



Borders and the mobility of migrants in Germany

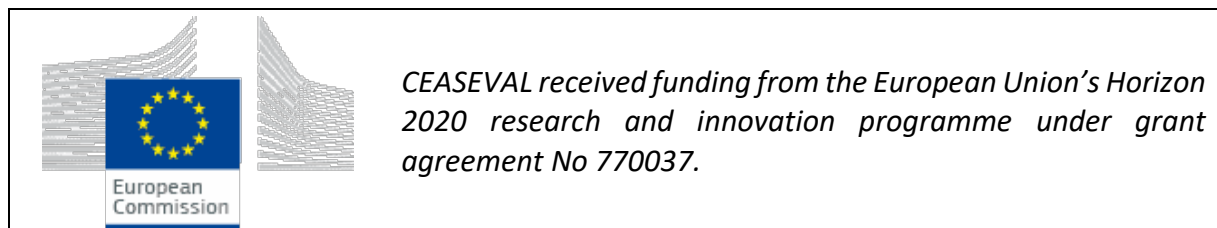
Jana Beinhorn, Simone Gasch and Birgit Glorius

Chemnitz, August 2019

CEASEVAL

RESEARCH ON THE COMMON EUROPEAN ASYLUM SYSTEM; Nr. 27

CEASEVAL Research on the Common European Asylum System publishes results of empirical research conducted for the H2020 Project “CEASEVAL” (Evaluation of the Common European Asylum System).



Herausgeberschaft:

Prof. Birgit Glorius and Dr. Melanie Kintz
Technische Universität Chemnitz
Institut für Europäische Studien
Humangeographie mit Schwerpunkt Europäische Migrationsforschung
09107 Chemnitz

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

Alle Rechte vorbehalten, Chemnitz 2019

ISSN 2627-339X

Borders and the Mobility of Migrants in Germany

Abstract

This country report represents research findings on bordering processes in Germany. It is based on a broad concept of borders and bordering which goes beyond the regulations at state borders and rather refers to the all kinds of exclusionary practices implemented on migrants.

Regarding the legal national framework, we observed a two-fold border enforcement since 2015: the reintroduction of stationary border controls at the Bavarian border, and the enforcement of internal bordering processes, notably against migrants who are deemed as “non-deserving” refugee protection. The differentiation of “deserving” and “non-deserving” migrants is based on state norms. Migrants from safe countries of origin, as “non-deserving” migrants, experience far more restrictions and exclusions than other groups of asylum-seeking migrants, such as the limitation of mobility, the ban from the labor market and the enforcement of detention and deportation. These enforcements, which followed a period of opening and flexibilization of borders based on the Schengen Agreement, constituted the strongest transformation of the German asylum law since long.

Most institutional actors deem the existing Regulations (Schengen, Dublin) as theoretically good, but practically deficient. The loss of confidence in the regulatory system led to enforced securitization practices at external and internal borders, for example by criminalizing sea rescue operations and by enforcing border control operations in the Mediterranean. The enforcement of securitization at state borders is not only constituted by enforced border controls, but also by enforced disciplinary measures against persons crossing the border, who have to obey to a detailed, de-individualizing registration procedure and who are subject to police practices which were invented for coping with criminal subjects.

Also internal bordering processes were enforced by increasing exclusionary measures and practices against “non-deserving” migrants, for example regarding first reception, housing, or access to labor and education. This is most clearly displayed in the manifold restrictions for migrants from so called safe countries of origin, as well as for those who were detected as migrants engaging in secondary movements on the basis of the Dublin Regulation. For those two groups, there are manifold obstacles towards reception, integration and internal mobility, which were enforced by several new laws and regulations since 2015.

Keywords: border, bordering, Germany, “non-deserving” migrant, securitization

Please cite as:

Beinhorn, J., Gasch, S. and Glorius, B. (2019) ‘Borders and the Mobility of Migrants in Germany’, *CEASEVAL RESEARCH ON THE COMMON EUROPEAN ASYLUM SYSTEM*, (27). Available at:

http://ceaseval.eu/publications/27_WP4_Germany.pdf

Table of contents

1. Introduction	1
1.1. Conceptual considerations and research question	1
1.2. Methodological considerations	1
2. The legal national framework for the bordering of asylum seekers and refugees	7
2.1. Introduction of the chapter	7
2.2. General context	7
2.3. National border and asylum/refugee legislation	9
2.4. Conclusion of the chapter	14
3. Empirical research with institutional actors	15
3.1. Introduction of the chapter	15
3.2. Institutionalized bordering practices performed by border agents	15
3.3. Institutionalized bordering practices performed by EU and national legislators	22
3.4. Institutionalized bordering practices performed by actors in the housing/labour sector	29
3.5. Conclusion of the chapter	36
4. Empirical research with migrants	38
4.1. Introduction	38
4.2. Lived experiences of borders and bordering practices upon arrival in Germany	38
4.3. Everyday lived experiences of borders and bordering practices in the housing and employment sectors	45
4.4. Lived experiences of im/mobility	48
4.5. Conclusion of the chapter	56
5. An analysis of the links, or the lack thereof, between the management of mobility and that of borders	58
5.1. Introduction	58
5.2. Mobility of migrants and borders in Germany	58
5.3. Conclusion of the chapter	59
6. Final conclusion	61
7. List of References	63

Annex

List of Tables

Table 1: Overview of expert interviews	2
Table 2: Overview of migrant interviews	3
Table 3: Videos considered for “video-ethnography”	4
Table 4: Main five nationalities applying for asylum in Germany 2015-2018	9
Table 5: Decisions on asylum applications 2013-2018	9
Table 6: Asylum decisions and consequences for the residence permits	12

