. 1 AsylbLG grants the necessary medical and dental treatment, including medicines and dressings, “for acute diseases and pain conditions”. Furthermore, expectant mothers and mothers in childbed have the right to be provided with medical and nursing assistance and care (Section 4, subs. 2 AsylbLG). Section 6 subs. 2 AsylbLG allows on a case-by-case basis necessary medical or other support for persons with special needs such as unaccompanied minors or “persons that suffered torture, rape or other serious forms of psychological, physical or sexual violence”. In order to visit a doctor, asylum seekers generally need a certificate of treatment from the responsible authority.

With regard to the health care there have not been major legal changes for asylum seekers since 2014. In general, only acute diseases and pain conditions can be treated in the first 15 months of the stay. Since March 2015 beneficiaries that have stayed in Germany for 15 months (before 2015: 48 months) receive benefits according to Book XII of the Social Code (*Soziales Gesetzbuch – Zwölftes Buch*) (section 2 subs. 1 AsylbLG). This means that they receive the same benefits as persons with statutory health insurance, apart from long-term care insurance benefits (Classen 2018, [19]). So, the duration of the limited health care is shorter than before. This amendment was regulated in the Act Amending the Asylum Seeker Benefits Act and the Social Court Act of December 2014 (*Gesetz zur Änderung des Asylbewerberleistungsgesetzes und des Sozialgerichtsgesetzes*).

Furthermore, the Asylum Procedure Acceleration Law of 2015 provides that preventive action gains more importance. Section 4 subs. 1 Sentence 2 requires the prevention and early detection of diseases by vaccinations and preventive medical check-ups. In addition, the law contains new regulations that make it easier for the federal states to introduce electronic health cards. Health insurance funds can be obliged by the federal states to provide health care for asylum seekers. For this a framework agreement with the health insurance associations is necessary which regulates the assumption of the treatment costs and provides an appropriate reimbursement of administrative expenses. Even if federal states decide to introduce the electronic health cards each municipality has the choice to follow or not to follow this decision (Wächter-Raquet 2016, 15).

2.2.5 Integration

The Asylum Procedure Acceleration Law of October 2015 brought some new regulations regarding the access to integration courses. The Federal Government established a nationwide standardized integration course in 2005 (section 44 AufenthG). This course includes language lessons and an orientation course containing lessons on topics such as rights and obligations, democracy, Basic Law and the system of government, German history, culture/conventions and everyday customs (Schneider 2012, 48-49). Until 2015 this course was only accessible for accepted refugees, but not for asylum seekers in the asylum procedure. Since October 2015 asylum seekers with a high prospect of being granted a right to stay or persons with a tolerated stay (*Duldung*) according to section 60a subs. 2 AufenthG have the possibility to attend an integration course if there are still capacities available (section 44 subs. 4 no. 1 and 2 AufenthG). Persons from safe countries of origin are excluded from integration courses (section 44 subs. 4 sentence 3).

With regard to labour integration asylum seekers in the asylum procedure for a long time only had the possibility to take a job after the first year of their stay (Schneider 2012, 52). The Act of 31 October 2014 on the Classification of Other States as Safe Countries of Origin and on Facilitating Access to the Labour Market for Asylum Seekers and Tolerated Foreigners (*Gesetz zur Einstufung weiterer Staaten als sichere Herkunftsstaaten und zur Erleichterung des Arbeitsmarktzugangs für Asylbewerber und geduldete Ausländer*) reduced this waiting period to three months (Wissenschaftliche Dienste 2015, 4). In order to take up employment, asylum seekers require a permit from the foreigners’ authority and an approval from the Federal Employment Agency. The

Federal Employment Agency until 2016 carried out a priority check, which means that German and EU citizens as well as foreign jobseekers with a safe status were preferred for the job (Schneider 2012, 51-52).

The Integration Law of 31 July 2016 contains a number of amendments to existing laws and ordinances. These regulations aim at offering better integration measures for asylum seekers with high prospect of being granted a right to stay, including the access to the labour market. For example, asylum seekers can be hired in most districts after three months without the priority check now. In addition, the law brought new regulations about the obligation to do low-threshold work opportunities. The Integration Law calls for the cooperation of asylum seekers and introduces sanctions in case of non-participation. Persons from safe countries of origin do not have the right to take a job if they submitted their asylum application after 31 August 2015. However, after the declaration of Bosnia and Herzegovina, Macedonia and Serbia as safe countries of origin, the government also opened up new ways for legal labour migration for citizens from these states (interview Aydan Özoguz, October 2018).¹⁹

2.2.6 Funding

The funding of refugee reception in Germany is shared by the federal government, the federal states and the municipalities. The financial responsibility for the registration of asylum seekers is shared between the Federal Government and the federal states depending on where the asylum seeker is registered – at the German border by the Federal Police or further inland by the respective state police or state authorities. The Federal Government bears the costs for the asylum procedure (Hummel/Thöne 2016, 17-18). Due to the increasing number of asylum seekers, the Federal Government and the federal states in September 2015 agreed upon a stronger participation of the Federal Government in the financing of refugee reception. This was a major structural change in Germany. The agreements finally were set in the Act on the Federal Government's Participation in the Costs of Integration and on Further Relief for the *Länder* and Municipalities of 1 December 2016 (*Gesetz zur Beteiligung des Bundes an den Kosten der Integration und zur weiteren Entlastung von Ländern und Kommunen*). According to the agreements the Federal Government bears the costs for the organization of the distribution of asylum seekers which was done before by the federal states. The provision and operation of initial reception facilities was financed completely by the federal states before September 2015. Now the federal states still have the main responsibility for initial reception but the Federal Government took some measures to disburden initial reception facilities such as the establishment of temporary waiting centres for the initial registration and redistribution of asylum seekers.²⁰ Furthermore, the Federal Government from 2016 onwards participates in the granting of asylum seekers' benefits, paying 670 Euros per month per asylum seeker to the federal states (Hummel/Thöne 2016, 17-18; 49-50). The municipalities are usually responsible for paying the benefits that are granted to asylum seekers according to the Asylum Seekers Benefits Act. However, they get financial support to a varying extend from the federal states (Hummel/Thöne 2016, 17). Schammann and Kühn argue that the amounts paid by the federal states to the municipalities until 2015 varied widely and were largely not covering the costs. Since September 2015 several federal states have significantly increased their lump sums for the municipalities (Schammann/Kühn 2016, 29).

¹⁹ This signifies an instance where asylum policy is clearly embedded in other areas of migration policy.

²⁰ In 2015, two waiting centres with a capacity of 5,000 places were established close to the German-Austrian border. Until spring 2016, more than 100,000 persons passed these waiting centres (e.g. Merkur.de 2018; BAMF [2019])

3. Functioning of the governance reception system today

In this section we focus on the practical organization, implementation and financing of reception. While, as we have shown above, asylum procedure and reception governance are heavily intertwined, we focus on reception policy areas that are outside of the asylum procedure (see Figure 2 above) as they are: distribution, housing and catering, healthcare, access to schooling, vocational training and the labour market as well as administrative issues relating to reception governance. The data presented here are mainly collected through interviews. Given that we did not have time or resources to collect data in all 16 federal states of Germany our analysis focuses heavily on Saxony, North Rhine-Westphalia and Baden-Württemberg.

3.1 National and state-level governance of reception

3.1.1 Registration and Asylum procedure

The registration of incoming asylum seekers usually is carried out either by the Federal police at the German border or further inland by the respective state police or state authorities, depending on where the asylum seeker requests for asylum. With the increasing number of incoming asylum seekers in 2015 some measures were introduced in order to bundle different tasks and accelerate the registration process. For instance, 1,200 to 1,500 registration stations, so called PIK stations (**P**ersonalisierungsinfrastrukturkomponente – **P**ersonalized Infrastructure Component), were established until May 2016 by the Federal Government (Grote 2018, 49-50). In these stations incoming asylum seekers are biometrically recorded and data are saved in the IT system “MARiS” and in the core data system of the Central Register of Foreigners. Fingerprints are also stored in the data bases of the police. Initial reception facilities, offices of the Federal Office for Migration and Refugees and police stations have the possibility to compare fingerprints (so called “Fast-ID”) and determine if or where a person is registered and where asylum seekers’ benefits can be obtained (Tangermann 2017, 16). Furthermore, a uniform proof of arrival (*Ankunftsnachweis* – AKN) was introduced, which is a paper-based document with forgery-proof elements issued by the initial reception facilities and the branch offices of the Federal Office of Migration and Refugees. This document serves as proof for the registration and contains also the responsible initial reception facility (Tangermann 2017, 16).

In addition, the so called “integrated refugee management” (*integriertes Flüchtlingsmanagement*) was established in 2016 that provides to optimize the processing from the entry to the asylum application. The aim was to bundle the entire asylum procedure including federal and regional processes in “arrival centres”²¹. Employees of the different authorities involved come together in these centres in order to fulfil various tasks such as the registration and recording in the new core data system (KDS) (by federal states), a health check, partly asylum procedure counselling (by NGOs), the asylum application and hearing (by the Federal Office of Migration and Refugees), return counselling, recording of the qualifications of applicants with high prospect of being granted a right to stay for the integration to the labour market and the clarification of the access right to integration courses. Furthermore, in the spring of 2016 video interpreting was implemented in order to compensate capacity bottlenecks and enhance operational flexibility. Interpreters attended the hearing via video (Grote 2018, 50-51). In order to be able to process the asylum applications, branch offices of the Federal Office for Migration and Refugees are affiliated to the initial reception centres in the federal states. If the application is negated asylum seekers are supposed to be returned to their home country.

²¹ Most of these arrival centres are former initial reception centres that now have additional responsibilities.

The basis for the decision of the Federal Office of Migration and Refugees is the German Basic Law, the Geneva Convention on Refugees and the Asylum Law (named “Asylverfahrensgesetz” until 2014 and “Asylgesetz” since 2015). There are four different forms of protection 1) entitlement to asylum in accordance with Article 16a Grundgesetz (Basic Law) (very rare), 2) refugee status according to the Geneva Convention on Refugees (embedded in the Asylum Law, section 3 subs. AsylG), 3) subsidiary protection in accordance with section 4 subs. 1 AsylG and 4) deportation ban in accordance with section 60 subs. 5 and 7 AufenthG (Residence Act). In addition, deportation may be temporarily suspended and a so called *Duldung* (tolerated stay) can be granted according to §60a AufenthG (Residence Act).

Table 5: Asylum decisions and consequences for the residence permits

Type of decision	Residence Law
Entitlement to asylum (Art. 16a GG)	3-year residence permit, then settlement permit possible
Refugee status (Geneva Convention; §3 I AsylG)	
Subsidiary protection (§ 4 I AsylG)	1-year residence permit, renewal options
Deportation ban (§60 V/VII AufenthG)	1-year residence permit, renewal options
Temporary suspension of deportation (§60a AufenthG)	Certificate of suspension of deportation
Rejection	Exit order
Formal decision	

Source: BAMF 2016a

The increase of incoming asylum seekers in 2015/16 highlighted staffing problems at the Federal Office for Migration and Refugees (BAMF). As a Minor Inquiry by the Green Party in 2016 points out, personnel shortages at the Federal Office for Migration and Refugees were already known and reported about in early 2015. In order to handle the increased number of applications (and thus keep the time for the asylum procedure and reception provision at a reasonable length), the BAMF hired new personnel and ordered shift work for its employees. Several of these personnel decisions as well as hiring procedures came under legal scrutiny (Deutscher Bundestag 2016). Further criticism arose from claims that newly hired personnel were inadequately qualified to make decisions on asylum applications that would withstand legal challenges (examples for such claims can be found in the news media, such as DIE ZEIT, 2017).

3.1.2 Distribution

Formally, distribution of asylum seekers is regulated by an IT system named EASY (Erstverteilung der Asylbegehrenden – initial distribution of asylum seekers) (Der Paritätische Gesamtverband 2014, 8). This system is based on the *Koenigstein* quota which regulates how many asylum seekers a federal state must take in. The distribution is coordinated by the Federal Office for Migration and Refugees (Müller 2013, 20). Asylum seekers have no say in where they will be placed for the duration of the asylum procedure. Based on that quota North Rhine-Westphalia receives the largest share of asylum seekers (21.1%), Baden-Wuerttemberg receives 13.0% of asylum seekers and Saxony 5.0%. While this distribution scheme determines the number of asylum seekers, it does not consider aspects of nationality, gender, special needs or household size in distribution.

The distribution is further dependent on the capacities of the initial reception centres and the competence of the BAMF’s branch offices for the particular applicant’s country of origin. Hence certain nationalities tend to be sent only to one or two Federal States for their asylum procedure. “We had the sole responsibility for asylum seekers from Gambia during the crisis, so a lot of asylum seekers came from Gambia to us. Meanwhile there is also another state responsible for asylum

seekers from Gambia.” (Representative from State Ministry of Social Issues and Migration, Baden-Wuerttemberg, September 2018).

In distributing the asylum seekers to initial reception centres (Erstaufnahmeeinrichtungen), authorities try to remain mindful of nationalities, gender, household size and special needs. For instance, in Saxony experience has shown that due to racial tensions between Sub-Saharan Africans and North Africans, as well as ethnic tensions between Georgians or Chechens and North Africans it is best to place them in separate facilities if possible. (Interview partner from a State Agency Saxony, July 2018).

At the height of the “long summer of migration” the transport to the reception facilities was organized in cooperation with *Deutsche Bahn* (German Railway) and local bus companies to allow a fast and controlled distribution trying to prevent that asylum seekers disappear into illegality.

For distribution after the obligatory stay in the initial reception centres the Federal States have their own intra-state distribution mechanisms, that largely (for the cases we looked at) relies on share of population residing in an administrative district (*Landkreis* or *kreisfreie Stadt*) or community. Since this is not adjusted for tax revenue or other indicators of economic affluence, this may lead to a poorer region within a federal state receiving a higher share of asylum seekers than a more affluent one, putting further financial stress on the communities there.

3.1.3 Housing and Catering

As stated above the federal states are responsible for the administrative implementation of the reception of refugees and thus also for the accommodation. Section 44 of the Asylum Law obliges the federal states to provide accommodation to asylum seekers. Initial reception facilities where refugees are hosted before being distributed to the counties and cities have to be established and maintained by the federal states. After the initial reception the executive responsibility for the accommodation in most federal states passes to the municipalities. Only Bavaria and the city states Hamburg, Berlin and Bremen operate the follow-up accommodation facilities themselves. While initial reception is mainly governed by federal law the follow-up accommodation refers to provisions of the respective federal state. Section 53 of the Asylum Law suggests the housing in collective accommodation, but the provision leaves considerable leeway for federal states and municipalities in organizing accommodation. The local design of the accommodation is regulated by corresponding state laws and ordinances, which in some cases show considerable differences, for example with regard to the executive responsibility, the operation and the political-administrative design of the subsequent accommodation. As an example, some municipalities focus on the centralized collective accommodation and some on the decentralized accommodation in apartments. Some facilities are operated by state authorities some by private providers (Müller 2013, 12-15).

During 2015/16 the capacity of the existing initial reception facilities proved as insufficient and required that more facilities needed to be found and established. Meanwhile many asylum seekers were placed in temporary emergency accommodation (including containers and tents). In establishing and operating initial reception centres as well as emergency reception centres the Federal States relied on trusted partners, mainly welfare associations who also handle other home operations, like homes for the elderly, or social projects. Hence many initial reception facilities are run by one of the welfare associations such as the Caritas, Malteser e.V., Johanniter-Unfall-Hilfe e.V. or Arbeiterwohlfahrt. However, there are also for-profit organizations operating initial reception facilities such as European Home Care who operates all initial reception facilities in Dresden/Saxony (Sachsen.de 2019) and operates all initial reception facilities in Baden Wuerttemberg (Interviewpartner from the State Ministry for Social Issues and Integration, September 2018).

Furnishings, recreational offerings and space availability of housing is at discretion of the Federal state. Of course, states have learned that it needs to provide some services to refugees and asylum seekers to prevent internal fights, violence, sexual assaults and racial or ethnic tension. (Interview Partner of a State Agency, July 2018). When Saxony started to return to distribute operations of collective accommodation by tender procedure again, some facilities previously operated by welfare associations and humanitarian organizations such as the German Red Cross, changed operators, because their offer was cheaper, but also included less services to the residents of those facilities. (Interview partner from the Arbeiterwohlfahrt Saxony, June 2018).