List of Figures

Figure 1: Registered entries without permission at German borders, 2016	8
Figure 2: New police station at the German border to Austria in the city of Freilassing	22
Figure 3: Initial Reception Facility AEO Bamberg, Germany, entrance directory	23
Figure 4: Walkways on the territory of the Initial Reception Facility AEO Bamberg	24
Figure 5: Plan overview of AEO Bamberg and the AEO shuttle	35
Figure 6: Neighboring street of the AEO, formerly used as walkway to the city center	36
Figure 7: Information Blackboard in the AEO Bamberg	41

1. Introduction

The Work Package 4 of the CEASEVAL project on borders and the mobility of migrants aims to investigate the functioning of the EU's internal and external borders in the governance of migrants' mobility. It builds on the results of other project parts which focus on the regulatory mechanisms of the CEAS and the governance of national asylum reception systems, to analyze the extent to which their implementation is driving a reintroduction of internal borders. Its aim is to develop a framework to analyze the interactions between borders and the mobility of migrants (asylum seekers, refugees and irregular migrants). It focuses on the question of how bordering processes are implemented when confronted with the mobility of migrants at different stages, such as interception before entry into the Schengen area, "illegal" entry at external borders, "irregular" transit, and secondary movement across internal borders after making asylum claims or being granted status.

1.1. Conceptual considerations and research question

For the purpose of this research, we apply a multifaceted definition of borders, which integrates a positivist view on borders as lines that delineate nation states, and a constructivist perspective which concedes that borders are socially produced. Following from this perspective, we are focusing on the production processes of borders, which are also known as bordering processes. In the context of (irregular) migration, "**bordering**" is associated with the exclusion taking place at a physical boundary, which implies that a certain territory is secured and governed ("**ordering**") along with the identity and economic welfare belonging to the territory ("**othering**", see van Houtum and van Naerssen 2002, 125). In a context of spatiality and in a post-positivist tradition, the notions of "bordering" and "othering" refer to the process of regulating the mobility of people, goods, and services across borders, thus constructing or reproducing "places in space" (van Houtum and van Naerssen 2002, 126) and organizing social-political life (Anderson and O'Dowd 1999, 594).

A third perspective on borders is that of **border narratives** or **border discourses** (see Pickering 2006). In the context of EU borders and migration, border discourses range between Europe as a "**borderless world**" versus "**fortress Europe**" (see Newman 2006). As these narratives are packed with symbolism, Paasi (2001) argues that the shifting meanings of borders and boundaries are also reflected in the symbols attached to the territoriality.

We will use those conceptualizations of borders to underline our empirical research. We will specifically analyze how borders and bordering processes are perceived and rationalized by various groups of actors, and how changing migratory developments relate to changing bordering practices.

1.2. Methodological considerations

Our fieldwork started in July 2018 and foresaw interviews with experts in the field of border control and border policy and migrants, as well as an ethnographic observation of border crossing and bordering processes. As the aim was to provide data for the whole of Germany, we conducted interviews at different field-sites in several German States.

Regarding the expertise of our institutional interviewees, we can clearly see the multilevel modes of governance reflected in their statements. For example, the German Ministry of Interior, Construction and Homeland as a Federal institution issues directives for the whole of Germany, however also the respective Ministries of the 16 German States (*Länder*) with their respective departments in charge of migration and border issues have decision-making power for the respective State and can exercise

their influence on the Federal level via the *Bundesrat*. In all six States which have national borders, we requested interviews with the responsible State Ministries, however only one Ministry accepted to be interviewed. Most of the others referred to the responsibility of the Federal level. Requests were done via phone and/or mail or, in the case of some non-institutionalized actors, through personal contacts.

Approaching state actors for interviews was a lengthy procedure and sometimes failed, due to denial of the interview request, especially if “actors on the ground” were concerned. However we were able to speak with high representatives in a Federal Ministry, the Federal Police, and a State Ministry. We also approached non-governmental actors, who were usually ready to talk. The decision to take non-governmental actors into account was made on the one hand to compensate for denied interview requests with border guards, but on the other hand because we think those actors are also important players in the field, as they act as critical voice and sometimes carry out “counter-action” regarding the mobility of migrants and bordering processes. Interviews with non-institutionalized actors were especially rich for considering the migrants’ realities and place them in a broader socio-political or geographical context (tab. 1).

Table 1: Overview of expert interviews

Participant pseudonym	Institution Name	Date of interview
E001	Federal Police	June 2018
E002	Federal Ministry	July 2018
E003	NGO borderline europe	July 2018
E004	NGO specialized on housing	July 2018
E005	State Ministry	August 2018
E006	NGO Refugee Law Clinic Munich	August 2018
E007	NGO Café 104	August 2018
E008	Former crew member of a private sea rescue organization	September 2018
E009	NGO Private Sea Rescue Organization	September 2018
E010	NGO Refugee Law Clinic Rostock	September 2018
E011	NGO Rostock Hilft (Rostock Helps)	September 2018
E012	Politician and former Federal Minister for Migration, Integration and Refugees	October 2018
E013	AEO ¹ Bamberg	January 2019
E014	Foreigners’ authority (<i>Ausländerbehörde</i>)	March 2019

Source: own compilation

Regarding interviews with migrants, we approached our interviewees via personal contacts and meeting points like refugee cafés organized by different organizations. While male migrants agreed

¹ Anker-Einrichtung Oberfranken (Anchor Facility Upper Franconia). An “Anchor Facility” is a specialized initial reception center where all steps from first registration, to asylum decision and redistribution or deportation are carried out. The acronym “Anker” stands for arrival, decision, and deportation. Two model facilities were introduced in the State of Bavaria in 2016, which serve as a blueprint for the transformation of further initial reception centers.

easily to take part in the research, female migrants were underrepresented at the meeting points. Even though we took an extra effort to meet female migrants and explain our research with the help of interpreters, and even though they agreed to take part at first, they often withdrew their consent later. Interviews were conducted with 12 male and five female migrants. Their age varies between 17 and 47 (tab. 2).

Table 2: Overview of migrant interviews

Migrants								
Participant pseudonym	Nationality	Age	Time in Host Country	Gender	Marital Status	Multiple Migrations	Considers secondary movement	Date of interview
M001	Syria	29	3 years	Male	Single	No	No	July 2018
M002	Syria	21	3 years	Male	Single	Yes	No	July 2018
M003	Afghanistan	24	3 years	Male	Single	No	No	July 2018
M004	Afghanistan	24	3 ½ years	Male	Divorced	No	No	July 2018
M005	Iraq	26	2 ½ years	Male	Married	No	No	July 2018
M006	African country	25 - 35		Male	Single	Yes	Yes	July 2018
M007	Iran	19	2 years	Female	Single	No	No	September 2018
M008	Iraq	27	3 years	Male	Single	No	No	October 2018
M009	Libya	29	3 years	Male	Single	Yes	Yes	March 2019
M010	Syria	35	3 ½ years	Male	Single	Yes	No	March 2019
M011	Syria	17, 21, 47	3 ½ years	Female	Single, married, married	No	No	March 2019
M012	Iraq	33	2 years	Female	Married	Yes	No	April 2019
M013	Syria	46	2 years	Male	Married	Yes	No	April 2019
M014	Syria	30	3 ½ years	Male	Single	Yes	No	April 2019
M015	Syria	29	3 years	Male	Single	Yes	No	April 2019

Source: own compilation

Regarding the task of carrying out participant observation in border agencies, approval was denied to the TUC team. Even though interview requests for border guards were already sent out in March 2018, the approval from authorities at Federal level to conduct one interview was only received in June 2018, but further access to border agencies was denied. As an alternative, TUC conducted auto-ethnographic research in order to describe how borders are perceived, and carried out an analysis of available journalistic reports (videos) which document border procedures with relevance to the entry of “irregular” migrants. For the auto-ethnography different borders were crossed by the TUC team and impressions were documented by photographs and field notes. It was carried out in three situations: when crossing via car from Austria to Bavaria several times, when walking along the border to the Czech Republic, and when crossing the Dutch border via train. For the “video-ethnography” 17

journalistic TV reports (found on internet channels like Youtube of the media-storage of TV stations) were analyzed (tab. 3). These 17 videos sum up to four hours of data. We watched the videos in a team of three researchers and took notes. After each video, we exchanged our thoughts and observations and recorded these talks. Later, we finalized our field notes from those audios. In the very end, we carried out a final analytical discussion, checking the whole list of research questions and exchanging our thoughts and observations. We were aware of the fact that the videos gave a selective insight and were produced following the logics of the media channels, which were news channels, but also with entertaining aspects. However, we think that the constellation of three researchers and the reflection on the context in which the video was produced validated our observations. The analysis of the auto-ethnography and the videos can be found in the ANNEX, but is also integrated here.

Table 3: Videos considered for “video-ethnography”

	Program	Title	Duration	Publication date	Internet link
2013					
#1	Sat1 Frühstück sfernsehen	Unterwegs mit der Bundespolizei/ <i>On the road with the Federal Police</i>	07:00 min.	18.11.2013	https://www.youtube.com/watch?v=pnwGczoy4-k
2014					
#2	Spiegel-TV	Bundespolizei gegen Schleuserbanden: Endstation Rosenheim/ <i>Federal Police against human smugglers: Last exit Rosenheim</i>	18:08 min.	06.09.2014	https://www.youtube.com/watch?v=9ncpQNqrgAk
#3	München. tv	Grenzfahnder der Bundespolizei in Rosenheim – 110 – Das Polizeimagazin/ <i>Federal Police investigators in Rosenheim – 110 – the police report</i>	03:33 min	08.10.2014	https://www.youtube.com/watch?v=WhjIFnXFfrQ
#4	TV Südbaden	Auf Streife mit der Bundespolizei Offenburg/ <i>Patrolling with the Federal Police Offenburg</i>	06:35 min	15.10.2014	https://www.youtube.com/watch?v=ijBD2bFdJPs
2015					
#5	BR Kontrovers	Flüchtlinge: Andrang außer Kontrolle/ <i>Refugees: crowd out of control</i>	06:41 min	16.07.2015	https://www.youtube.com/watch?v=rnGYxbJCeio
#6	Doku TV	Flüchtlinge und die Polizei – Dauereinsatz an der Grenze/ <i>Refugees and the police –</i>	43:15 min	07.09.2015	https://www.youtube.com/watch?v=Z7fLciez3SY