3.1.4 Health Care

The initial health care check at registration for asylum (Step 5 in Table 2) is coordinated by the state health departments and its regional subdivisions. Depending on the number of asylum seekers arriving this health care check presents logistical problems as X-Raying facilities to test for Tuberculosis may be overbooked. In such cases, the states require the cooperation of private facilities to provide such tests. (Interview Partner from the State Ministry of Social Issues and Integration, September 2018)

After the distribution of asylum seekers within the federal state the municipalities are responsible for granting the benefits and the health care to asylum seekers. This task is implemented by the local authorities. This is usually the social welfare office (*Sozialamt*). The costs for the benefits and the health care are payed from the municipal budget. The municipalities of most federal states have to decide independently how to organize the examination of the necessity of a medical or psychological treatment and how many bureaucratic hurdles are set (Schammann/Kühn 2016, 17). For example, beneficiaries of the Asylum Seekers Benefits Act need a certificate of treatment issued by the local authority or an electronic health card (*Gesundheitskarte – eGK*) in order to visit a doctor. The certificate of treatment is valid from three months to a few days. The health card is valid for the same period as the asylum seeker's residence permit and grants direct access to the standard health care system (Wächter-Raquet 2016, 13).

Some states that provide health care by *Gesundheitskarte* allow its municipalities to opt-out of that system and only provide healthcare against approval by the *Sozialamt* (North Rhine-Westphalia). However, it is not possible for municipalities to provide health care by *Gesundheitskarte* if their state is not providing this system state-wide. In such instances, operators of collective accommodation facilities often find work-arounds to provide the necessary health care voucher – the *Krankenschein* even at times when employees of the social welfare offices are not available for approval (interview partner from the Greens at the Saxon Landtag, July 2018).

Access to special health care needs might be problematic in cases where the asylum seeker is assigned to a district where this therapy is not easily available. This is especially true for traumatized asylum seekers and victims of torture, but might also be the case for asylum seekers with need for special therapies due to injuries or serious and chronic diseases. As some states in Germany, such as Saxony experience as serious shortage in medical personnel and doctors, especially in the more rural districts, access to therapies is difficult to obtain. Further, receiving medical help also depends on overcoming language barriers and receiving translation services for doctors' visits. Medical personnel with knowledge of the languages of asylum seekers and refugees is not always available and often depends strongly on the migration history of the region.

3.1.5 Integration, Schooling, Vocational Training and Labour Market Access

Like reception, education is a responsibility of the individual federal state. Each state has its own school law that regulates type of schools available, length of education per school type, age when compulsory schooling begins and duration of compulsory schooling. ECRE (2017, 73) has criticized

that some school laws prevent children of the age 16 or 17 to enter schools and that the education system was insufficiently prepared to deal with newly arrived children. This was confirmed by the Interview partner from the Arbeiterwohlfahrt in Saxony who said that due to its small immigration numbers, infrastructure for migrant education was not well developed. Thus, Saxony was unable to meet the needs of children coming to Saxony during 2015/16. Aside from a general lack of teachers in the state (specifically in rural districts), it lacked teachers to teach German as a secondary language. To remedy such deficiencies the state relies on the hiring so-called “*Seiteneinsteiger*” on career changers, provides fast-track courses or seminars for teachers for German as secondary language (anonymous teacher in a middle school in Leipzig) and tries to re-activate retired teachers. Given that some minors may be prevented by law to attend regular schooling, NGOs and welfare associations, such as the Arbeiterwohlfahrt, develop test-programs for alternative schooling and for preparation for vocational trainings in the state (interview partner from the Arbeiterwohlfahrt Saxony, June 2018).²² Access to schooling for asylum seekers who are obliged to stay in initial reception centres is difficult to achieve. Generally speaking, asylum seekers are deemed ineligible to attend integration courses. Exceptions are made for asylum seekers with a high prospect to be granted the right to stay (namely from Eritrea, Iraq, Iran, Syria or Somalia), tolerated refugees and asylum seekers after they have been granted protection (BAMF, Integrationskurse für Asylbewerber und Geduldete, 2019). Asylum seekers with good staying perspective may even be obliged to participate in integration courses. The BAMF is the only provider for these courses and failing to follow an obligation to participate may result in a reduction of benefits. A bill to open integration courses to all asylum seekers was proposed in 2014 by the Bundesrat (18/445, see Table 3), but failed to be passed in the Bundestag.

However, this does not prevent states to create courses that prepare the integration of asylum seekers and refugees on their own. For example, since 2002 Rhineland-Palatinate supports the installation of orientation courses that provide asylum seekers with a basic knowledge of democratic values, legal system and (political and moral) culture. In 2013, orientation and basic language courses were also introduced in Bavaria, complemented by lessons on norms and values. Since 2016, the Federal Agency for Migration and Refugees implemented a model project on the initiation of orientation courses, which meanwhile exist in most federal states (IQ-Netzwerk 2016). Many municipalities also organize additional language programs for asylum seekers for example in adult education centres (*Volkshochschulen*). In addition, NGOs and voluntary actors play a major role in offering free language courses for asylum seekers (Aumüller et al. 2015, 76).

Since 2017 as a consequence of the Integration Law local authorities (mostly the social welfare offices) are also officially involved in the first steps of integration. The focus, however, is on the integration to the labour market and the integration courses of the BAMF for asylum seekers with high prospect of being granted a right to stay. To this end, the local authorities cooperate with the Federal Employment Agency (Bundesagentur für Arbeit) and the Federal Office for Migration and Refugees.

3.1.6 Administration and other areas of reception governance

There are several administrative issues related to reception governance. Most prominent is the hiring of staff and organization of refugees in the operation of initial reception centres and collective accommodations. Here state governance varies depending on the policy goals of the state. In states such as Saxony, that prefer a restrictive and minimal reception policy, reception governance programs may not be financed long term. This requires operators to reapply for funding in short term intervals (i.e. every year). Further employees at reception facilities may only be hired on short-term

²² While our interview data on this issue are restricted to Germany, we find it plausible that similar activities exist throughout all of Germany.

contracts (like a year). Thus, the positions advertised are not very attractive and potential employees may consider moving to states where employment contracts are more competitive. As the interview partner from the Arbeiterwohlfahrt said, this makes hiring of suitable and enthusiastic workers very difficult. NGOs have petitioned the government to reconsider its reception funding programs and provide more long-term funded programs (three to five years). However, the change has been slow.

Aside from hiring social workers for the operation of refugee accommodation facilities, operators also need to organize the volunteers for operation as well as hire security personnel to ensure security of within the facilities (prevention of fights/ violence) as well as preventing attacks from the outside. Interview partners reported problems here with regard to lack of intercultural skills and cultural knowledge (interview partner from the Arbeiterwohlfahrt in Saxony, June 2018) as well as hostility of security personnel towards refugees (interview partner from the State Ministry of Social Issues and Integration Baden-Württemberg).

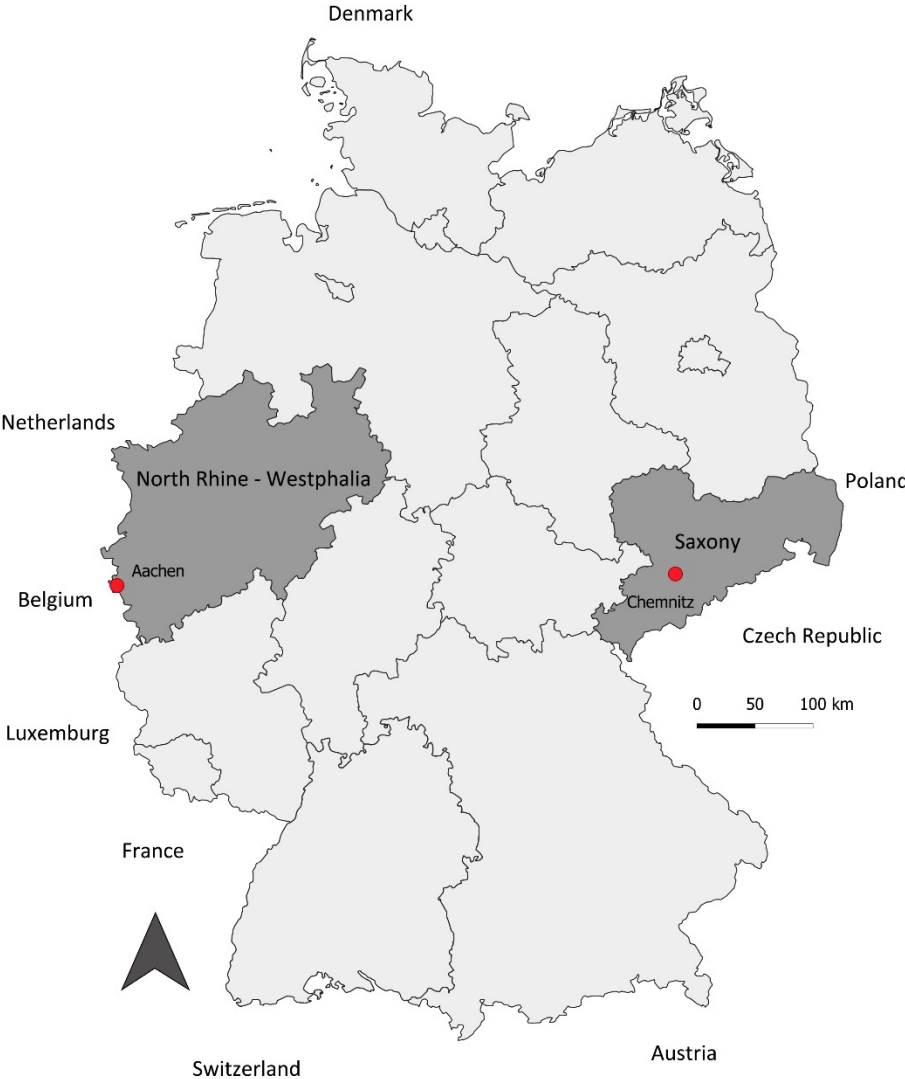
3.2 Governance at the local level: Chemnitz and Aachen

The following subchapter reflects upon reception at local level. Two case studies were carried out for this purpose. The focus was on reception after the initial reception, during the first months after the asylum seekers have been distributed to the municipalities, but before the asylum decision. The criteria for choosing the two areas were the same for all partners involved in this work package. The examined localities were supposed to have similar characteristics in terms of 1) socio-economic conditions, 2) the ratio of asylum seekers on the resident population and 3) regarding the problem pressure. In addition, the localities should have been different under the political profile. Furthermore, for Germany it was taken into account that the country was separated until 1989/1990 and thus has two different histories of migration. This plays an important role of how immigration is framed in the former “Eastern” and “Western” federal states also today.

3.2.1 Chemnitz and Aachen within their respective states

Before analysing the governance of reception in our two case study localities, we provide some contextual information regarding location, economic and political situation and migration history of the regions, as the profile of the state impacts reception governance at the local level and determines the discretion the localities have in executing refugee reception.

Figure 3: Location of Aachen and Chemnitz within their respective States (North Rhine-Westphalia and Saxony) and within Germany



Source: Bundesamt für Kartographie und Geodäsie, 2018. Editing: Stephan Schurig and Melanie Kintz

North Rhine-Westphalia (also NRW) is a large territorial state (34,110 km²) in the West of Germany and the most populous one with 17.9 million inhabitants. It is quite densely populated with an average of 530 people per square kilometre. It shares external borders with Belgium and the Netherlands and is subdivided into 5 administrative districts. North Rhine-Westphalia forms the core of the Rhine-Ruhr region which has been home to the heavy industry in the 19th and 20th century. Four of the 10 biggest cities in Germany (Düsseldorf, Cologne, Essen and Dortmund) are situated in the state. Economically the state is known for its coal and steel industry, though in recent years, the state underwent economic change due to the downturn of the coal mining industry. While being the most important state within Germany in terms of economic contribution to the national GDP, NRW is

one of the weaker West German *Länder* in terms of its social structure. Unemployment rate is at 6.4%, which is above the German average and second highest among the Western *Länder*. Also, when looking at disposable income per household NRW ranks slightly lower than the German average.

Politically NRW has a long history of social-democratic governments, having been ruled by SPD-led governments continuously from 1966 to 2005. Since then, SPD dominance has declined and the CDU has been able to form governments twice (2005 under State Prime Minister Juergen Ruettggers and 2017 under State Prime Minister Armin Laschet). While at the beginning of our period under observation (2013) Hannelore Kraft (SPD) headed a Red-Green government, she lost the majority in parliament during the 2017 state elections and the CDU formed a Conservative-Liberal government with the FDP.

The German city states Hamburg, Bremen and Berlin have the highest share of foreign nationals among their population. Yet, NRW's share of 14.0%²³ is above the German average. Before 2015, main nationalities were Turks, Poles, Italians, Greeks and the Dutch, which clearly reflects the legacy of guest worker programs in West Germany on the one hand, and the regional connectedness of NRW to the neighbouring Netherlands. Since the numerous arrival of asylum seekers since 2014, the ethnic structure has changed. While Turks are still (and by large) the most dominant group among foreign nationals living in NRW, Syrians have become third strongest nationality in the state and citizens from Serbia and Montenegro 5th strongest. NRW receives the largest share of asylum applicants and the number has more than doubled between 2013 and 2017, when more than 53,000 asylum applications were filed in the state, most of them coming from Syrians, Iraqis, Guineans, Turks and Iranians.

The federal state of Saxony is a medium sized state (18,449 km²) in the East of Germany, on the territory of the former German Democratic Republic. It is home to 4.1 million inhabitants, with a population density of 221 inhabitants per square kilometre, less than half of NRW's population density. Following German unification and the economically fragile situation, the state experienced significant out-migration, which has only started to stabilize in recent years. The state shares a common border with the Czech Republic and Poland. Its main cities are the capital Dresden, and Leipzig with rd. 500,000 inhabitants, and Chemnitz, with rd. 247,000 inhabitants. Both, Leipzig and Dresden have experienced significant population growth in the recent years, while the other parts of the state, notably the rural regions, are continuingly losing population. Saxony is one of the most prosperous East German states, even though in the overall comparison it ranks only twelfth with regard to disposable income. It has the second lowest unemployment and long-term unemployment rate in the East, even though both values are slightly above German average. Economically in recent years Saxony has been able to build on its long industrial history and re-establish a dense structure of small and medium sized companies, notably in the field of metal works, mechanical engineering and electronics. It also hosts major plants of the German automobile industry.

Politically Saxony has a strong conservative tradition, despite the fact that historically it has been the founding place of the German Women's movement,²⁴ the German Labour Movement and with that, the SPD²⁵. However, since unification, Saxony has had continuously a CDU-led government. While in the first years (until 2004) the CDU was even able to form a government alone, it has needed a coalition partner since then. From 2009 to the election 2014 it formed a government with the liberal

²³ Own calculation based on data given for foreign nationals living in NRW and total population.

²⁴ The German Association of Female Citizens, the eldest women's organization in Germany was founded by Louise-Otto Peters and Auguste Schmidt in 1865 in Leipzig.

²⁵ One of the early branches of what was later to become the SPD, the General German Workers' Association was founded in 1863 in Leipzig by Ferdinand Lasalle.

FDP. However, after the FDP failed to re-enter the Saxon Landtag in 2014, the CDU was forced to form a “Grand Coalition” with the SPD²⁶.

Saxony is also known for its fairly long tradition of right-wing extremism/ right-wing populism. In 2004 the far-right National Democratic Party of Germany (NPD) entered the state parliament with 9.2 percent of the vote making it 4th strongest *Fraktion* in the Saxon Landtag, right behind the SPD (which received 9.8% of the electoral votes). The NPD got re-elected to parliament, although with significantly fewer votes in the 2009 election, and while it failed to re-enter the Landtag in 2014, the right-wing populist AfD managed to enter the state parliament then and is expected to become one of the strongest parties in the 2019 state elections. Saxony is also birth place of the nationalist, far-right movement Pegida (Patriotic Europeans Against the Islamisation of the Occident), which organizes weekly demonstrations in the city of Dresden and serves as a connecting point between right-wing populist parties and right-wing extremist groups.

Just like in all other East German states, the rate of foreign nationals is quite low (4.4% in 2017), a legacy of the very restrictive migration and asylum policy of the GDR regime. However, during the last years, the state received increasing numbers of EU citizens, especially from neighbouring Poland and Czech Republic, plus an increasing number of asylum seekers since 2013, due to the general increase in arrival numbers in Germany, of which Saxony has to take a share of 5%. As a consequence, the number of foreign nationals in the state has more than doubled and the migration structure has changed significantly. While in 2013 citizens from the Russian Federation were the dominant national group among foreigners (followed by Poland, Vietnam, Ukraine and China), Syrians are now (2017) the most dominant group. In 2017, main countries of origin of asylum seekers were Syria, Afghanistan, Georgia and Libya.