		<i>continuous operations at the border</i>			
#7	BR Kontrovers	Grenzkontrollen: Hochkonjunktur für Schleuser/ <i>Border controls: Boom for human smugglers</i>	04:35 min	16.09.2015	https://www.youtube.com/watch?v=dhc8nhMdY_s
#8	ZDF Reportage	An der Grenze Teil 1 und 2 / <i>At the border, part 1 and 2</i>	30:00 min	23.09.2015	https://www.youtube.com/watch?v=zrvfhkUQh7g (part 1) https://www.youtube.com/watch?v=zsRY20T1CXM (part 2)
#9	Bild	Grenz-Kontrolle: Unterwegs mit der Bundespolizei (A17, Schleuser, Flüchtlinge)/ <i>Border control: On tour with the Federal Police (A17, human smugglers, refugees)</i>	29:45 min	24.09.2015	https://www.youtube.com/watch?v=N1AoKzn46Bk
#10	Spiegel TV	Grenzkontrollen: Der ganz normale Ausnahmezustand/ <i>Border controls: emergency routines</i>	04:09 min	28.09.2015	https://www.youtube.com/watch?v=F5cYXat4C-l
2016					
#11	Spiegel TV	Im Niemandsland: Abgewiesen an der deutschen Grenze/ <i>No-mans country: rejected at the German frontier</i>	06:07 min	30.01.2016	https://www.youtube.com/watch?v=ESwJ6ORV_Is
2017					
#12	Spiegel TV	Unterm Güterzug über den Brenner: Die neue Flüchtlingsroute/ <i>Crossing the Brenner under a freight train: the new refugee route</i>	07:15 min	05.08.2017	https://www.youtube.com/watch?v=DVvpXYRs6ks
#13	Berliner Morgenpost	Mit der Bundespolizei auf Streife an der deutsch-polnischen Grenze/ <i>On route with the Federal Police at the German-Polish border</i>	06:05 min	19.11.2017	https://www.youtube.com/watch?v=RCtDO5riT9c
2018					
#14	ZDF Info	Bundespolizei im Einsatz – Jagd auf Schleuser/ <i>Federal Police at work – chasing human smugglers</i>	44:23 min	04.02.2018	https://www.youtube.com/watch?v=4gJ2hu56Uo
#15	Kabel Eins	Eine der am meisten genutzten Flüchtlingsrouten:	06:32 min	10.08.2018	https://www.youtube.com/watch?v=vZ57HVi0SYg

		Reisebuskontrolle! Achtung Kontrolle/ <i>One of the most frequented refugee routes: bus controls!</i>			
#16	Kabel Eins	POLIZEIKONTROLLE auf der A17: Sind die Ausweise GEFÄLSCHT? Achtung Kontrolle/ <i>Police control on the A17: Are the documents forged?</i>	07:40 min	28.10.2018	https://www.youtube.com/watch?v=dHXmHSLTW-o
#17	Sat1 Regional	Bundespolizei kontrolliert die deutsch-dänische Grenze/ <i>Federal Police controls the German-Danish frontier</i>	08:41 min	28.12.2018	https://www.youtube.com/watch?v=pvlfEeHLFa0

Source: own elaboration

2. The legal national framework for the bordering of asylum seekers and refugees

2.1. Introduction of the chapter

This chapter outlines the legal framework for the bordering of asylum seekers and refugees and major changes since 2015. It starts with a historical and spatial contextualization to increase the readers' understanding of the meaning of national borders and bordering processes from the German perspective and describes the dynamics of arrivals and border enforcements since 2015, as well as the asylum procedures and outcomes in quantitative terms (2.2). Then it gives an overview on the legislative procedures relevant for asylum seekers and refugees, differentiating various status groups (2.3). Section 2.4 wraps up the chapter and highlights the main findings with relevance to borders and bordering processes.

2.2. General context

For Germany, the introduction of the Dublin Regulation in 1997 and the expansion of the European Union in 2004 had direct consequences for the reception of asylum seekers. Before 2004, the borders to the Czech Republic and Poland were EU external borders and Germany therefore acted as first country of arrival for all migrants who crossed its eastern border and claimed asylum. Since then, Germany is surrounded by EU member states which act as first country of arrival. As a matter of fact, most asylum seekers during the years 2004-2010 arrived via plane and claimed asylum during the entry procedure at German airports. Therefore, the major German airports provide facilities for carrying out an accelerated asylum procedure, the so-called "airport procedure", based on §18a Asylum Law (*Asylgesetz*).

After the increase of migrations over the central Mediterranean route following the Arab spring of 2011, there were more migrants registered who travelled onwards from Italy to Germany. In 2015 until March 2016, the majority of asylum seekers who arrived in Germany travelled over the Balkan route via Turkey, Greece, Macedonia, Serbia, Hungary (or Croatia and Slovenia) and Austria. This is also reflected by the data from the Federal Police: In 2015, more than 865,000 entries of asylum seeking migrants were registered by the Federal Police, of which 81% crossed the German-Austrian border, 5% were registered at airports and 4% crossed the border from the Czech Republic.

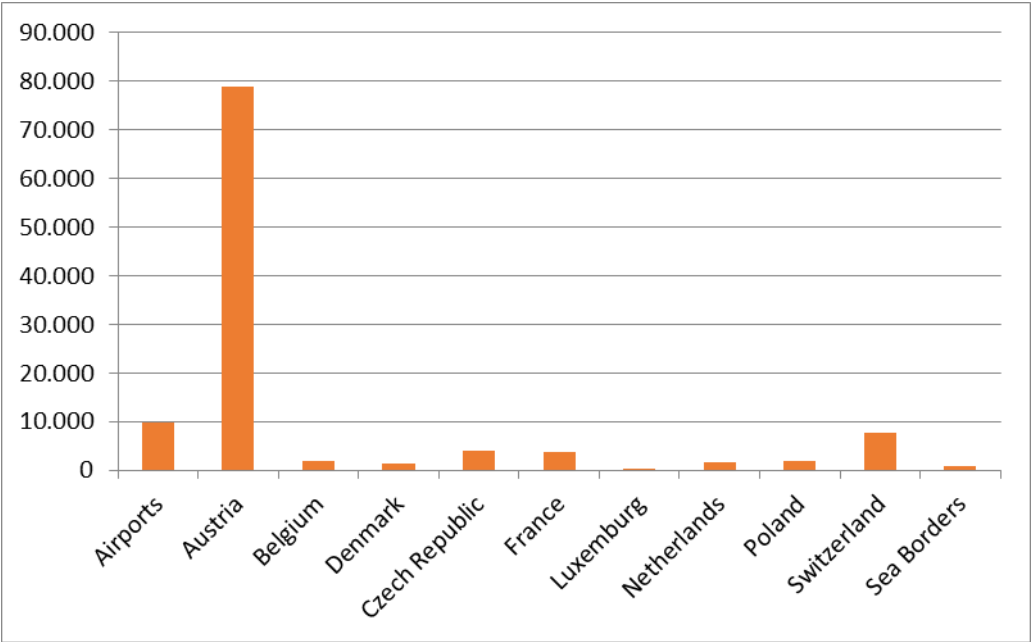
Since 13 September 2015, there are reinforced border controls, first at all German borders, since 12 May 2016 exclusively at the border to Austria, mainly at the motorways (*Autobahnen*). Between Bavaria and Austria there are more than 50 border crossing points, of which the motorways are the most important (A3 Passau, A1-A8 Salzburg-Walserberg, A93 Kufstein-Kiefersfelden). But in 2015, migrants also arrived via smaller border crossing points, for example in Simbach/Inn, or via the Saalach bridge from Salzburg in Austria to Freilassing in Germany. They also entered via train from Salzburg to Freilassing, from Kufstein to Rosenheim, or from Linz to Passau. Asylum seeking migrants in 2015 partly transited through Germany, mostly heading for Scandinavian countries. There were 83,000 registered departures of transit migrants, who mainly headed to Sweden, via the border to Denmark. The main border crossing point per car (A7) and train (Flensburg-Kopenhagen) is Padborg.

In the following years, the numbers of registered irregular entries² of asylum seekers decreased, and the entry points shifted. In 2016, rounded 112,000 irregular border crossings were registered by the

² The arrival of asylum seekers mostly entails the arrival without proper travel documents. Therefore, the entry is registered as illegal entry, which however is not persecuted if the irregular migrant asks for asylum.

Federal Police, of which 72% crossed the Austrian border, 9% were registered at airports and 7% crossed from Switzerland (fig. 1). In the first two months of 2017, the Federal Police registered 8,788 irregular border crossings, of which 3,080 (35%) occurred at the border to Austria, 1,356 (15%) at the border to Switzerland, 1,658 (19%) at airports (mostly arriving from Turkey and Greece), 643 (7%) at the border to France, 533 (6%) at the border to the Czech Republic (mainly train Prague/Dresden or street Breitenau / Krásný Les (motorway A17)), 357 at the border to Poland, 315 at the border to Denmark and 314 at the border to the Netherlands. These remarkable changes are mostly due to the stricter control regimes at the borders from Italy to Austria at the Brenner motorway and from Austria to Germany, so that migrants from Italy try to transit Switzerland in order to reach Germany. This scheme also prevailed during the years 2017 and 2018.

Figure 1: Registered entries without permission at German borders, 2016



Source: Federal Police; Design: B. Glorius

Regarding the nationalities of asylum seekers, there were major shifts during the last years, as a consequence of shifting global conflicts and changes in the German asylum law (tab. 4). Syrians ranked first throughout the observation period, and Iraqis constantly ranked under the top five during 2015-2018. Citizens from the West Balkan countries Albania and Kosovo ranked second and third in 2015, but due to the Asylum Procedures Acceleration Act of 20 October 2015, these countries were added to the list of safe countries of origin and application numbers from those countries strongly decreased since then. Afghanistan was under the top five countries from 2015 to 2017, and Iran from 2016 to 2018. Major African source countries of asylum seekers are Somalia, Eritrea and Nigeria, of which Eritrea was among the top five in 2016 and 2017 and Nigeria in 2018. Turkey, which was a major source country of asylum applicants in Germany between 1986 and 2011, re-entered the top ten statistics in 2017 and was among the top five countries in 2018 (BAMF 2018b).

Table 4: Main five nationalities applying for asylum in Germany 2015-2018 (First Asylum Application)

2015		2016		2017		2018	
Syria	38.5%	Syria	36.9%	Syria	24.7%	Syria	27.3%

Albania	13.1%	Afghanistan	17.6%	Iraq	11.1%	Iraq	10.1%
Kosovo	8.1%	Iraq	13.3%	Afghanistan	8.3%	Iran	6.7%
Afghanistan	7.6%	Iran	3.7%	Eritrea	5.2%	Nigeria	6.3%
Iraq	7.2%	Eritrea	2.6%	Iran	4.3%	Turkey	6.3%
Total	411,899	Total	722,370	Total	198,317	Total	161,931

Source: BAMF 2018 a/b

As the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge – BAMF*) did not have sufficient capacities to process all asylum applications of those who arrived in 2015 during the same year, the numbers of asylum applications and of asylum decisions peaked in 2016, even though 2015 appears as all-time high in terms of refugee arrivals. According to the varying share of source countries and changed political practice, the share of decisions is varying considerably. While in 2015, most Syrian asylum seekers received a refugee status, in the following year the share of those who received a subsidiary protection status increased, while the refugee status was less frequent (tab. 5). In 2017, both the refugee status and subsidiary protection status were awarded less frequently, while the rejection rate remained high and the share of formal decisions (withdrawal of asylum application or Dublin decision) increased.