Table 6: Comparison of Social, economic and migratory indicators of Saxony and North Rhine-Westphalia, 2013 to present

	Saxony	North Rhine - Westphalia
Spatial indicators		
State size	18,449 square kilometres	34,112 square kilometres
Population	4.1 Million (Dec 2015)	17.9 Million (Oct 2018)
Population density	220 per square kilometre	530 per square kilometre
Location	East Germany/ former GDR	West Germany/ FRG
External border	Yes, Czech Republic and Poland	Yes, Belgium, Netherlands
Administrative structure	1 Regierungsbezirk (administrative district)	5 Regierungsbezirke (administrative districts)
Economic indicators		
Average disposable income per capita	19,191€ (2016)	21,614€ (2016)

²⁶ While the term Grand Coalition, used to refer to governments formed between the CDU and the SPD and their status as the two largest party parliamentary groups, the SPD is not one of the strongest parties in the Saxon state parliament. With just 18 seats in the Landtag (out of 126) it is only the 3rd strongest *Fraktion* after CDU and Left Party.

	Rank 12		Rank 7	
Unemployment rate	5.6%		6.4%	
Long term unemployment	3.8%		4.5%	
Political Context				
Prime Minister	Stanislaw Tillich (CDU 2008-2017) Michael Kretschmer (CDU, 2017 to present)		Hannelore Kraft (SPD, 2010 to 2017) Armin Laschet (CDU, 2017 to present)	
Governing coalition	CDU-FDP (2009 – 2014) CDU-SPD (2014 to present)		SPD-Greens (2012-2017) CDU-FDP (2017 to present)	
Parties in state parliament	2009-2014	2014- present	2012 to 2017	2017- present
	132 Seats	126 Seats	237 Seats	199 Seats
	CDU: 58 FDP: 14 Left: 29 SPD: 14 Greens: 9 NPD: 8	CDU: 59 SPD: 18 Left: 27 AfD: 14 ²⁸ Greens: 8	SPD: 99 Greens: 29 CDU: 67 FDP: 22 Piraten: 20	CDU: 72 FDP: 28 SPD: 69 AfD: 16 Greens: 14
Migration indicators				
Foreign nationals residing in state	2013	2017	2013	2017
	95,841 (2.4%)	195,227 (4.4%)	1,963,242 (11.2%) ¹	2,572,005 (14.0%) ¹
Main countries of origin of foreigners residing in state	2013	2017	2013	2018
	Russian Federation Poland Vietnam Ukraine China	Syria Poland Russian Federation Afghanistan Romania	Turkey Poland Italy Greece Netherlands	Turkey Poland Syria Italy Serbia and Montenegro

²⁷ Stanislaw Tillich resigned from his position as State Prime Minister in 2017 following the terrible CDU result in the 2017 Federal Election. The right-wing populist AfD had won a higher share of votes (27.0%) in that election than the CDU (26.9%).

²⁸ 5 members of the AfD parliamentary party group have meanwhile left the group and are serving now as independent members of the state parliament.

Quota Asylum seekers via Königstein key (2017)	5.0%		21.1%	
Asylum Applicants (initial application, Source BAMF)	2013 5,040	2017 7,389	2013 23,719	2017 53,343
Top 5 countries of origin for asylum seekers 2017	Syria Afghanistan Georgia Libya -		Syria Iraq Guinea Turkey Iran	
State-internal distribution key	Yes, by share of population of Landkreise (district) or of the district free city		Yes, by share of population in community and spatial share of community	
Lead Ministry responsible for oversight of reception governance	State Ministry of the Interior (institutionalized assignment per Saxon refugee reception law)		State Ministry for Children, Family, Refugees and Integration (2017 to present) (assignment not institutionalized)	
Minister responsible for reception governance	Markus Ulbig (CDU, 2009-2017) Roland Wöller (CDU, 2017 to present)		2012-2017 unknown Joachim Stamp (FDP, 2017 to present)	
Lead administrative body/bodies for reception	State Directorate Saxony		District governments (Bezirksregierungen)	
Refugee Reception Law available	Yes		Yes	

Compilation: Melanie Kintz

3.2.2 Background information on Chemnitz and Aachen

Aachen is located in the West German federal state of North Rhine-Westphalia and Chemnitz in the East German federal state of Saxony. Both cities have a similar population size and a similar socio-economic situation in terms of income structure and unemployment rates. The share of foreign nationals in Aachen is higher than in Chemnitz due to the different histories of migration in North Rhine-Westphalia and Saxony, however the number of incoming asylum seekers is about on the same level. Both cities take in asylum seekers according to the quota of the respective federal state, but are no area of first arrival in hot spots or at the border. However, Chemnitz in contrast to Aachen has initial reception centres. Both cities have different political constellations. North Rhine-Westphalia at least during the years of increased asylum seekers arrival (from 2010 until 2017) was governed by a social-democratic minister-president with a coalition of the Greens and the SPD whereas Saxony has a long tradition of a conservative government. Since 2017 there is also conservative-liberal government in North Rhine-Westphalia.

Aachen is conservatively ruled by the Christian Democratic Union (CDU) whereas the official politics in Chemnitz is divided in a social democratic (SPD), left (Lefts) part and a conservative majority (CDU) part while the mayor is from SPD. This different political constellation led to different abilities in the respective city concerning political decisions. Even though the CDU holds majority in Aachen and fills the position of mayor, a formal coalition with the SPD was set up which requires negotiations and compromises in decision-making processes. In Chemnitz on the other hand no formal coalition was established for the whole period of governance but different working consortia were formed for a certain amount of time and with focus on different topics. Additionally, CDU and FDP have been in a *Fraktionsgemeinschaft* (joint parliamentary group) since 2014. For decision-making the mayor of Chemnitz needs to find “short-term coalition-partners”. So, even though at one hand the concept of working consortia seems to provide more flexibility in the working process itself, in fact it is a political need which in the end is more inflexible having in mind the different political aims of the respective parties and the short decision time for instance concerning the accommodation of refugees in 2015. The following chapter examines different aspects of reception of asylum seekers in Chemnitz and Aachen after initial reception. This includes the process of distribution within Saxony and North Rhine-Westphalia, the accommodation of asylum seekers, the social care and the integration process. The focus is on three questions: What actors are involved in reception and how do they interact? What decisions have to be taken in the respective process? How are decisions reached among the actors involved?

Table 7: Comparison of Chemnitz and Aachen

	Chemnitz (Saxony)	Aachen (North Rhine-Westphalia)
Population figures	247,989 (Nov 2018)	244,951 (Sept 2018)
Long term unemployed	6,821 (Oct 2018)	14,236 (Oct 2018)
Unemployment rate	7.1% (Oct 2018)	6.6% (Oct 2018)
Average disposable income per capita	19,659€ (2016)	20,078€ (2016)
Number of persons with “asylum background”	5,687 (2018)	Not available
Asylum seekers in the procedure	902 (2018)	1,759 (asylum seekers in the procedure, tolerated and rejected persons)
Share of foreign nationals	8.4%	17.4%
Main countries of origin (asylum seekers)	Syria, Afghanistan, Iraq, Eritrea, Iran, Libya, Russian Federation, Pakistan, Lebanon, (2018)	Syria, Iraq, Afghanistan, Nigeria, Macedonia, Kosovo, Serbia, Ghana (2018)
Initial Reception Facility / Responsible Branch Office(s) of BAMF	Yes (capacity 1610 places; August 2017)	No
City Government (parties/coalition)	Mayor Barbara Ludwig SPD since 2006 (elected with 49.7% of votes, CDU candidate 20.1%) City Council 2009: Left Party 14, CDU 14, SPD 12, FDP 7, Greens 4, Pro	Mayor Marcel Philipp CDU since 2009 (elected with 43.3% of votes, SPD candidate 40.1%) City Council 2009: CDU 28, SPD 20, Greens 14, FDP 6, Left Party 3, Pirates 1

	Chemnitz 3, NPD 1 2014: Left Party 15, CDU 15, SPD 12, Greens 5, FDP 3, AfD 3, PRO CHEMNITZ.DSU 3, NPD 1; <i>Fraktionsgemeinschaft</i> CDU/FDP (17)	2014: CDU 28, SPD 20, Greens 13, Left Party 5, FDP 3, Piraten 3, AfD 2, Pro NRW 1 Coalition of CDU and SPD since 2014 (until 2020)
Local directives (such as Unterbringungskonzept)	Unterbringungs- und Betreuungskonzept von Flüchtlingen der Stadt Chemnitz (B-046/2015). Asylkonzept der Stadt Chemnitz als 1. Fortschreibung des Unterbringungs- und Betreuungskonzeptes von Flüchtlingen (B-055/2016). Zahlen und Fakten zum Thema Asyl (B-091/2018).	Unterbringungskonzept der Stadt Aachen (accommodation concept of Aachen) Integrationskonzept der Stadt Aachen 2018 (integration concept Aachen 2018)
Responsibility for Organization of Municipal Housing / Distribution within city	Social Welfare Office	Department of transitional housing within the department housing, social affairs and integration
Responsibility for Social Care	Supervision: Social Welfare Office Execution since 2015: Mainly NGOs	Department of transitional housing within the department housing, social affairs and integration and since 2015 DRK
Responsibility for Integration Measures	Supervision: Social Welfare Office in cooperation with Federal Office for Migration and Refugees Execution: NGOs	

Compilation: Jana Beinhorn and Simone Gasch

3.2.3 Case study: Chemnitz

Background information on Chemnitz

Chemnitz is located in the east of Germany, in the federal state Saxony near to the border of the Czech Republic. With 247,989 inhabitants (Stadt Chemnitz November 2018) it is the third largest city in Saxony after Leipzig and Dresden. Chemnitz and the region used to be the industrial core of Saxony, starting with textile industry during early industrialization. In the 20th century, also machine industry gained importance. After 1989/90, Chemnitz suffered an economic breakdown with high unemployment and huge population loss (near to 25% between 1990 and 2009), which changed the age structure towards a strongly ageing population. Since the 2000s, the economic and population situation is stabilizing again. Due to the restrictive migration policies of the GDR, Chemnitz used to have a very low share of foreign inhabitants, which increased just recently due to the accelerating migration of EU-citizens and international students, and due to the arrival of asylum seekers. Thus, the share of foreigners increased from 4 % in 2011 (Statistisches Landesamt des Freistaates Sachsen 2014, 9) to 8.42% in 2018 (Stadt Chemnitz November 2018). Until 2013 the number of asylum

seekers in Chemnitz was relatively low. In 2010, 252 asylum seekers were accommodated in Chemnitz. The number started to rise in 2013 and 2014 with 554 and 935 accommodated asylum seekers (Stadt Chemnitz 2015, 3). In 2015, the admission number for Chemnitz reached a peak with 2,024 refugees taken in. At the end of the year 2015 about 200 persons per week had to be accommodated (Stadt Chemnitz 2016, 2). After that, numbers decreased again with about 1,000 incoming persons in 2016 and 472 in 2017 (Stadt Chemnitz 2018, 7). At the end of the year 2018 5,687 persons with “asylum background” lived in Chemnitz. This includes asylum seekers in the asylum procedure, tolerated persons, rejected asylum seekers, and persons that have already the status of a refugee or subsidiary protection (Stadt Chemnitz 31.12.2018). These figures only include asylum seekers that have been assigned to Chemnitz. In addition, the persons accommodated in the initial reception centres also stay in Chemnitz. It is worth noting that there was a high politicization of asylum migration and that Chemnitz citizens frequently protested against initial reception facilities or temporary quarters, so the general atmosphere can be described as rather not welcoming. In addition, there occurred two incidents that cannot be presented in their full complexity at this place, but are important to be mentioned because they seemingly impacted the accommodation policy and the situation of asylum seekers in Chemnitz. On 8 October 2016 the police found high explosive material in an apartment in Chemnitz during an anti-terrorist operation. The suspect Dschaber al-Bakr, a recognized refugee from Syria, was able to escape and finally was arrested in Leipzig on 10 October 2016. On 12 October 2016 he was found hanged in his prison cell which led to several discussions and criticism regarding the performance of the police and judiciary in Germany (MDR.DE 03.03.2017). The second incident also discussed as the “Chemnitz Incident” in German and international media refers to the escalated conflict among several persons of different nationalities in the city center of Chemnitz on 26 August 2018 and its far-reaching consequences. Three persons were injured, of which one person, a 35-year old German with Cuban roots, died in hospital. Two young men, asylum seekers from Iraq and Syria were arrested by the police as suspects of crime. This incident was followed by several demonstrations of extreme right-wing and “concerned” citizens protesting against immigration as well as its counterdemonstrations. Foreigners in Chemnitz suffered attacks and hostilities.

Political constellation in Chemnitz

The mayor of Chemnitz is Barbara Ludwig from the Social Democratic Party (SPD) who is in office since 2006. The City Council was elected in 2014. The Christian Democratic Party (CDU) gained 24.6 % of the votes, the Left Party (DIE LINKE) 23.7 %, making the mayor’s own party – the Social Democratic Party with 19.4 % only third strongest party in the city council. The CDU has 15 seats in the City Council, the Left has 15 seats, the SPD 12 seats. Further, smaller parties entered – the Greens have 5 seats, the FDP 3 seats, the AfD 3 seats, the right-wing group Pro Chemnitz/DSU 3 seats, the leftist group Piraten 2 seats, VOSI (a welfare association) 2 seats, the far-right NPD 1 seat. Hence, the mayor is Social Democratic but the Conservatives and the Left have a big influence in the City Council. This constellation with changing parliamentary alliances and a strong Left Party is common for eastern German states.

Chemnitz’ reception governance within Saxony’s administrative system

Asylum affairs in Saxony are governed by the State Ministry of the Interior, while integration issues (with a State Minister for Equality and Integration) are subordinated to the Ministry of Social Affairs and Consumer Protection. The intermediate authority between the state ministries and the municipalities is the State Directorate Saxony (Landesdirektion Sachsen) which is situated in Chemnitz. Different tasks are bundled in a centralized manner. The department of Asylum and Aliens Law coordinates inter alia the initial reception and the distribution of asylum seekers to the counties and district-free cities. The Saxon initial reception facility and the branch office of the Federal Office for Migration and Refugees is located in Chemnitz. In 2016, this structure was expanded and initial

reception facilities were also established in Leipzig and Dresden. However, by then the impact of increasing arrival of asylum seekers had already been visible in town. When asylum seekers leave the initial reception facility and are distributed to the city of Chemnitz the Foreigners' authority (*Ausländerbehörde*) is responsible for residence affairs. The social welfare office (*Sozialamt*), more precisely the department Migration, Integration and Housing is responsible for the accommodation, the social care, the granting of benefits for asylum seekers and partly also for integration. The youth welfare office has the responsibility for the reception of unaccompanied minors. The head of administration of the city of Chemnitz is the mayor. There are four municipal departments that are responsible for different tasks in the city. The Foreigners' authority is subordinated to department 3: Law, Security and Environmental Protection. The social welfare office is subordinated to department 5: Education, Social Affairs, Youth, Culture and Sports. The city of Chemnitz has an Immigration Commissioner (*Migrationsbeauftragte*). She informs and helps foreign citizens and organizes events in order to promote a dialogue with Chemnitz citizens. All projects of the city of Chemnitz involving migrants are submitted to the Migration Advisory Board (*Migrationsbeirat*) before a decision is taken. A representative of the Migration Advisory Board has the right to be heard and to speak on all matters concerning foreigners.

Refugee reception in Saxony: Laws and Directives

In Saxony the Saxon Refugee Reception Law (*Sächsisches Flüchtlingsaufnahmegesetz, SächsFLüAG*) regulates the reception, accommodation and distribution of asylum seekers in accordance with the Asylum Law and the Asylum Seekers Benefits Act. It was first enacted in 2003 and changed since then a few times, especially between 2015 and 2018, concerning mainly the participation of the Federal State Saxony in the financing of reception. In 2017 Saxony paid in total 2,487,50 Euros per person quarterly to the counties and cities and in 2018 2,446,75 Euros per person (section 10 subs. 1 SächsFLüAG). The law obliges the counties and cities in Saxony to take in asylum seekers (section 2 SächsFLüAG). Housing can be provided as collective accommodation or in other forms (section 3 SächsFLüAG). According to section 6 SächsFLüAG the distribution within Saxony takes place on the basis of a quota that is calculated with respect to the population size.

Between 2009 and 2014 standards for the collective accommodation of asylum seekers in Saxony were developed ("Heim-TÜV"), which forms the basis of a monitoring system that aims to ensure that quality standards of accommodation are met throughout the state (Der Sächsische Ausländerbeauftragte [2019]).