Table 5: Decisions on asylum applications 2013-2018

Source: BAMF 2018a; *Dublin Decisions; Withdrawal of Asylum Application

Year	Decisions	Political asylum (Art. 16GG) or Refugee Status (§3, 1 AsylG)	Subsidiary Protection (§4, 1 AsylG)	Abandonment of Deportation (§60, 5/7 AufenthG)	Rejection	Formal decision*
2013	80,978	10,915	7,005	2,208	31,145	29,705
<i>share</i>	<i>100</i>	<i>13.5</i>	<i>8.7</i>	<i>2.7</i>	<i>38.5</i>	<i>36.7</i>
2014	128,911	33,310	5,174	2,079	43,018	45,33
<i>share</i>	<i>100</i>	<i>25.8</i>	<i>4.0</i>	<i>1.6</i>	<i>33.4</i>	<i>35.2</i>
2015	282,726	137,136	1,707	2,072	91,514	50,297
<i>share</i>	<i>100</i>	<i>48.5</i>	<i>0.6</i>	<i>0.7</i>	<i>32.4</i>	<i>17.8</i>
2016	695,733	256,136	153,700	24,084	173,846	87,967
<i>share</i>	<i>100</i>	<i>36.8</i>	<i>22.1</i>	<i>3.5</i>	<i>25.0</i>	<i>12.6</i>
2017	603,428	123,909	98,074	39,659	232,307	109,479
<i>share</i>	<i>100</i>	<i>20.5</i>	<i>16.3</i>	<i>6.6</i>	<i>38.5</i>	<i>18.1</i>
2018	216,873	41,368	25,055	9,548	75,395	65,507
<i>share</i>	<i>100</i>	<i>19.1</i>	<i>11.6</i>	<i>4.4</i>	<i>34.8</i>	<i>30.2</i>

2.3. National border and asylum/refugee legislation

The most important legislations regarding bordering processes at national borders in Germany are the Schengen Agreement and the Dublin Convention. The Schengen Agreement came into force in 1995 and resulted in the abandonment of stationary controls at Germany's national borders. Since then, Germany used to have stationary border controls at the airport and sea border only, however in September 2015, border controls have been reintroduced at the land borders claiming a state emergency due to the numerous arrivals of irregular migrants. The Dublin Convention, which has been

revised twice since 1997 (2003: Dublin II Regulation; 2014: Dublin III Regulation), determines the responsible EU member state for the reception of incoming asylum seekers and the implementation of the asylum procedure. This is usually the country where the refugee entered the European Union. As Germany is surrounded by EU member states, usually it only acts as state of first arrival in the case of arrivals via plane. However, Germany has taken in a considerable amount of asylum seekers especially since 2015 due to several reasons explained below.

In Germany the request for asylum is normally exclusively possible on German territory or at the German border (§ 22 Asylum Law (AsylG), § 18 subs. 1 AsylG, § 19 subs. 1 AsylG). The Residence Act (*Aufenthaltsgesetz – AufenthG*) regulates the entry to Germany, implementing inter alia the EU Directive 2001/51/EC (supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985). The Residence Act (AufenthG), ratified for the first time in 2004 and rewritten in 2008, foresees a passport, a visa or another entry document (§ 3 and § 4 AufenthG).

Migrants arrive in Germany via land borders or at airports. At the airport, incoming persons are divided into EU citizens and third country nationals by European law. If a person from a third country arrives at the airport without required documents for entry, the person is rejected (*Zurückweisung*) at the border, and the air carrier is obliged to take the person back to the destination of departure on the basis of the ICAO (International Civil Aviation Organization) regulations. Additionally, a penalty payment from minimum 1,000 Euros up to 5,000 Euros can be imposed upon air carriers for supporting illegal entry (§ 63 and § 64 AufenthG). Rejected persons can stay up to 30 days in the transit area of the airport or another accommodation before departure. In order to secure the return, irregular migrants can be detained.

If incoming persons ask for asylum they are either sent to the responsible initial reception facility or to a branch office of the Federal Office for Migration and Refugees (BAMF) at the airport. Some airports in Germany (Frankfurt, Hamburg, Berlin-Schönefeld, Munich and Dusseldorf) provide the possibility of an accelerated asylum procedure according to section 18a of the Asylum Law (*Asylgesetz – AsylG*), which is mostly implemented if passports are not available. The BAMF determines whether an asylum decision can be made with the accelerated procedure within two days. This is the case if the asylum application is found “manifestly unfounded”. The person can be rejected after this accelerated procedure. The asylum applicant has the right to request for temporary legal protection at the administrative court after the decision by the BAMF within three days. During the time of the court decision, the entry denial is put on hold (§ 18a subs. 4 and 5 AsylG). If the entry is ordered by the court the ban of deportation is hold concurrently (§ 18a subs. 5 AsylG). If an accelerated procedure is not possible the person usually is sent to the responsible initial reception facility (Interviewee E001).

Since the implementation of the Schengen Agreement, stationary border controls at land borders have been abandoned. However, the Federal Police is entitled to carry out random investigations and personal checks within a catchment area of 30km along the borders (*Binnengrenzfahndung*). Suspicious vehicles are stopped and controlled and also persons in trains can be checked. Since September 2015 there are stationary land border controls especially at the Bavarian-Austrian border. If a person asks for asylum, he*she usually will be sent to the next or the responsible initial reception facility (§ 18 subs. 1 AsylG). The following exceptions apply: 1) the person is from a safe country of origin, 2) another state is responsible for the asylum procedure, 3) the person is a threat to the general

public (§ 18 subs. 2 AsylG).³ In those cases, the entry of the person will be rejected (*Zurückweisung*) at the border. It is important that rejections are only possible at the border line. If a foreigner without appropriate documents already entered the country he*she can only be pushed back (*Zurückschiebung*, § 18 subs. 3 AsylG) if the above mentioned conditions apply. That means that the person first of all has to be led into the country and then it has to be checked within six months if the person can be sent to another state. If these preconditions do not exist the person asking for asylum is sent to the next or the responsible initial reception facility.

The registration of incoming asylum seekers 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. Persons are generally bodily searched, whereby they have to undress completely. The registration includes the recording of personal data, a photo, the taking of fingerprints and – as we could see in many videos during our video ethnography – the documentation of weight and height.