Since 2015 Saxony has issued funding directives to financially promote offers from independent sponsors. Examples are the funding directives "Integrative Measures" (Integrative Maßnahmen) and "Social Care Refugees" (Soziale Betreuung Flüchtlinge). The directive "Social Care Refugees", for instance, supports offers regarding conflict solutions, coping with everyday life, volunteer work, and dialogues between the resident population and refugees. The directive "Integrative Measures" promotes measures in the field integration, participation, and social cohesion, such as language courses, first orientation measures and education. Applications are processed by the accommodation authorities in the counties and cities; in Chemnitz the social welfare office. They decide which organizations are financially supported.

Organizing the reception of asylum seekers in Chemnitz

The following chapter examines different aspects of reception of asylum seekers in Chemnitz after initial reception. This includes the process of distribution within Saxony, the accommodation of asylum seekers in Chemnitz, the social care and the integration process.

Distribution of asylum seekers within Saxony

The State Directorate Saxony is responsible for the initial reception of asylum seekers in Saxony and the distribution of asylum seekers to the ten counties and the three district-free cities. The counties then distribute the asylum seekers to the municipalities. Chemnitz is one of the district-free cities. The State Directorate Saxony decides when asylum seekers are distributed from the initial reception facilities to the counties and how many are assigned to each county according to a distribution quota. The quota for the distribution is based on the population share of the district or the district-free city: Based on that quota Chemnitz receives about 6.0 percent of the asylum seekers in Saxony. In 2016, the State Directorate Saxony reached an agreement with the municipal associations to send an appraisal four to six weeks in advance of how many asylum seekers are approximately distributed per week in the forthcoming time (interview partner from the Landesdirektion Sachsen, November 2018). The interview partner from the social welfare office quotes in this context:

“We noticed that more and more people came. The numbers increased more and more. Then the municipalities in Saxony actually joined together and said in different consultations with the state that they have to inform us better, the state levels. Because we knew too little or too late who was coming when. And I don't have ad hoc an apartment in my hands tomorrow that is equipped from A to Z, with a spoon and a couch and a bed.” (interview partner from the Sozialamt Chemnitz, October 2018)

The consultations mentioned in the quote refer to the working group “asylum”. According to the social welfare office representatives on county level met several times a year in 2015 in order to increase the influence at state level. They invited the State Ministry of the Interior, the Ministry of Social Affairs and Consumer Protection or the State Directorate Saxony. Different topics were discussed and problems of the municipalities presented. The meetings still exist but not so often anymore (interview partner from the Sozialamt Chemnitz, October 2018). So this way, the municipalities had the possibility to be involved in decision making to some extent and change certain situations.

The distribution process to the municipalities then continues with the State Directorate Saxony checking which counties are next to take in asylum seekers, which counties lag behind furthest with the quota. There are six staff members who complete the task of the distribution (status November 2018), each one being responsible for certain counties. A computer tool informs on asylum seekers that are ready to be distributed. They are arranged in groups of 10 to 50 persons and assigned to the county. A list is sent to the counties and they have the possibility to veto if there is anything wrong with the tableau. The staff of the State Directorate Saxony generally coordinates with the staff at county level:

“[...] often the counties say: "I still have an apartment in which I can accommodate four people." This could be a family or four single persons. But they have to get along with each other. These are not supposed to be completely contrary nationalities. "Do we find something suitable there?" We certainly consider that, as far as the distribution mass allows, that is clear.” (interview partner from the Landesdirektion Sachsen, November 2018)

The State Directorate seeks to distribute groups which consist of families and individual asylum seekers, in order to arrive at an even mixture. According to the State Directorate Saxony, counties prefer to accommodate families, as they are considered to be easier to care for than single persons. The staff members also consider a mixture of nationalities, as also here there is a common sense among municipal representatives, that some nationalities are more troublesome than others (interview partner from the Landesdirektion Sachsen, November 2018).

Therefore, the appraisal and list are sent to the counties and serve for the transparency of the process. At the end of the year another accounting is done proving that every county was taken into account exactly according to its quota. In general, the staff of the State Directorate Saxony coordinates with the staff at county level. If it does not come to an agreement between the State Directorate and the employees of the county “it's just going to be set that way. As a rule, however,

this works quite well and the employees of the State Directorate Saxony have a very good relationship with the employees on the municipal level.” (interview partner from the Landesdirektion Sachsen, November 2018). The distribution of asylum seekers to the sites of secondary reception usually takes place after the initiation of the asylum process, which is the creation of a case file and the personal hearing in the Federal Office for Migration and Refugees. Persons with high prospect of being granted a right to stay generally are distributed quickly to the different counties. Persons from so called safe countries of origin or persons where another member state is responsible according to the Dublin procedure stay longer in the initial reception facilities as to the new federal laws from 2015. However, during the times of rapidly increasing arrival numbers since winter 2014/2015, there were also numerous cases where asylum seekers were re-allocated to secondary reception sites without even having started the registration and application procedure (interview partner from the Landesdirektion Sachsen, November 2018).

All in all, the State Directorate Saxony takes the decisions in the distribution process. There is a dialogue with the counties and cities and concerns are heard, but in the end the State Directorate Saxony assigns the asylum seekers and the counties have to take care of the accommodation. Usually busses are organized by the State Directorate to transport them to the counties.

Accommodation

Before asylum seekers come to Chemnitz a lot of steps have to be taken to organize accommodation. In the following is presented what tasks are done before asylum seekers arrive as well as the process on arrival. As mentioned above the social welfare office is responsible for the accommodation.

Collective accommodation and other forms of accommodation for the housing of asylum seekers are possible according to the Saxon Refugee Reception Act (Sächsisches Flüchtlingsaufnahmegesetz). The city of Chemnitz decided to focus on decentralized accommodation in apartments. In 2013 Chemnitz started to rent apartments for asylum seekers. The focus on the decentralized accommodation was also determined in 2015 in the first accommodation and care concept for refugees of the city of Chemnitz (Unterbringungs- und Betreuungskonzept von Flüchtlingen der Stadt Chemnitz). The proposal of this concept was submitted by the mayor, the Department of Education, Social Affairs, Youth, Culture and Sports and the social welfare office. It was adopted by the city council in March 2015 and updated in 2016 and 2018. There are three possibilities of housing in Chemnitz. Asylum seekers can be hosted in centralized collective accommodations or in a decentralized manner in apartments rented by the social welfare office. In some cases there is also the possibility for asylum seekers to rent an apartment on their own. The concept of 2016 provides that at least 2/3 of asylum seekers are accommodated in apartments and 1/3 in collective accommodations (Stadt Chemnitz 2016, 2; Stadt Chemnitz 2018, 7). According to the city of Chemnitz this aim was reached in the last years, partly over 80% of the asylum seekers were accommodated in apartments (Stadt Chemnitz 2016, 2).

“So we set ourselves a framework in the city at the beginning of 2015: how do we want to accommodate, care for and provide for refugees? And this concept, in a continued way, still exists today. We had the city council decide by a majority that we wanted decentralized housing, because of the free living space we had available in the city, this was possible [...]. Because we, I’ll put it this way, wanted to avoid those mistakes that happened in the West, in quotation marks, that areas [of migrants] were formed by saying: we want to have apartments all over the city area in order to integrate the refugees.” (interview partner from the Sozialamt Chemnitz, October 2018)

So, the decision with regard to the type of accommodation was taken by the city government and the city council, focusing on decentralized accommodation. Due to the available housing stock, this accommodation policy was economically favourable. As the quote shows, the decision was also framed by the argument to avoid ghettoization processes and promote the integration of asylum

seekers. However, the distribution was limited to some areas in the city because especially in the peripheral areas landlords did not provide apartments or citizens protested against the accommodation of asylum seekers in their neighbourhood. Therefore, many asylum seekers are hosted and are present near the city center, much to the anger of many Chemnitz citizens.

Regarding the coordination of accommodation, the social welfare office is the central actor in Chemnitz. Various tasks are decided and carried out by the social welfare office. First of all, suitable apartments have to be found and rented. Collective accommodations have to be established and operated with sufficient security standards. Accommodations and apartments also have to be equipped with all necessary furniture. In a next step asylum seekers are distributed to suitable apartments or collective accommodations. Special needs have to be considered.

In 2015 Chemnitz had four collective accommodations with 376 places (Stadt Chemnitz 2015, 6). As of 2018, there are five collective accommodations with a capacity 546 places. Two collective accommodations are operated by the city of Chemnitz and three by a property management (Stadt Chemnitz 2018, 7). The accommodation and care concept contains standards for the operation of the collective accommodations that is based on the Saxon Administrative Regulation on Accommodation and Care (Sächsische Verwaltungsvorschrift VwV Unterbringung und Betreuung). This includes, for instance, that the accommodations should be spread all over the city and should be located centrally with good connections to the public transport system. In addition, one accommodation does generally not host more than 150 persons and provides a living space of at least six square meters within a lockable room (Stadt Chemnitz 2015, 7; Stadt Chemnitz 2016, 4). Every collective accommodation center has a security guard and usually a fence surrounding the territory. Security conferences take place in order to ensure safety inside and outside the accommodations (interview partner from the Sozialamt Chemnitz, October 2018). It is mostly argued by the city that this is for the protection of the asylum seekers. There have been cases of violent attacks against refugees. On the other hand, the social welfare office also cooperates with the police of Chemnitz in order to control the asylum seekers. Police controls take place in the surroundings of the accommodations. Employees of the social welfare office also conduct control visits to the apartments. This was set down in the new accommodation statute of 2017 giving the social welfare office the right to enter the apartments of the asylum seekers even if no one is at home. Sometimes also the police are involved in these visits. However, a staff member of an NGO questions if this procedure conforms to article 13 of the Basic Law ("The apartment is invulnerable") (interview partner from NGO Chemnitz, November 2018). These controls suggest the notion of security to the Chemnitz citizens.

The majority of apartments is rented and equipped by the social welfare office (interview partner from the Sozialamt Chemnitz, October 2018). In 2016, the social welfare office rented 864 apartments, in 2017 604 apartments (Stadt Chemnitz 2018, 7). The apartments are located in different city areas and are equipped with furniture and durables. The following standards are applied to the apartments: 1) distribution all over the city, 2) connection to the public transport system, 3) supply facilities nearby, 4) a maximum of 5 persons in 3-room apartments, 5) a maximum of 4 persons in 2-room apartments (Stadt Chemnitz 2015, 8; Stadt Chemnitz 2016, 5). In order to find suitable apartments for the housing of asylum seekers the social welfare office issued tenders, for instance, in the Official Gazette Chemnitz (Chemnitzer Amtsblatt). The city rents the apartments from private landlords and beyond that cooperates with the property and building management company GGG which is a municipal subsidiary of the city of Chemnitz (interview partner from the Sozialamt Chemnitz, October 2018).

"And then there were various directives that were supposed to provide financial incentives for landlords to provide housing for a certain period of time. The Free State [of Saxony] also paid money when a landlord, a private landlord or a large cooperative, said: "I will tie this apartment to the subject

of asylum for five years and make it available to you." Then he got a one-off payment." (interview partner from the Sozialamt Chemnitz, October 2018)

For the equipment of the apartments the social welfare office concluded facility agreements with various providers. In addition, the apartments were furnished on the basis of existing framework agreements (Stadt Chemnitz 2016, 5). The office Building Management and Building Construction of the city administration selected the beds, couches, closets, kitchens, washing machines etc. And then the entire furniture and the household appliances were delivered to the apartments by the contracted providers. The caretakers of the social welfare office brought starter packages, such as cleaning material, to the apartments and made a final check before the asylum seekers moved in (interview partner from the Sozialamt Chemnitz, October 2018). Since December 2015 the property management company GGG also is involved in organizing the renting, the equipment and the maintenance of furniture (Stadt Chemnitz 2016, 5). Since numbers of asylum seekers decreased in 2016, apartments have already been rented off in 2017 and 2018. In addition, the social welfare office tries to transfer the rental agreement to the refugees if asylum was granted (interview partner from the Sozialamt Chemnitz, October 2018).

Distribution to the city area

When the social welfare office receives the list of incoming asylum seekers from the State Directorate Saxony, the staff usually has one week to organize the distribution of asylum seekers to the accommodations. The Foreigners' authority is informed about the upcoming assignment (interview partner from the Sozialamt Chemnitz, October 2018). According to the accommodation and care concept of 2015 incoming asylum seekers are supposed to stay in collective accommodations for a first period of integration, before they are distributed to apartments (Stadt Chemnitz 2015, 6). However, due to the increasing number of incoming asylum seekers in 2015, some asylum seekers were immediately allocated to individual housing. The redistribution decision is taken by a team of the social welfare office. Primarily, spouses, families and single women were distributed to apartments. In addition, there were mixed living communities. Since 2016 the distribution to apartments was also dependent on the prospect of being granted a right to stay (Stadt Chemnitz 2016, 3, 5).

"[...] they first should stay in the collective accommodation in order to sort: who fits into an apartment? Who should remain in the collective accommodation? Who fits, who integrates well? Who is participating well? But this process, nobody could keep it up any more due to the influxes. We had taken in 200 people a week during the peak phases, at the end of 2015. There was no time to sort. We immediately said: "Families with children, into the apartments!" Our goal was first of all: to accommodate, provide food, money and secure life [...]." (interview partner from the Sozialamt Chemnitz, October 2018)

The asylum concept of the city of Chemnitz from 2018 provides that families are accommodated immediately in apartments and single men are hosted in collective accommodations during the whole asylum procedure (Stadt Chemnitz 2018, 7).

"They started to accommodate only families in individual housing, shared apartments [of men] were disbanded and then they were put back into huge collective accommodation centres. Something was taken as an occasion. For example, there was an argument, one person said: I don't want to live with these people anymore. And then that was taken as an occasion and the whole shared apartment was disbanded. And they were then distributed to collective accommodations." (interview partner from NGO Chemnitz, February 2019)

As to the reasons for this decision the interview partner from an NGO in Chemnitz assumes that on the one hand the city of Chemnitz has entered into contracts with a company that operates two big collective accommodation centers that last for several years. Therefore, the city aims at

accommodating as many persons as possible in these centers as they have to pay for the operation in any case. On the other hand, this is a measure of security control: “They think that they can control people better in collective accommodation centers.” (interview partner from NGO Chemnitz, February 2019). The person further assumes that the trigger of the segregation of men and families was the founding of high explosive material in an apartment in Chemnitz during an anti-terrorist operation (“Dschaber-al-Bakr-incident”). According to a staff member of another NGO this was also the reason why the accommodation in self-rented apartments was not granted for a long time, not even to persons that had a job or could finance themselves (interview partner from NGO Chemnitz, November 2018). However, the interview partner from another NGO states that the accommodation in self-rented apartments is starting to be granted again mostly when the asylum seekers have an indefinite work contract and also men that have a job can move from the collective accommodations to apartments, which was not possible for a long time (interview partner from NGO Chemnitz, February 2019). Hence, there is an exclusion taking place in the accommodation procedure. This differentiation also takes account of the concern about single male asylum seekers expressed by many Chemnitz citizens and suggests that also municipal representatives deem it necessary to exercise segregation and control for specific groups.

With regard to the quality of the accommodation the interview partners from the Caritas and another NGO in Chemnitz rate the apartments as mostly similar and well-equipped. However, the interview partner from an NGO states that the quality of the collective accommodation centers has changed. Two new centers with 150 places were installed at the end of 2015 and the beginning of 2016 with worse conditions than the other ones.

“There are two collective accommodation centers and if you are accommodated there it is understood as punishment. I don’t know whether this is also formulated like that by the employees of the social welfare office. They are really ugly; it is two huge buildings. So far, I have only been to one. There is a big wire mesh fence in front of it and security. I had to hand in my identity card. There are only men in there and when you live there, you think you will never get out unless you are deported. These are huge shelters and only one social worker works there. That is far too little.” (interview partner from NGO Chemnitz, February 2019)

The interview partner from another NGO claims that there is even taking place a differentiation of asylum seekers in “good” and “bad” persons that are hosted in different collective accommodations (interview partner from NGO Chemnitz, November 2018).

“There are these different collective accommodations. And they are indeed different. And also how they are operated. There are those that are considered as better ones, where also families live. And there are also those that are considered as the places where petty criminals or even larger criminals go. The clients also know that. I have already heard people say: I don’t go there I don’t want to become a criminal” (interview partner from NGO Chemnitz, November 2018).

Hence, there is another categorization taking place which leads to an exclusion of certain groups of people and a divergence in accommodation. This seems to be another measure to try to keep people under control by concentrating them in certain places which is also perceived by the asylum seekers and might lead to even more conflicts.