After the registration asylum seekers are usually accommodated in an initial reception facility. The persons receive a “proof of arrival” (*Bescheinigung über die Meldung als Asylsuchender – Ankunftsachweis*) which serves as identity document during the period of status determination up to a maximum of six months (§63a AsylG). Then asylum seekers are distributed to the States according to a quota called the “Königstein Key” (*Königsteiner Schlüssel*). This quota is based on the tax revenue (2/3) and the population size (1/3) and was designed to secure an even share of national obligations and is generally used in the context of federal governance in Germany. Asylum seekers have no say where they will be placed for the duration of the asylum procedure. When arriving at the States asylum seekers are accommodated in initial reception centers where a branch office of the Federal Office for Migration and Refugees (*BAMF*) is located in order to carry out the asylum procedure. After the asylum application is completed and during the time when it is processed, asylum seekers receive a residence authorization (*Aufenthaltsgestattung*) for up to three months by the BAMF or by the responsible foreigners’ authority (*Ausländerbehörde*) (§ 63 AsylG). Persons are obliged to stay in the initial reception facilities for the first weeks up to six months (§ 47 subs. 1 AsylG) to be available during the application procedure. Usually, they are redistributed to the counties of the State after the finalization of the application and are allocated to municipalities which mostly provide collective accommodations. There, asylum seekers await the decision of their asylum application. Asylum seekers from so called safe countries of origin (Bosnia and Herzegovina, Macedonia, Serbia, Ghana, Senegal, Kosovo, Montenegro and Albania) have to stay in the initial reception facilities for the whole asylum procedure, if necessary longer than six months (§ 47 subs. 1a AsylG). 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 States have the possibility to impose an obligation to stay in initial reception facilities up to 24 months (§ 47 subs. 1b AsylG).

The basis for the decision of the Federal Office of Migration and Refugees (*BAMF*) is the German Basic Law, the Geneva Convention on Refugees and the Asylum Law. There are four different forms of protection 1) entitlement to asylum in accordance with Article 16a GG (Basic Law) (very rare), 2) refugee status according to the Geneva Convention on Refugees (embedded in the Asylum Law, § 3 subs. AsylG), 3) subsidiary protection in accordance with § 4 subs. 1 AsylG and 4) deportation ban in

³ This is the case if the person has already been sentenced to a three year term in Germany and the exit was less than three years ago.

accordance with § 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). A *Duldung* (tolerated stay) is not a legal status and does not mean that the stay in Germany is legal but the culpability of the illegal stay is dropped (§ 95 AufenthG) (tab. 6).

Table 6: 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 (<i>Duldung</i>)
Rejection	Exit order
Formal decision	

Source: BAMF 2019

In Germany asylum seekers and persons with a tolerated stay (*Duldung*) are subject to mobility restrictions (*Residenzpflicht*) (§ 56 AsylG, § 61 AufenthG). That means that they cannot move freely within Germany but have to stay in a determined municipality, county, or State. If they want to go to another place they need the permission of the responsible authority. The Legal Status Improvement Act (*Gesetz zur Verbesserung der Rechtsstellung von asylsuchenden und geduldeten Ausländern – AsylRÄndG*) that came into force on 1 January 2015 brought improvements for the free movement of asylum seekers. This Act introduced Section 59a to the Asylum Law and limits the mobility restrictions (*Residenzpflicht*) for asylum seekers to three months. However, the Asylum Procedures Acceleration Law in October 2015 linked the mobility restrictions to the stay in the initial reception facilities (§ 59a subs. 1 sentence 2 AsylG). That means that asylum seekers living in the initial reception centers cannot travel freely within Germany without permission. But also after the finalization of the asylum procedure, further restrictions can be imposed. The Integration Law (*Integrationsgesetz*) of July 2016 introduced a residence obligation (*Wohnsitzauflage*) for individuals with refugee or subsidiary protection status who received their status decision after 1st January 2016. For a duration of three years after receiving their asylum status, the hosting county can enforce restrictions towards residency changes. Residence obligations (*Wohnsitzauflage*) can refer to the territory of a State or to only the administrative district. Exceptions can be made if refugees can sustain themselves and don't depend on social transfer payments (§ 12a AufenthG) – for example if they plan to move because of a job offer; however, also in those cases, a close individual examination is carried out from the responsible foreigners' authority.

Based on the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz – AsylbLG*), asylum seekers and persons with a tolerated stay receive benefits in order to cover their basic needs if they do not have sufficient income or own assets. The basic benefits are set out in section 3 of the Asylum Seekers Benefits Act (*AsylbLG*) and include “[...] means for food, housing, heating, clothing, health care and household utensils and consumables (basic needs) [...]” (§ 3 subs. 1 *AsylbLG*). In addition, beneficiaries receive benefits to meet their personal needs of everyday life (§ 3 subs. 1 *AsylbLG*). It is not defined in the law what this implies, but it could be a bus ticket, a cell phone or personal body care. Recognized refugees have the right to receive benefits according to the Social Code (SGB II), just like German beneficiaries.

The Asylum Seekers Benefits Act also regulates a limited health care for asylum seekers and persons with tolerated stay. Section 4 subs. 1 AsylbLG grants the necessary medical and dental treatment, including medicines and dressings, “for acute diseases and pain conditions”. Furthermore, women during pregnancy and after childbirth have the right to be provided with medical and nursing assistance and care (§ 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. 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*) (§ 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*).