When distributing to the different accommodations, also aspects of language, religion and ethnicity are taken into account when distributing the asylum seekers to the accommodations. Housing should be provided in a way that conflicts are avoided as far as possible (Stadt Chemnitz 2016, 4-5). However, this aspect could be questioned currently considering the concentration of male persons in big collective accommodations. Furthermore, persons with handicap or health problems also need a special accommodation and the social welfare office cooperates with a nursing service provider in Chemnitz (Cowerk). Queer persons are also accommodated separately and the Lesbian and Gay Association Saxony (Lesben- und Schwulenverband – LSVD) is consulted.

“So, if that is a single man and I'm accommodating him in a collective accommodation, he won't do well if someone there realizes that he's gay, for example. We then try to organize everything before if we know it. We also already had Christians who could not have possibly been together with the other religions. They were also accommodated separately. So, if we know something, we can organize it beforehand.” (interview partner from the Sozialamt Chemnitz, October 2018)

However, two NGOs in Chemnitz criticize that in a lot of cases they do not get enough information on people with handicaps and that it is hard to organize suitable care for them in these cases, which they attribute to a lack information from the State Directorate Saxony (interview partners from NGOs Chemnitz, November 2018 and February 2019).

The property management company GGG has extra employees that organize house meetings when asylum seekers move in and introduce refugees to house rules and waste separation (interview partner from the Sozialamt Chemnitz, October 2018). The three subdivisions housing, social care and benefits in the social welfare office prepare the admission day which is usually on Wednesdays. The day they arrive in Chemnitz, asylum seekers generally receive money according to the Asylum Seekers Benefits Act from the social welfare office and are accompanied to their accommodation by the responsible social worker (interview partner from the Sozialamt Chemnitz, October 2018).

Extraordinary decisions in the peak phase

In 2015, when the number of incoming asylum seekers increased, the mayor of Chemnitz decided to hold weekly meetings with various local actors involved in the reception process in order to accelerate decision-making.

“So she said: "That's the topic what is on my table and I have to make decisions for the city here." Because, there were so many decisions to be made in the administration, with three and a half thousand employees...that's just difficult – even as an office manager – to quickly say: "Order 200 beds quickly!" Or: "Buy this quickly!" I always need cooperation partners for my work. And the cooperation partners were not on the same stress level as we were. We are the accommodation authority; we are legally obliged to take in the people. Therefore, the stress level was very high for us! The cooperation partners don't have this that way. For them it's not so exciting. And that's why we needed these decisions of the mayor that all areas in the administration could and had to act quickly. And that's why a so-called "Asylum" coordination staff was set up every Monday. And it met every Monday! And there all topics were put on the table that needed decisions.” (interview partner from the Sozialamt Chemnitz, October 2018)

This coordination staff included, inter alia, employees from the youth welfare office being responsible for unaccompanied minors; the purchasing department being responsible for buying the goods, such as beds, couches and refrigerators; the personnel department being responsible for recruiting further employees; and the services department being responsible for granting benefits (interview partner from the Sozialamt Chemnitz, October 2018). A staff member of the Caritas also was invited a few times to these meetings to be consulted (Caritas Chemnitz). The decisions of the mayor also served to reduce bureaucratic hurdles. For example, the purchase for the equipment of the apartments works through tenders in administrative structures. And at one point of time there were no more washing machines, no more refrigerators and no more couches available. Then the responsible administrative staff wanted to issue a Europe-wide tender:

“[...] and everyone said: "We have to put out a Europe-wide tender to get this stuff!" We are a public service! We can't just drive to Möbel Boss [German furniture chain] and fill up a trailer. So decisions had to be made! Can we deviate from that now? And then the mayor must say: "Yes! We deviate from that! We will call there and ask whether they still have couch sets!" (interview partner from the Sozialamt Chemnitz, October 2018)

In addition, usually property of the administration must be inventoried. And the mayor decided that the priority is to equip the apartments and to accommodate the people and that inventory has to be

postponed because there were not enough personnel to put stickers on the furniture in over 800 apartments (interview partner from the Sozialamt Chemnitz, October 2018).

“So those practical things that we do because we have to do that. We just have to inventory the desk and the office chair. This has always been the case. So of course they also said at the table: “That has always been the case. We have to take an inventory of it all!” And that’s when we said: “We don’t have any staff! Who’s going to do that now?” And I need a decision-maker who says: “We’re not doing that this year. That’s what we’re going to do next year!” And then everyone got up from the table and knew what to do. And if it had been just up to us to make the decisions, then we wouldn’t have made any progress. Then at some point we would have no longer been able to deal with the basic things, because then we would only have argued with the one who absolutely wants to stick this inventory sticker on the couch. And we didn’t have time for that! Well that wouldn’t have been possible! So she was the one who made the decisions.” (interview partner from the Sozialamt Chemnitz, October 2018)

After arrival numbers decreased, the coordination staff was dissolved in January 2017 and the tasks were again executed by the responsible administrative units (Stadt Chemnitz 2018, 24). The Audit Office (*Rechnungsprüfungsamt*) examined all the expenditures done in the peak phase and approved all the decisions that were taken even though several everyday decisions took place more informally as there was no time to write a protocol for every consultation.

“So you couldn’t write protocols anymore. You just met, talked something over and then everyone did what they had to do. That was such a hectic in this situation, which we can no longer comprehend today. Today we sometimes wonder how we did all that.” (interview partner from the Sozialamt Chemnitz, November 2018).

The interview partners from two NGOs acknowledge the work of the social welfare office as positive in the peak phase: “The social welfare office really worked hard, also worked overtime. Because sometimes they had only 1 or 2 days to accommodate 60 people and also assign them to the NGOs. It really was a huge effort and I’d say they did a good job.” (interview partner from NGO Chemnitz, February 2019). Another interview partner from an NGO claims that the cooperation between authorities and NGOs during the peak phase was better than nowadays (interview partner from NGO Chemnitz, November 2018), which leads to the assumption that the enormous pressure provoked the necessity of a close teamwork which might not be considered as necessary anymore as numbers of incoming asylum seekers decreased.

Social care

Usually the social welfare office is responsible for the social care of asylum seekers in Chemnitz. Until 2014, social workers of the social welfare office helped asylum seekers to orientate in the new environment. There were social workers in the collective accommodation centres and consultation hours in certain places (interview partner from NGO Chemnitz, February 2019). With the increasing number of asylum seekers in 2015 the city of Chemnitz mainly delegated this task to four welfare and nongovernmental organizations (AGIUA, Sächsischer Flüchtlingsrat, AWO Chemnitz, Stadtmission Chemnitz). These contracts usually last for one year and are renewed, if necessary, three months before the end of the contract. The four NGOs take care of asylum seekers that are accommodated in apartments. The care key is 1 to 80 (interview partner from NGO Chemnitz, November 2018). The collective accommodation centres are looked after by social workers of the social welfare office or the private operator (Stadt Chemnitz 2018, 16). According to the accommodation and care concept of the city of Chemnitz these tasks include, for instance, the support in getting accustomed to a new way of life, support in the organization of daily life, support with the basic health and hygiene care, promotion of contacts to the resident population, psychosocial support, support in moving in to the apartment, and mediation of integration offers (Stadt Chemnitz 2015, 13). The asylum concept of 2016 emphasizes that the promotion of independence and integration of asylum seekers with high prospect of being granted a right to stay is the most important task of social work (Stadt Chemnitz

2016, 8). At this point it becomes obvious that the decision from October 2015 on federal level to differentiate between asylum seekers with high and low prospect of being granted a right to stay trickled down in policy approaches on the municipal level.

The social welfare office assigns the asylum seekers to the NGOs. They get a list with the names, the addresses and the nationalities two to three days before the admission day. So the NGOs are not involved in the decision process of the assignment. They only execute the social support according to the guiding principles of the city of Chemnitz. However, there is also some room for manoeuvre as to how social care is organized in concrete terms. According to one NGO in Chemnitz, social workers have to visit the asylum seekers in their apartments once a month. The social workers follow the guidelines, but also decide in the special moment according to the needs of the asylum seekers what they do during this time.

“It is very different what we do. [...] We have employees who speak Arabic, for example, which means they often have a different contact. More on the phone. What I can't do because I need my hands and feet in the conversation or an interpreter. [...] We have clients who have a university degree and speak fluently English. I would say, that I then do less. Then I tell the person: There is the German course. I assume that learning German is not a problem if you can speak English and we talk when you need something. [...] There are other people who are completely illiterate, where you can assume that they need more help. It is more difficult for them to keep their papers in order at the beginning because they have never been to school.” (interview partner from NGO Chemnitz, November 2018)

The consultation can last from five minutes to three hours, but usually one hour. “Some people also say: I don't want this help. Then you have to accept that” (interview partner from NGO Chemnitz, November 2018). The social workers are also obliged to control the apartment and communicate to the social welfare office if anything is damaged (interview partner from NGO Chemnitz, November 2018). Two NGOs estimate that the access to counselling and integration offers is worse for persons that are accommodated in collective accommodations because they often are not aware of them. Persons in the apartments get individual advice and the social workers respond to them differently (interview partners from NGOs Chemnitz, November 2018 and February 2019).

In addition to the social support organized by the city of Chemnitz there are several other organizations that offer help, for example, counselling on the asylum procedure, residence law, health issues or benefits. In addition, in 2017 a psychosocial consulting center was established that offers psychological support for migrants and asylum seekers. This center is promoted by the directive “Integrative Measures”. The NGOs Sächsischer Flüchtlingsrat (Saxon Refugee Council), Caritas and AGUIA have been present for many years in Chemnitz and offer a variety of counselling and integration projects. The Caritas offers, for instance, migration counselling for adult migrants (MBE), counselling for asylum seekers, and the Café International. The Café International was already founded in 1996 and is a place to meet for refugees, other migrants and Chemnitz citizens. The concept has changed according to the current needs of the asylum seekers. At the beginning international newspapers were an important offer for many persons, later computers with skype and e-mails. Nowadays it is mainly a contact point for consultation for asylum seekers and recognized refugees:

“It is a meeting place for refugees and at the same time we can offer counselling for the orientation in everyday life: How do I register my child in school? How do I open a bank account? I need an interpreter for visiting a doctor. I have a problem with an authority, I don't know how this works. I have to fill in an application form. I have received a letter and I want to write an answer. We do all that. I call it a living room consultation.” (interview partner from the Caritas Chemnitz, January 2019)

In addition, information on certain topics of interest is presented, such as the Saxon school system, and experts are invited in some cases. According to the interview partner from the Caritas the Café International is well known and frequently visited by about 40 to 50 refugees a day mostly from

Syria, Iraq, Lebanon, Libya, Tunisia and Morocco. He assumes it to be important that an employee speaks Arabic there (interview partner from the Caritas Chemnitz, January 2019).

The interview partners from the NGOs and the Sozialamt Chemnitz agree that there is mainly a good exchange among the different actors participating in refugee reception. NGOs and the social welfare office have consultations every six weeks. During those meetings, the NGOs are informed about new regulations and amendments in the reception procedure (interview partner from the Sozialamt Chemnitz, October 2018). This contains for example the 'Working Group Counselling' (AG Beratung) where all the migration advice centres in the city are invited and the 'Working Group Health' (AG Gesundheit) where it is discussed how to deal with certain diseases such as tuberculosis. These meetings are also a platform for exchanging information and experiences. According to the interview partner from an NGO these meetings also serve for discussing measures how to avoid that people contact various counselling centres for one problem.

"I can also understand it because maybe we come to a different solution. In most cases we don't, but I can understand the intention. But it is difficult if the waiting room is crowded and you sit here with a person that has already been to two counselling centres." (interview partner from NGO Chemnitz, February 2019).

The person from this NGO also acknowledges these meetings as possibility to communicate needs and problems to the social welfare office as there is one social worker of the social welfare office present:

"Mr. XY also participates in the 'Working Group Counselling' (AG Beratung). He is a social worker of the social welfare office. In my opinion he is not necessarily a representative of the city in the round. But he is a good connecting link who passes on needs." (interview partner from NGO Chemnitz, February 2019).

Hence, there is the possibility of transferring concerns to the social welfare office that are partly taken into account in decision making according to one NGO.

"For example, we discussed the problem that persons with a job had to stay in the collective accommodation centres and had to pay a high rent for that. And I think he did not know about that and also presented that issue to the social welfare office." (interview partner from NGO Chemnitz, February 2019).

According to the NGO it is now possible for men to move out from the collective accommodation centers when they have a job. Furthermore, the immigration commissioner (Migrationsbeauftragte) is present in the 'Working Group Health'. She is perceived as a person of trust that is very committed to her work and takes the needs of the NGOs seriously (interview partner from NGO Chemnitz, February 2019).

However, another NGO comments that the quality of communication with the city depends on the different departments and employees and that the communication was better during the peak phase of incoming asylum seekers in 2015 than nowadays because teamwork was indispensable (interview partner from NGO Chemnitz, November 2018).

The immigration commissioner as well as the social welfare office organize network meetings and workshops on asylum every six months in order to promote the exchange between the different actors and to discuss relevant topics (interview partner from the Sozialamt Chemnitz, October 2018).

"You can always pick out interesting things and it is a good opportunity to meet. That means, to have the people who are active in the field in one place and actually see a face that you have only heard on the phone before and that's what it's good for. In terms of content [presentations and workshops] it's mixed, I am not always interested in everything." (interview partner from NGO Chemnitz, February 2019).

Most of the interview partners stated that there is a good network of the actors involved in the reception of asylum seekers that also informal exchange is possible.

“People know each other in Chemnitz. For instance, we have the counselling center of the LSVD (Lesbian and Gay Association), where I call more often or exchange information on clients. So Chemnitz is so small that you know each other. Either because of the ‘Working Group Consultation’ or the regular meetings organized by the city like the integration conference.” (interview partner from NGO, February 2019).

In addition, the interview partner from the Sozialamt states that there is a good cooperation and that different organizations help out each other:

“If I were in a difficult situation I could always ask an NGO which would certainly help us. The network works well in the city. Everything can be organized. Then we have the immigration commissioner in Chemnitz and she knows thousands of people and somehow everything is possible. That is very unconventional sometimes, our actions. Sometimes it has to happen quickly. Within hours. And that's why I can't write great treatises first or request social reports. So I just have to pick up the phone quickly and settle things.” (interview partner from the Sozialamt Chemnitz, October 2018).

The interview partner from the Caritas also deems it necessary to cooperate with other organizations and sends clients to more specialized points of contact if necessary.

“When we realize that somebody needs a specialized counseling then we send the person to the appropriate organizations, for instance legal advice, victim counselling or pregnancy counselling.” (interview partner from the Caritas Chemnitz, January 2019).

All in all, the relationship and the interaction between the different actors involved in the reception process was presented as positive.

Integration

According to the accommodation and care concept the city of Chemnitz aims at promoting a “welcoming culture” (*Willkommenskultur*) for all people moving to Chemnitz. This includes international students, foreign family members of Chemnitz citizens, professionals and asylum seekers (Stadt Chemnitz 2015, 5). The concept of 2015 provides possibilities of integration also for people that do not necessarily stay in the long run, such as vocational training opportunities. Integration is seen as basic requirement “for a tolerant togetherness and the preservation of social peace in the community” (Stadt Chemnitz 2015, 5). In Chemnitz there are various NGOs and volunteers that offer language courses and other integration measures. The Saxon Refugee Council, for example, offers a buddy program that brings asylum seekers and Chemnitz citizens together. The NGO AGIUA has a project that encourages migrants in social and political participation. These offers often are financially supported by the state through the funding directive “Integrative Measures” since 2015. In 2016, an office was set up to coordinate volunteer work which is executed by the Caritas Chemnitz. With the Integration Act of 2016 the tasks of the social welfare office have been extended. The authority is now also responsible for the first steps of integration. This includes mainly the integration to the labour market and the assignment to integration courses for asylum seekers with high prospect of being granted a right to stay. The social welfare office cooperates with the Federal Office of Migration and Refugees on this behalf (interview partner from the Sozialamt Chemnitz, October 2018). However, only certain groups of asylum seekers have access to these courses. For other asylum seekers since 2015 there have developed language courses from various NGOs, such as special offers for women with children or persons that do not know the alphabet as well as job-related offers with integrated internship. According to the interview partner from an NGO, however, there are few courses for elder persons or of high language levels (C1) (interview partner from NGO Chemnitz, February 2019). The employment of asylum seekers is considered as important aspect of integration in Chemnitz. The social welfare office started in 2015 to do a

potential assessment of each asylum seeker that included language skills, education and work experience. These qualifications are shared with the employment agency in order to place jobs.

“And if, for example, they discover all the experts there on the list, they would immediately start to say in the agency: “We have measures here. In this field you have to do an additional training.” Or “we are looking for someone who can do exactly that.” So that they all start to spin the integration thread at an early stage and we all don’t wait until the asylum procedure is completed, because that can take months until you have some result. And for us these were integration processes that the legislator does not prescribe. [...] These were our own decisions to approach the topic from our Chemnitz point of view in the best possible way and to say “How do we get them to get along and learn the language quickly? And that was not a legal regulation. That’s just an initiative of us practitioners, actually, who say: “They can’t sit and wait all day in the apartment! That doesn’t work.”” (interview partner from the Sozialamt Chemnitz, October 2018).

The interview partner from the Caritas estimates that 60 per cent of the asylum seekers that came since 2015 have a job in Chemnitz, mostly underqualified. But the person still sees this as a possibility to move up. On the other hand the interview partner criticizes that the job center of the Federal Employment Agency in many cases is not capable to find a job for most refugees and that they are exploited by temporary employment agencies and personnel service providers due to the fact that they are payed less and can be easily denounced (interview partner from the Caritas Chemnitz, January 2019). Another NGO also confirms this problem and mentions that people without qualifications usually do not have another chance than working in temporary employment agencies:

“That is a big problem. You cannot do a vocational training because you do not have a school certificate. And maybe you do not want to do a vocational training because you are 35 years old, but if you don’t do a vocational training you are stuck in these temp jobs. It is complicated to enter the labor market.” (interview partner from NGO Chemnitz, February 2019).

This problem is faced by new training courses that try to give asylum seekers the possibility to enter a qualified job without a vocational training.

“There used to be nothing in this field. Now they try to make these programs. They create exactly this bridging from “I am able to do something, but have no certificate” to “I’ll get a certificate and can then find qualified work without a vocational training.”” (interview partner from NGO Chemnitz, February 2019).

However, one staff member of an NGO has been told, that it is not easy for asylum seekers in the German labour market as they are often discriminated in their working environment. If asylum seekers do not have a work or children the social welfare office usually asks them to do low-threshold-jobs (80 cent jobs) as a consequence of the implementation of the Integration Act from 2016. There are new employees in the social welfare office that check which asylum seekers can do the 80 cent jobs. (interview partner from NGO Chemnitz, November 2018). Persons are sanctioned if they do not participate.

“What has changed is that the sanctions have become tougher. So, two to three years ago people could start these things. Voluntarily, they were able to report and say: I would like to do such an 80-cent job. And if they didn't feel like it anymore, they could stop again. And then it was just like that. And now they are obliged to go there. And if they don't take part, the benefits will be reduced by half to 150 euros a month for six months.” (interview partner from NGO Chemnitz, November 2018)

The interview partner from another NGO evaluates these jobs mostly as useless:

“So, they have to do this pointless work and are punished if they don't do it. And it's really pointless, it's really really pointless. For example, they make wooden jewelry for the windows of day-care centres. It is hung up for one week and then they throw it away. It's really pointless.” (interview partner from NGO Chemnitz, February 2019).

So, the city of Chemnitz established integration measures according to the Integration Act, but even before also decided to implement instruments in order to promote integration. However, one staff member of an NGO in Chemnitz states that integration to the German society for asylum seekers is still difficult since there are not enough members in the buddy program and the contact to the resident population is difficult (interview partner from NGO Chemnitz, November 2018).

The mayor since 2006 organizes residents' assemblies four times a year where she enters to a dialogue with the Chemnitz citizens on different topics as well as consultation hours once a month for the resident population. In 2015 the assemblies started to deal exclusively with asylum seekers:

“And at some point ‘asylum’ was the only subject during the residents’ assemblies, for three hours. It used to be about daycare places, that are not clean enough or the garbage collection that did not come. An then it was three hours about asylum. And there the mayor stood up to the scolding crowd. There was so much anger that asylum seekers came to Chemnitz at all. And they said they should build a wall around the city and that the mayor should reject to take in refugees.” (interview partner from the Sozialamt Chemnitz, October 2018).

As to the reactions of the Chemnitz resident population the NGOs state that there was a lot of volunteer work in 2015 and 2016, but also hostility and hatred vis-à-vis refugees which has become worse most of all in September and October 2018 in the context of the “Chemnitz Incident”.

“The resident population reacted in every way. I had volunteers sitting with me at the office and there I would have never thought from their appearance that they would do volunteer work. And I was positively surprised, because you always have your own prejudices in your head. These huge demonstrations against refugees and this huge hatred has become worse. I was on foot with a family and was supposed to show them the authorities and did not feel comfortable. There was a guy he wanted to get in our way, fortunately the family didn't notice that, he also shouted something after us. Fortunately, they didn't understand German. Many things they don't tell me, but some things I get aware of during the consultation work, for example that people are spat on. And then there is solidarity from others, so there is these two extremes” (interview partner from NGO Chemnitz, February 2019)

Hence, integration efforts from the city and NGOs as well as volunteer work and solidarity from parts of the resident population are in major conflict with the rejection of refugee reception by other parts of the resident population in Chemnitz.

Decisions at local level

When reflecting on the decision-making processes in the reception system in Chemnitz, it becomes obvious that generally the responsible authority decides top down what steps have to be taken and how they are implemented. In Chemnitz this is mainly the State Directorate Saxony being responsible for the distribution of asylum seekers to the municipalities and the social welfare office Chemnitz being responsible for the accommodation, the social care, the granting of benefits, and the first steps in the integration process in Chemnitz. The State Directorate Saxony decides how many and when asylum seekers are distributed within Saxony in accordance with the distribution quota and the federal and state laws. A dialogue takes place between the State Directorate and the counties but the decision in the end is taken by the State Directorate, and the allocation of asylum seekers has to be accepted by the counties. The social welfare office Chemnitz makes the decisions within the accommodation process, the social care, the granting of benefits and the first phase of integration. Some decisions are confirmed by the city council. Several local actors are integrated in the implementation process of these decisions, such as NGOs and there are dialogues about how the decisions are executed but the social welfare office decides according to the administrative structure. There are decisions that are made by the responsible team, by the head of the department Migration, Integration and Housing and in some cases by the superiors: the head of the social welfare

office, the head of the Department 5: Education, Social Affairs, Youth, Culture and Sports or the mayor. In the peak phase of incoming asylum seekers, the mayor took over the coordination of decision-making with respect to the reception of asylum seekers. With the accommodation in apartments, the frequent networking of different actors involved in the reception process, various counselling offers and integration projects the city focuses on integration of asylum seekers in Chemnitz which is mainly understood as adaptation to the German society. However, for a certain group of people, namely male asylum seekers, there has been a shift in this policy since the end of 2016 to segregation and exclusion. Security control has become more important than integration for this group. Efforts of integration seem to be in conflict with parts of the resident population that react with rejection and hostility to asylum seekers.

Decisions at state level

According to the social welfare office the municipalities had some influence on the decisions made at state level. Some examples were mentioned when processes were changed due to the consultations of the municipalities with the state government, such as the lists of assigned asylum seekers in advance or more money that was made available by the state Saxony for the municipalities. Furthermore, Saxony requested signatures of the asylum seekers once a month to confirm the receipt of their social allowances. These signatures were abolished after some time (interview partner from the Sozialamt Chemnitz, October 2018).

Decisions at federal level

According to the social welfare office the municipalities in Saxony were not involved in the development of the revisions of federal law in 2015 and 2016. It was decided very quickly. Usually the Saxon city and municipality association (Sächsischer Städte- und Gemeindetag) is asked, but “due to the time and the social explosiveness of the topic, I think, they have already decided many things in the solo ride on federal level.” (interview partner from the Sozialamt Chemnitz, October 2018)

Relations between local actors

In Chemnitz the social welfare office is the central actor when it comes to the accommodation, social care and integration of asylum seekers. This institution has many cooperation partners in order to fulfil all the tasks. Various groups are involved in the reception process and firstly there is cooperation with other authorities, such as the police, the Foreigners’ authority, the Federal Office for Migration and Refugees, the youth welfare office, the Federal Employment Agency and the health department. Secondly, the social welfare office cooperates with nongovernmental organizations that offer counselling in different fields, thirdly service companies are involved, such as property managements, a nursing service provider, landlords or security companies.

3.2.4 Case study: Aachen

Background information on Aachen

Aachen is located at the western fringe of North Rhine-Westphalia at the tri-border region Germany-Belgium-Netherlands. It gained historical importance as crowning site of German kings during medieval times. In early industrialization, Aachen became an important site of textile and copper production. Nowadays, machine and automobile industry are important branches. Even though Aachen is located in a German periphery, it is very well connected to major Western European capitals such as Paris or Brussels.

The population development in Aachen is rather stable (2011: 244.370, 2016: 254.782, Statistisches Jahrbuch Stadt Aachen 2011, 2016), and the age structure is balanced (share of 65 and older population 17.9% – GER: 21%). The rather high share of foreigners and persons with migration background is typical for a West German industrial agglomeration, which recruited large numbers of guest workers from southern European countries during the 1960s and 1970s. Many of those former labour migrants settled in Aachen with their families. Today, the foreign population of Aachen is made up of 156 nationalities, of which Turkish citizens represent the largest group (21.1%). Because of the vicinity to the Netherlands, also Dutch citizens make up a considerable share of the foreign population. Due to the large technical university, a considerable number of international students and scientists reside in Aachen, notably from China (4.0% of foreign population). Since the more recent arrival of asylum seekers and refugees, Syrians meanwhile present the fourth largest group of foreigners in Aachen (1,817 in 2015).

Political constellation and administrative structure in Aachen and North Rhine-Westphalia

North Rhine-Westphalia's state administration is three-stage structured. The supreme administrative level consists of the state government and the ministries. In June 2017 Armin Laschet (CDU) was elected as state prime minister by the Landtag and replaced Hannelore Kraft (SPD). His party (CDU 72 seats) forms a coalition with the liberals (FDP 14 seats) in the Landtag (Landtag NRW 2019). The vice prime minister Joachim Stamp, is the State Minister for Children, Families, Refugees and Integration, who is responsible for organizing reception in NRW.²⁹ The respective departments of the five district governments are directly subordinated to this ministry.

The five district governments form the intermediate administrative level. They are similar to the *Landesdirektion* in Saxony. They are responsible for performing certain tasks in their district, following directions of the state government. Aachen belongs to the district government Cologne which consists of six departments (Abteilungen). The responsible department for the accommodation of refugees at state level, the *Dezernat 20*, is located within the department of regulatory law, health, social affairs, averting danger and traffic. According to the head of the *Dezernat 20* in Cologne it is responsible for twelve facilities, two initial reception facilities (*Erstaufnahmeeinrichtung/EAE*) and ten secondary reception facilities (*Zentrale Unterbringungseinrichtung/ZUE*), within the administrative district Cologne. Every district government has a *Dezernat 20*. District governments are managed by a district president. Even though the state prime minister appoints the district president, in the case of Cologne (and in another case) renominations after CDU member Laschet's election did not happen. Gisela Walsken (SPD) is still since 2010 in office. District governments have a dual focus: on the one hand, they

²⁹ It exists since 2017 and took over domains from four other ministries, e.g. the domain foreigner and asylum affairs from the former ministry of interior and municipal affairs.

implement administrative tasks of nearly all ministries (except justice and finance) and on the other hand, they try to follow regional interests when performing administrative action.

District governments have a duty to inform the respective regional council. With its role as a speaker for the region, the regional council, as the political authority at this level, decides about “the regional development [...] within the regional plan” (Bezirksregierung Köln 2019). This means that the regional council has to provide suggestions for support measures, based on the information provided by the district governments. Additionally, it has to consider suggestions from the region (e.g. Städteregion Aachen) to provide qualified propositions for the decision-making process of the state government. The representation of political parties in the regional council is based on the electoral vote of municipal elections (city council resp. local election). The regional council for the district government Cologne currently consists of 44 members eligible to vote (CDU 17, SPD 13) and 22 advisory members without voting rights (Bezirksregierung Köln 2019). Elections of representatives of the regional council depend on a population key of the participant municipal entities, e.g. Aachen has, as the *Städteregion* Aachen (without the city of Aachen) also, two and Cologne six representatives. New elections will be held in 2020. The chairman Rainer Deppe (CDU) is a member of the state parliament of North Rhine-Westphalia as well. District governments are responsible for the supervision of the municipalities. On the lower administrative level are for example the district police departments.

Since 2009, the city of Aachen is part of the *Städteregion* Aachen, an association of eight different cities and two municipalities in the region which constitute a *Kommunalverband besonderer Art* (municipal association of particular nature). However, legally it is still an independent (district-free) city and can determine whether to take over tasks allocated by the state or federal level itself, or pass it on to the *Städteregion*. Thus, a number of regional tasks such as youth and education, social affairs, ordinal and foreigner affairs, veterinary and health affairs, public services and hunting/fishery were (partially) transferred to the *Städteregion* (Städteregion 2019). Although this means a ceding of discretionary competences for the city of Aachen (and the other involved municipalities) itself, it was arranged to provide a more effective base for the representation of interests of the region as a whole and therefore a more efficient agency when it comes to regional (economic) developments. In its political council *Städteregionstag*, the CDU fraction constitutes the majority (27 seats, SPD 23 seats) and forms a black-green coalition (Greens 10 seats). The administration of the *Städteregion* Aachen, of which is led by *Städteregionsrat* Dr. Tim Grüttemeier, consists of five departments.

Since 2009 Aachen is headed by the mayor Marcel Philipp (CDU) and CDU also holds the majority of the city council (since 2014: CDU 28 seats, SPD 20 seats). The regular legislative period is five years. The direct elections are held together with the elections for the city council. The CDU has a majority in the city council since long, followed by SPD and Greens. Since June 2014 also one AfD (Alternative für Deutschland) and two members of the local right-wing Allianz for Aachen are members of the council. The committee for social affairs, integration and demography (Ausschuss für Soziales, Integration und Demographie) exists within the city council. From May 2011 onwards at minimum one member of the integration council was within this committee whereby it is dominated by SPD and CDU members with a growing number of members from Lefts and Greens.

Refugee reception in North Rhine-Westphalia: Laws and Directives

The allocation of refugees in North Rhine-Westphalia is regulated by the *Flüchtlingsaufnahmegesetz* (Law on reception of refugees/FlüAG), first enacted 2003 and changed several times since then. Municipalities are obliged to accommodate asylum seekers. The allocation depends on the number of residents and on the area of a municipality in relation to the population and area of the state (*Einwohnerschlüssel* 90%, *Flächenschlüssel* 10%). It is conducted by the district government Arnsberg based on monthly reports of the municipalities. Since January 2017 the municipalities receive a monthly lump sum of 866€ per person for the allocation and subsistence of asylum seekers, of which

3.83% has to be taken for social care. Until then municipalities received an annual amount of 10.000€ per person. There is no reimbursement for the care for recognized refugees, nor for rejected asylum seekers or persons who are obliged to leave the country, after a grace period of three months. (Flüchtlingsaufnahmegesetz NRW 2003)

In 2012 the Law on participation and integration (*Teilhabe- und Integrationsgesetz*) came as one of the first integration laws on state level into force. It promotes the integration on state and municipality level and obliges the municipalities with the task of accommodation and care of foreigners with a residence permit. If possible, municipalities should provide permanent housing. A competence center for integration at the district government Arnsberg is responsible for the distribution and allocation of these foreigners in the state. The coordination is done together with the initial reception facility of the state government and the municipalities. Municipalities have the duty to inform the responsible ministry (ministry of children, family, refugees and integration, MKFFI) in terms of necessary information for the purpose of integration planning. The ministry has the right to brief the municipalities about allocation and integration measures (*Teilhabe- und Integrationsgesetz NRW 2012*).

In December 2015 a key issue paper was formulated by the former ministry of interior and municipal affairs (*Ministerium für Inneres und Kommunales, MIK*) and different organizations like the refugee council and integration council of NRW, assisted by the municipal head associations. The paper officially expressed a paradigm change in the understanding of integration, and of housing as a crucial element of integration. Being identified as major component of integration, clear and measurable quality standards for all kinds of accommodation were envisaged; those quality standards which already existed since October 2014 in the secondary reception facilities were made mandatory for the whole of North Rhine-Westphalia. If there is no solution locally a decentralized complaint management enables a multistage procedure. Also, a directed communication with civil society was planned as well as an early provision of information regarding new facilities and the transparency of processes connected to it (*Eckpunktepapier NRW 2015*).

In April 2017, an obligatory guideline against violence was implemented in the ZUE. However, the refugee council criticized the lack of such a uniform concept for the municipal collective accommodations (*Gewaltschutzkonzept NRW*). Furthermore, the obligatory minimum standards which already were defined in the end of 2014 for the accommodation in state facilities were not made obligatory for municipalities.

Organizing the reception of asylum seekers in Aachen

Normally, according to the head of the *Dezernat 20* Cologne, the accommodation of asylum seekers in North Rhine-Westphalia follows a three-stage structure. At first every asylum seeker has to report him/herself in the LEA (initial reception facility of the state, *Landeserstaufnahmeeinrichtung*) in Bochum.³⁰ For some hours asylum seekers have to stay there and a Fast-Id is carried out, it is checked if North Rhine-Westphalia has the obligation to accommodate this person in accordance to the *Königstein* quota and if the person is able to travel. Then he/she will be transferred to one of the currently six initial reception facilities where a health check, an identity verification and registration is carried out (based on AsylG §62).³¹ Then the asylum procedure starts, consisting of the production of an individual case file and the status determination interview, carried out by the BAMF. After completion of those initial steps, asylum seekers are transferred to the ZUE “and there [...] normally they have to stay for up to six months. Except their asylum application was already decided positive. Then an early allocation to the municipality is executed.” (interview partner from *Dezernat 20*

³⁰ Since December 2017. AsylG §22, Decree MKFFI (LEA MKFFI).

³¹ Extensive health check, complete identity verification and registration.

Cologne, October 2018). The district government was involved in the definition of minimum standards for the state reception facilities, “but the ultimately decision, which standards are implemented, is done by the ministry” (interview partner from Dezernat 20 Cologne, October 2018). Due to the huge increase of refugees the district government Arnsberg as central institution is alone responsible for the allocation and governance of asylum seekers in North Rhine-Westphalia and the departments 20 were established in September 2015 by the state government in all district governments taking over the tasks of accommodation and care which were before as well centralized in Arnsberg. In mid-2018 a new asylum system governance was initiated by the Ministry of children, family, refugees and integration (MKFFI) which tends to relieve the municipalities by concentrating on the integration of people with the right to stay and the consequent return of people without (Decree MKFFI 2018). For this the above-mentioned LEA was built to ensure a flexible and consistent utilization of all initial reception facilities and the decision of allocation based on EASY is now exclusively done there. Latest since July 2018 an accelerated asylum procedure which is implemented since September 2015 in NRW has applied to people described in § 30a subs. 1 AsylG. This means it applies to people from safe countries of origin as well as for the statements of facts according to § 30a subs. 1-7 AsylG for newly entered citizens from Algeria, Armenia, Azerbaijan, Georgia, Morocco, Nigeria, Pakistan, Russian Federation, Tajikistan, Tunisia. For achieving this aim affected asylum seekers have to stay until the decision about their asylum application or in the case of an obviously unsubstantiated rejection until their departure in state facilities. Asylum seekers not affected by the § 30a AsylG but with an unclear prospect of staying remain until their asylum application decision for up to six months in certain cases up to 18 months in state facilities which is criticized by the interview partner from the refugee council NRW:

“Meanwhile they have to stay up to 18 months in the state facilities until the decision. Until the requirements are fulfilled, this categorization in good and bad prospect of staying. [...] If there is 50% acceptance rate it is a good prospect of staying. [...] but additionally after the legal changes concerning the Asylum Law also people who are not from safe countries of origin [...] are not allowed to leave the state facilities.” (interview partner from refugee council NRW, October 2018)

According to the interview partner from the Dezernat 20 Cologne in future it will be extended “for certain groups of persons” (interview partner from Dezernat 20 Cologne, October 2018) to a maximum of 24 months. Stated by the interview partner from Dezernat 20 Cologne, there is no existing compulsory education for children in the state reception facilities.

Accommodation

In the city of Aachen, the department for transitional housing (*Übergangswohnen/ÜW*) is responsible for the accommodation of asylum seekers which are transferred from the second reception facility of the state (ZUE). The department for transitional housing (ÜW) is part of the municipal department for housing, social affairs and integration (*Fachbereich Wohnen, Soziales und Integration*) which in turn is within the *Dezernat* six for economic development, social affairs and housing (*Wirtschaftsförderung, Soziales und Wohnen*). Before arrivals increased in 2013, the ÜW had to provide accommodation for a limited number of persons (less than 100 back in 2009), which were either accommodated in municipal collective accommodations with and without self-contained apartments, both equipped with a municipal social service and a municipal caretaker. With the rising number of cases in 2013 and 2014 (march 2011: 151 (Stadt Aachen 2011), November 2013: 507 (Stadt Aachen 2013), October 2014: 845 (Stadt Aachen 2014)) the administration of the city established a cross-sectoral working group (*fachbereichsübergreifender Stab*), where representatives of different departments of the administration decided “very concrete, individual and together, also in joint responsibility” (interview partner from the ÜW, October 2018) what has to be done next. It is ongoing on a regularly base. An architect of the facility management who was responsible for the application of building permits had been involved in this administrative “think-tank” and “was on

very close terms with the colleague at the construction supervision agency” (interview partner from the ÜW, October 2018). These informal relations also led to accelerated decision-making processes and the concomitant implementation of concrete action in the context of the provision of accommodations. As the municipality holds the majority in the ownership of the municipal housing association, they could provide housing in municipal buildings which were empty and awaiting restoration. After a quick short-term renovation, asylum seekers “who know Germany already a little bit, who have already their kids in school, who know how things function were transferred to own apartments, to free up capacities in the transitional facilities” (interview partner from the ÜW, October 2018). Additionally, private homeowners offered their apartments. At around the same time an accommodation concept developed by different departments of the city administration was politically “almost concordant” (interview partner from the ÜW, October 2018) decided by the city council. It stipulates a permanent capacity of accommodation of 1000 places (Stadt Aachen 2014a)³², whereby these facilities with not more than 50 persons should be consistently distributed all over the city. As the official political support in Aachen is that high the administration got the offer from politics to just talk to the parliamentary party leaders in urgent cases if there is the possibility to rent something quickly and when there is no instant meeting of the committee of social affairs, integration and demography, “then we will give you the “ok” within an urgency decision” (interview partner from the ÜW, October 2018). Regularly the ÜW has to report to the committee about the accommodation situation in the city, so that an early governance is possible.

“It exists a large political majority [in the council]. This is obviously very helpful if you have to decide matters very fast. [...] Legal changes which concern the municipality and intervene with its sovereignty [for instance] “How do I accommodate people?” didn’t happen. [...] The Refugee Reception Law (Flüchtlingsaufnahmegesetz) was changed. We have different financing now than before. [...] This is still an issue. [...] But legal changes which intervene in the accommodation? No! On this the municipality is very independent.” (interview partner from the ÜW, October 2018)

Distribution to the city area

As said by the interview partner from the ÜW, allocation to the city is done by the district government Arnsberg according to the criteria of the Law on reception of refugees (FlüAG) NRW.³³ “Normally we get asylum seekers whose asylum application is still pending!” (interview partner from the ÜW, October 2018) Regularly after some months they are transferred from a secondary reception facility to Aachen.

“The people we accommodate were already in the ZUE for a few months, probably to check: Is the asylum application obviously unsubstantiated? Do we actually allocate to the municipality? Or will there be another procedure.” (interview partner from the ÜW, October 2018)

This is contradicting the statement of the district government Cologne saying that the allocation is only done after the positive decision. The ÜW gets informed two weeks beforehand and knows already the important personal data of the person to be able to find an adequate accommodation, ensure sustenance and if needed immediate health care. The ÜW itself has to send monthly numbers about the already accommodated asylum seekers to Arnsberg. Facilities in Aachen are collective accommodations (2015: 171 / 2018: app. 950), self-contained apartments in transitional dormitories (*Übergangswohnheime mit abgeschlossenen Wohnungen*) (2015: 329 / 2018: app. 650) and regular apartments (2015: 341 / 2018: 814). According to the interview partner from the ÜW, the decision by the ÜW for one of the three accommodation kinds is based upon the language knowledge, needs and skills of the person.

³² FB 50/0024/WP17-1, Ausschuss für Soziales, Stadtrat 6.11.2014: regular apartments 20%, facilities with self-contained apartments 50%, collective accommodations 30%.

³³ § 3 Flüchtlingsaufnahmegesetz.

“Beforehand we considered: Where do we place them? And because we like to look at the people before, we check: What are they able to do and what do they need? Which languages do they speak? Are they able to communicate at least a minimum? Either in German or English. Based on that we decide which kind of housing is possible. For some days or weeks, we like to watch the living in a collective accommodation. There we can be certain that immediate contacts are available.” (interview partner from the ÜW, October 2018)

Thus, the ÜW prefers the initial allocation to a collective accommodation. Even though every asylum seeker has theoretically the right to live in his/her own apartment in practice it is very seldom, following one representative of the MBE (migration counselling for adults) of DRK³⁴ (Deutsches Rotes Kreuz /German Red Cross) Aachen: “As long as the procedure goes on [...] they have to abide their time in the dormitory.” (interview partner from the DRK, November 2018) and contradicts the statement of the responsible administrative authority in Aachen.

“The Asylum Seekers Benefit Act is the Benefits Act which ensures the subsistence of the people. For example, it is provided there that benefits for accommodation are generally granted as non-cash benefits. We did not provide the standard benefits nor the benefits for accommodation as non-cash benefits here. We never gave out food parcels or something like that. And we do not grant the accommodation as a non-cash benefit because of the necessity that we were depending on housing space so we decided many years ago that every asylum seeker is eligible to search housing for him/herself. There is no obligation except to be accommodated by us.[...] That made it easier for us [...]” (interview partner from the ÜW, October 2018)

One possible reason for these contradicting statements might be the limited housing space in the city connected to the monetary constraints for recipients of benefits like asylum seekers.

The accommodation system is “very administrative and also very municipally shaped. [...] There are municipal accommodations, municipal social service, municipal caretaker services.” (interview partner from the ÜW, October 2018) Since 2015 the DRK³⁵, as the only institution besides the city itself, also fulfils the tasks of care and security in some facilities, but “everything which is connected to accommodation and securing one’s livelihood is indeed in responsibility of the municipality”. (interview partner from the ÜW, October 2018)

Security services operate on a 24/7 basis in the facilities, according to the building code and in consultation with the fire service, said the interview partner from the ÜW. The collective accommodation is equipped with municipal social workers. Furthermore, public welfare associations offer all kinds of consulting for asylum seekers.³⁶ This service involves consulting regarding the Asylum Seekers Benefits Act and the connected applications, applications about child benefits and attending of a kindergarten and monitoring of the asylum procedure.

Social care

According to the interview partner from the ÜW it has a very good contact to the different welfare organizations in Aachen, so a lot of the care, education and support performances, “which were demanded by the Participation and Integration Act” were given to these actors.

“Thus, there is a great network available. However, the immediate sustenance, accommodation, benefits to secure one’s livelihood are for sure in the responsibility of the municipality and with further help from welfare organizations.” (interview partner from the ÜW, October 2018)

³⁴ *Deutsches Rotes Kreuz*/German Red Cross, in the following just referred to as “DRK”

³⁵ Before two other welfare organisations were involved.

³⁶ Because of their permanent presence in the facilities compared to the part time presence of the social workers, caretakers “are more often approachable for the people” (interview partner from the DRK) even though their task is to ensure the functioning of the daily living conditions rather than social care.

Asylum seekers can decide if they want to talk to a municipal social worker or if they want to consult the independent central office for refugee counselling in Aachen and the *Städteregion*, the *Café Zuflucht* (shelter) regarding the asylum procedure. A cooperation between welfare organisations who offer social counselling like the Caritas and the social care in the facilities exists also on the base of personal knowledge: “They just know us.” (interview partner from Caritas, October 2018) But also between the administrative actors and the welfare organisations exist informal relations, as said by the representative of the DRK, and the possibility to talk on some cases concerning daily things with the social welfare department.

“A lot is managed in an informal manner. If you know each other personally and you can work it out, then it becomes possible. Often that is faster than following the official procedure.” (interview partner from the DRK, November 2018)

A necessity for information exchange between the different actors exists due to the fact that they all have to work in a similar manner to avoid chaos.

„ [...] the city and the people who take care of the people [the asylum seekers] they have to work in the same way. It can't be that in one facility it works like this and different in another one. The refugees are very well connected with each other. And they communicate with each other. And if something like that would spread, then there would just be chaos.” (interview partner from the DRK, November 2018)

Also, there is cooperation between the different organizations who are involved in the asylum procedure counselling and the regular asylum counselling like Caritas and Café Zuflucht. Café Zuflucht is a special locality: on the one hand it provides counselling on a local base regarding the asylum procedure and on the other hand through its supporting association Refugio e.V. and the membership of this association in the refugee council NRW it is connected to the refugee council NRW. While the Café Zuflucht gets funding from the state level for the counselling, the refugee council NRW was commissioned from the state government for the coordination of the complaint management, which is installed in the social counselling in some state facilities. If asylum seekers or procedure counsellors have complaints, they will be centrally collected by the refugee council NRW in Bochum and can go, in a multistage procedure, from the local level through the district government until state level.

“The coordination of the complaint services done by the refugee council serves as a control mechanism. It means the accommodation facilities, first reception facilities, central accommodation facilities will be visited without prior announcement and it will be checked how the implementation and the accommodation of refugees work and which problems exist. These will be discussed in regular intervals at the round tables with the state secretary and the district government. We talk about how it [accommodation] can work practically and which changes should happen.” (interview partner from the refugee council NRW, October 2018)

As already mentioned above (see laws and directives), there are no quality standards for the accommodation in municipalities, this might be a reason why the complaint management until now according to the refugee council was just installed in the initial reception facilities (EAEs), according to the district government Cologne also in the ZUEs. Another reason might be that due to the new asylum system governance since 2017 with the implementation of the LEA and since mid-2018 with its three-step structure it can be assumed that asylum seekers because of their allocation to the municipalities have a good prospect of staying and therefore, even though they are still in their asylum procedure, will get a legal permit to stay, even if it is just a tolerated stay, and are not for a long time in municipal facilities.

As stated by the interview partner from the refugee council complaints on local level regarding the length of the asylum procedure are covered by local counselling centres and “when [...] refugees are actually in the municipalities, then it is possible to support them. And this means at local level together with politics but also with the administration to see how the integration process of refugees

works.” (interview partner from the refugee council NRW, October 2018) But still these interactions and communication processes between the different local actors like politicians, administration and civil society are connected to the issue of integration (not of accommodation). A more political approach exists connected to the federal level “and there more the implementation, if there are problems in the European systems, to act so that there will be a more European approach at federal level [...] because at local level the impact is lower than at state or federal level” (interview partner from the refugee council NRW, October 2018).

Extraordinary decisions in the peak phase and following the peak phase

In December 2014 a roundtable called “*Bündnis für Flüchtlinge*” (Alliance for Refugees) was initiated by the mayor aimed to connect different local actors like volunteers, representatives of confederations or welfare organizations.³⁷ Divided in three different working groups this platform evolved into a network of institutionalized actors with an efficient working structure. Even though the task of the first working group³⁸, handed over from the city to Caritas, was aimed to coordinate the voluntary engagement in the city not every civil society organization was involved in the first meetings which led to discomfort and separated action for some:

“It is only useful to create a network if the network is close. Everything else is bullshit. [...] We approached the others [who were not involved], or had already contact, with whom we needed contact.” (interview partner from the Bürgerstiftung Lebensraum Aachen³⁹, November 2018)

The *Bürgerstiftung* as a non-institutionalized civil society actor was engaged in providing homework done under supervision for unaccompanied minors and worked exclusively outside of the facilities together among others with different local administrative actors like schools. One representative of the DRK as one institutionalized civil society actor mentions the network otherwise in a positive way and explicitly focuses on the loose character of it.

“We have an association for refugees. There were people, simply citizens, who came together in 2015. And this network keeps existing [...] because it takes part in many meetings and is present everywhere. And these people undertake the most part of the actual integration work.” (interview partner from the DRK, November 2018)

This huge engagement of different civil society actors back then is mentioned also by the interview partner from the ÜW as an uncontrollable aspect, but at the same time it seems controllable by the social workers who function as an information access.

“That is certainly icing on the cake. And you can’t regulate that. But there is a possibility to take part in volunteer offers for every accommodated person, because it is just bundled by the social workers. They know the different offers. And even if the refugee is not picked up from his building by a volunteer, he still has the possibility to go somewhere and get involved.” (interview partner from the ÜW, October 2018)

Additionally, there are three persons within the department of the ÜW who were responsible for the supervision of the voluntary engagement and offered advanced training measures for them. According to the ÜW, depending on the neighbourhood, there were varying degrees of citizens’ engagement, as well as varying degrees of anxiety and fear.

“Depending on where I live and my immediate environment with its opportunities, there certainly are differences in the cultural offerings, the area of soft skills and neighbour interactions.” (interview partner from the ÜW, October 2018)

³⁷ Since April 2015 it is a network of the *Städteregion* Aachen.

³⁸ Named “networking and coordination of voluntary engagement and commodity contributions”.

³⁹ In the following referred to as „Bürgerstiftung“

In order to respond to citizens' concerns in the process of refugee reception, public meetings were organized prior to the opening of a facility. They were jointly organized with the press office of the city and politicians.

"They confronted their voters. They showed up and said: 'We are fully behind this idea! We want to manage that as the city Aachen! And please talk to us if it doesn't work here in the city region.'" (interview partner from the ÜW, October 2018)

Social workers and caretakers were also participating in these events. According to the ÜW this possibility of personal contact between Aachen citizens and the workers of the facility increased trust in the allocation procedure and led to minimized fears. The interview partner of the ÜW told that there was a discussion about the topic "garbage" at one of these events. After having listened to the concerns and comments of the present residents, one caretaker invited them to always address him before getting offended. As allocation and the duty to accommodate asylum seekers are state level decisions and the active participation of citizens is restricted, the daily base matters are the ones who seemed to be governable at municipal level for the residents. At the same time this "garbage issue" shows one more time an often noticeable behaviour of German citizens when dealing with migrants in their neighbourhood: the enforcement of a concept of ordering migrants, as an objectivized category, who have to obey to ensure the privacy of the supposedly legitimized residents.

Differences occur not just spatially like different voluntary engagement in different quarters but also temporally. As stated by one representative of Caritas the refugee counselling some years ago primarily was related to the asylum procedure, "but no integration measures were started" (interview partner from the Caritas, October 2018). Now asylum seekers are able to work after they have asked for a work permit and there is not any longer a priority check. "Before, there was a priority check, it means: the obstacles were very very high". (interview partner from the Caritas, October 2018) Also the possibility to attend a language course is given now, which turns after the recognition also into a kind of duty connected to the effort of the job center of the concrete placement of a person into the employment market and with sanction mechanisms "if they neglect their duty to cooperate in the SGB II realm [...] there were benefit cuts of 10 percent, 20, 30 percent." (interview partner from the refugee council NRW) Also the counselling services from Caritas changed. 2017 they started a pilot project for young asylum seekers until 27 years without having yet a decision about their asylum application. Before they offered counselling for young migrants solely if they already had a decision, or "who had a high prospect of being granted a right to stay" (interview partner from the Caritas, October 2018). Since 2018 this project was incorporated into the regular youth migration service, "to start very early with the integration. This means: placement in a language course, career planning" (interview partner from the Caritas, October 2018).

"It means: from now on, we advise people independently of their legal asylum status. It means: people with tolerated stay. It means: People during their asylum procedure [...] It doesn't matter whether it is a recognized refugee or family member who arrived later or whoever." (interview partner from the Caritas, October 2018)

The migration counselling for adults (MBE) older than 27 years offered by Caritas is still for people "with a right to stay" (interview partner from the Caritas, October 2018).

Integration

Since 2009 the network integration (*Netzwerk Integration*) exists within the *Städteregion* Aachen. Before it was a network solely within the city. Caritas (MBE), DRK (MBE) but also different educational providers or the Foreigners' authority and associations are involved. In regular intervals meetings are happening for information exchange. Additionally, the *Arbeitsplattform Migration* (working platform migration) exists in the *Städteregion* Aachen which is a coalition of the migration counselling centres and the integration centres of the welfare organisations. Involved in it is as well

the Refugio e.V. which is the support association of the Café Zuflucht. This platform was involved in the two-year process of the development of the integration concept (*Integrationskonzept*) of Aachen from 2018. Divided into working groups a lot of actors from the city were involved in the process.

“The idea was that the city Aachen is there as city Aachen. Local integration center, welfare organisations, the jobcentre, the Foreigners’ authority, integration council and many representatives of migration organisations. Unfortunately, not many of them came [...] in principle all decision levels were there, so that they can together develop the new concept for the city of Aachen together. And this was the idea, that everybody feels comfortable in Aachen. [...] Native person and migrant alike.” (interview partner from DRK, November 2018)

Also involved was the integration council (*Integrationsrat*), “it means it was involved in every decision.” (DRK) The integration council consists of representatives of different migration organisations. Stated by the representative of the DRK people who live in Aachen with a foreign passport are able to run for a public office and can be elected by people who live in Aachen but with a foreign passport as well.

“And this integration council is attending many meetings of the city and the social committee involved and takes part for the rights and issues of migrants in Aachen and the Städteregion. [...] With their votes they can get specific results and decide something.” (interview partner from DRK, November 2018)

Integration as said in the new integration concept of the city of Aachen is understood as an issue which is in the responsibility of everybody living in Aachen: “Aachen – that’s all of us!” (Integrationskonzept Stadt Aachen 2018)

Conclusion

Due to the fact that we do not have interviews with political actors involved in the process of accommodation in Aachen our results are only preliminary and incomplete. Still, what we can observe based on our interviews regarding the quantity of the allocation of refugees from the intermediate administrative level to the municipality, is a mere transfer of information (and people) from a superior authority, the district government Arnsberg, to a self-contained entity in the context of accommodation, the city of Aachen which has the obligation according to the FLÜAG to provide monthly statistics about the refugees already accommodated. This information transfer is rather a duty than a right of involvement in decision processes for the responsible local administration. Ideally and particularly regarding the changed regulations concerning the accommodation on state level, decisions about the staying and integration of an asylum seeker are already made before the allocation to the municipality by the relevant administrative and political actors. Due to missing statistics we can only assume that asylum seekers getting allocated to the municipalities without having yet a decision about their asylum application must have a good prospect of staying. The changed counselling contents for example of the JMD Caritas indicates this as well.

Depending on the multistage level structured administration in Aachen, it can be assumed that regarding planning on housing within a sociospatial city plan is done in exchange with the other departments of the Department Six for economic development, social affairs and housing (*Wirtschaftsförderung, Soziales und Wohnen*) as well as with political actors like the mayor. Even more as the Department six is directly subordinated to the mayor and just like the other Departments, has a Councillor. Regarding transitional housing the preparation of the accommodation concept was done by a cross-sectoral working group from the different departments of the city but the eventual (political) decision behoved the city council.

However, within this socio-spatial city plan and after the approval of the city council the concrete implementation of accommodation of asylum seekers in the municipality is decided by the responsible administration alone. Even though voluntary civil society actors are involved in the social care of asylum seekers they are not involved in the decision processes connected to it. Rather it

seems that voluntary engagement is bundled and governed by the administration, but only if it is connected to municipal accommodation. Voluntary engagement which is not explicitly connected to municipal accommodation, like the Bürgerstiftung's care of schoolchildren, is able to act independently from the administrative decisions of the ÜW which is criticized even as an exclusion from communication processes.

Involvement in communication and decision processes of institutionalized and non-institutionalized actors with the administration of Aachen happened in the case of the development of the integration plan of the city from 2018. As the new concept of integration is intended to include the whole city and everybody who lives in it, integration is now a holistic task, trying to erase socio-spatial divisions between different "origins" of people.

As an independent city, Aachen, even though part of the *Städtereion*, is able to decide about transitional housing for asylum seekers independently from the region. Even though for example the Foreigners' authority which is responsible for the issuance and renewal of residence permits is a city regional institution and therefore to a certain degree connected to the same asylum seekers the city is accommodating it was never mentioned in connection to the accommodation of asylum seekers in the city from all interviewees and just one time mentioned as a relevant institution, but regarding the responsibility for residence permits only after a positive decision of the asylum application.

Debatable is still if competencies of municipalities on decisions regarding the accommodation of asylum seekers in a broader sense are submitted. Due to the implementation of the three-stage structure of accommodation in North Rhine-Westphalia, decisions about which asylum seekers will be allocated to municipalities are already done there. On the one hand from a socioeconomic view this can be seen as a truly relief of municipalities because decisions regarding sociospatial developments can be done more pointed and concrete. On the other hand, seen from an asylum seeker's point of view, this new understanding of integration has for sure an exclusionary character and leaves people without having the legal right, based on political decisions, to get allocated to municipalities outside of the "integration".

3.2.5 Comparing Chemnitz and Aachen

As we have seen both cities acted very fast and politically flexible when the number of incoming asylum seekers started to increase. An accommodation concept was developed and different actors were involved in formulating it. Although it was an administrative task and non-administrative actors were involved in the decision-making process, decisions themselves were executed by political and administrative actors. Social care was (partially) transferred to welfare organizations (Aachen) and NGOs (Chemnitz). Controlled by different regulations concerning the accommodation and care of asylum seekers and refugees these regulations weren't set up at local level, like the Refugee Reception Laws, but at state level. In the governance of the accommodation of asylum seekers, local institutionalized actors had to handle the targets given by the state authorities and also the discomfort of the respective citizens. In an attempt to look like they were in full control the administrations responsible for the accommodation of asylum seekers as well as political actors in both cities tended to focus on the transparency of the accommodation process for the respective citizens. It can be argued that in doing so an unconscious but required "accurately mode" of acting was introduced which, even though sometimes reflecting the globality of reasons for the flight of people, implied a differentiation of asylum seekers into "good" and "bad" refugees, a status that is also connected to their perceived legal right to stay. This tendency is a reflection of the respective decisions and guidelines provided by federal and state level concerning the high and low prospect of being granted a right to stay in connection to the therefore provided or not provided financial contributions and possibilities for grants.

4. Policy Outcomes. Mechanisms of convergence and divergence in policy implementation

Given that reception policy is responsibility of the federal states in Germany, there is no singular reception system, but a “colourful bouquet of reception systems”. (Interview partner from the Left Party in the Bundestag, September 2018).

4.1 Germany’s federal system

One inherent mechanism for the heterogeneity of reception is thus Germany’s federal system. The configuration of reception depends on the size of that state (large (like North Rhine-Westphalia), medium sized (like Saxony) or small), the location of the state (external border or internally locked), whether it is a city state with high population density (such as Berlin) or states with vast rural and lowly populated areas. States with better urban infrastructures might be able to provide better access to health care, education and employment chances for refugees, on the other hand they may suffer a shortage of lower-priced accommodations.

The size of the *Länder* often determines its administrative division and organization – smaller states may tend to have more centralized administrations, while larger states such as Bavaria, Baden-Wuerttemberg and North Rhine-Westphalia tend to have more decentralized administrations (with district governments). For reception this means that in smaller states reception is often organized within one central institution, while in larger states, reception supervision is usually shared among the district governments (with one having the lead responsibility though).

Last but not least, whether it is a state in East Germany or West Germany makes a difference in reception configuration. As seen above in section 3.2. the Eastern States have a lower share of foreign resident population and a different migrant composition (stronger representation of Eastern European migrants). Thus, they also lack NGOs and civil society organizations prepared to work with asylum seekers from the Arab or Muslim world (interview partner from the Arbeiterwohlfahrt Saxony, June 2018).

However, reception governance is largely shaped by the political configurations of the state and the local areas. Factors that impact reception governance are whether the state is governed by a conservative (i.e. Saxony or Bavaria) or a progressive government (i.e. Baden-Wuerttemberg, governed by Prime Minister Kretschmann of the Greens). Further coalition configurations play an important role. The interview partner from the State Ministry of Social Issues and Integration said that reception was much more progressive before 2016, when they had a Green-Red (SPD) government. Since the formation of the Green-Black (CDU) coalition in 2016, things have been a bit more restrictive. Since coalition governments are the norm in the German *Länder* (two-partite and three-partite coalitions exist), it is also important to see whether or not refugee reception is under the supervision of just one ministry (i.e. Saxony, State Ministry of Interior, CDU lead) or shared among Ministries (i.e. Baden-Württemberg, shared between State Ministry of the Interior, now CDU lead and the Ministry of Social Issues and Integration, led by a Minister from the Greens).

Last but not least the involvement of local authorities also determines how well reception policy can be implemented. As our interview partner from the Arbeiterwohlfahrt said, implementation of reception is much more successful and operates more smoothly, if the local government is highly involved and feels responsible (and open) for refugees. In such instances, the local councillor often acts as a mediator and centralizing force within a locality or municipality. With active local government, more civil society stake holders get involved in reception governance, enabling the local government to provide more and better services to asylum seekers than in communities with hostile or uninvolved local governments.

4.2 Differential treatment of asylum seekers by nationality, gender and household size

Legislation approved in recent years has introduced differential treatment of nationalities, based on the success rate of their asylum applications. Asylum seekers from safe countries of origin are subject to special reception conditions and obliged to stay in initial reception centres for the whole duration of their procedure. Further, states may, on their own discretion, require asylum seekers from certain nationalities to stay up to 24 months in initial reception centres, that tend to provide less access to integratory measures than collective accommodations (ECRE 2018).

However, not only nationality may determine access to reception services, but also gender and household size. We found in interviews that communities tend to prefer the placement of families in decentralized housing, while specifically single and male asylum seekers need to stay in collective accommodation. For instance, in Chemnitz the accommodation concept of 2018 provides that families are more likely to be accommodated in apartments while single male asylum seekers tend to be placed in collective accommodation.

4.3 Other mechanisms enabling divergence or preventing convergence of policy implementation

Since reception governance is responsibility of the federal states there is no national monitoring system in place. States may choose to monitor reception governance and quality standards of reception provided, but it is up to their discretion to do so. Saxony for instance has a monitoring programme evaluating if collective accommodations comply with the standards established by the Saxon government (Heim-TÜV, mentioned above). The lack of national monitoring however enables further divergence.

There is also hardly any regular “best practice” and information sharing between the states – at least not on the administrative level. While the *Länder* regularly consult on reception at the political (i.e. ministerial level), there is little information exchange on the administrative level. Further, high administrative turn over and reshuffling often disrupts established cross-state contacts and prevents exchange of experiences. Asked whether he had any contacts to other *Länder* to exchange information on asylum seeker reception, an interview partner from a state agency in Saxony said: “[There is] Relatively little [information exchange]. There are certain occasions where you meet the same people, for instance the Meetings of Federal Government and Federal States organized by the BAMF, but this is mainly for the ministerial level. On asylum seeker distribution ... we had a few contacts, but basically all have been reshuffled several times meanwhile. My best contacts are to Thuringia, because that is still the same person ... we exchange information on certain occasions ... and we want to intensify this contact.” On the other hand, there is little incentive to create such contacts for people at the administrative level. “Administrations do not look for concepts and solutions, administrations need to function. ... if you have an idea, you need to try to execute or substantiate it. For someone in the administration this means, you create more work for yourself and most people have no interest to work more.” (interview partner State Ministry of Social Affairs and Integration, Baden-Wuerttemberg).

Last but not least the question is how much harmonization of reception is actually desirable. As the interview partner from the umbrella organization of welfare associations said: “To be honest, I am cautious about demanding more harmonization. Because I do not think, the federal states with better conditions in reception would be the ones prevailing within a standardized reception system.”

5. Conclusion and Outlook

As we have shown in this report reception is complex by nature and meets a complex reception system in Germany. The latest legal revisions of reception have gone away from a more integrative

approach to reception that wanted to release asylum seekers from initial reception centres as soon as possible and distribute them to the local communities to one that tries to exercise utmost control over asylum seekers and determines their place of living. Further, recent changes have separated reception and integration further than it already had been, allowing access to integration largely to those who have received a protection status or have a good prognosis for the success of their asylum claim.

Yet our report has limitations. Due to limitations of time and resources our data are unable to portray the diversity of reception systems in Germany adequately. To come to a more conclusive report about mechanisms of divergence in reception, we'd also need consider city states, compare small centrally organized states with reception in large states. We should also investigate if reception governance in the East is strongly different than in the West of Germany.

While we did look at reception at the local level, we focused on reception in two medium sized cities. However, this neglects reception governance in other types of localities, specifically reception in rural areas that are often afflicted by out-migration of the native population.

Further, we were able to shed a light on the involvement of civil society and NGOs in the German reception governance, but we acknowledge that not all NGOs are created equal. Further research would be required to investigate if and which civil society organizations and stake holders receive access to political decision-making processes and which NGOs are excluded from it and in what ways.

Last but not least, we present here the perspective of those who implement governance, but not those who are the subjects of reception governance: migrants. Further research is required to understand how migrants experience reception governance and what differences they might encounter at the state level (through contacts with friends in other states) or at the local level.

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