With regard to deportation the so called *national ban of deportation* is defined in the Residence Law (*Aufenthaltsgesetz*) § 60 Abs. 5 or 7 which is found by the BAMF during the asylum procedure. A residence permit can be issued if the deportation would cause e.g. threats to the human rights. A person then gets a residence permit according to AufenthG § 25 Abs. 3 but, generally, it is rarely issued. In comparison to the national ban of deportation, other forms of bans, such as temporary suspension of deportation (*vorübergehende Aussetzung der Abschiebung, Duldung*) are set by the foreigners’ authority and entitled persons do not receive a residence permit (Aufenthaltsg § 60a). Therefore, a person with temporary suspension of deportation is still obliged to leave the country (AufenthG § 58). A tolerated stay (*Duldung*) is not a legal status and doesn’t mean that the stay in Germany is legal but the culpability of the illegal stay is dropped (AufenthG § 95). The stay of a person who is enforceable obliged to leave the country is limited to the State for three months (*Residenzpflicht*). If he*she cannot ensure his*her own subsistence, he*she is even obliged to reside at a specific municipality (*Wohnsitzauflage*) (AufenthG § 61 Abs. 1). If a deportation is planned by the State authorities, the exact date must not be told to the respective person (AufenthG § 59 Abs. 1).

In the current parliamentary period, a bill regarding the obligation to leave the country is discussed. Already in 2017, there was an enforcement for rejected asylum seekers with toleration status: the Law for Better Enforcement of the Obligation to Leave the Country (*Gesetz zur besseren Durchsetzung der Ausreisepflicht*) emphasized the cooperation duties of asylum seekers regarding the clarification of their identity. Among other measures, State authorities are now entitled to analyze their data storage devices such as mobile phones (§ 15, § 15a, § 16 AsylG). The current draft bill additionally introduces a new document called “Certificate on obligatory departure – departure notification” (*Bescheinigung über die vollziehbare Ausreisepflicht – Ausreiseaufforderung*) which obliges the foreigner to take “appropriate” efforts to obtain identity documents necessary for departure. This – among others – applies to all rejected asylum seekers from safe countries of origin who applied for asylum later than 31st August 2015 (Ordered Departure Law / *Geordnete Rückkehr Gesetz* § 60b). Rejected asylum seekers can also be detained to prepare deportation, for example if there is a risk of absconding, or if a foreigner entered from a Schengen country or a EU member state which is not responsible for his*her procedure (§ 62 *Geordnete Rückkehr Gesetz*). The new law also aims to exclude rejected asylum seekers from any integration offers or other offers which can lead to his*her stabilization of stay (§ 60b *Geordnete Rückkehr Gesetz*).

2.4. Conclusion of the chapter

The analysis of mobility processes towards Germany and legislative procedures relevant for asylum seekers and refugees highlighted major changes since 2015, which directly relate to the increased number of entries in 2015. The historical contextualization showed that since the implementation of the Schengen Agreement and the expansion of the EU, bordering processes at national borders were largely abandoned and rather transformed in flexible measures within a defined “border zone”. These measures proved sufficient in times of low asylum numbers. However, the increased arrivals in 2015 caused a number of rapid and sustainable reactions, which can be interpreted as two-fold border enforcements: It entailed 1) the reintroduction of stationary border controls at the most frequented Austrian border, combined with enforced presence of police forces and the installation of permanent structures for Federal Police forces, and 2) the enforcement of bordering processes during the reception and status determination procedure, notably for those nationalities who are found to be apparently not entitled to claim asylum (such as persons from safe countries of origin). Furthermore, persons without stable status were strongly discouraged from integration efforts. Instead, their mobility was limited (and thus illegalized) and the pressure to collaborate at the preparation of deportation was enforced. The legal procedures which led to those enforcements constitute the strongest transformation of the German asylum law since the so-called asylum compromise of 1992.

3. Empirical research with institutional actors

3.1. Introduction of the chapter

This chapter informs about the major results regarding our research with institutional actors. It will address institutionalized bordering practices performed by three types of actors: border agents (3.2), EU and national legislators (3.3), and agents in the housing and labor market (3.4). The chapter focuses on bordering practices performed by those actors, on the interplay of various laws relevant for the bordering or reception of asylum seekers, the connectivity of internal and external borders and what this means for the migrants, and major changes and challenges since 2015.

3.2. Institutionalized bordering practices performed by border agents

Institutionalized bordering practices are performed by several actors at borders as well as inside Germany:

- At national borders, the Federal Police (*Bundespolizei*) and the customs authority are controlling the entry of individuals and goods.
- During the reception process of asylum seekers, the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge – BAMF*) is performing bordering practices regarding the regulation of stay and the conditions of staying in Germany.
- After the initial reception procedure, the foreigners' authorities (*Ausländerbehörden*) are performing bordering practices by regulating the duration of stay and access to the labor market. Furthermore, there are non-institutionalized actors which counteract bordering processes by finding ways to overcome borders.

Due to the fact that Germany is surrounded by Schengen countries, stationary border controls are only carried out at airports and seaports. The abandonment of Schengen at the Bavarian border also allows stationary border controls, however, this is not carried out all along the borderline, but only at major roads, and at certain times of the day.

For the entry of third country citizens, the Schengen Codex, Article 6, foresees a passport, a residence title and financial means to pay for one's own living. Also, the person must not present a threat to Germany and German citizens. According to the Schengen Codex, the passports are checked, the visa (if necessary) is checked, and the individual data are checked with the national investigation file "InPol" and the international databank on stolen and lost documents.

"We check the entry conditions into the Schengen area. The procedure is the same for the whole of Europe. If all conditions are given, the person can enter. If not, we need further checks." (E001).⁴

If a person is found at the border without proper entry documents and claims to seek asylum, the following procedure is carried out: The fingerprints of the person are taken and crosschecked with national and international fingerprint databanks. Furthermore, the person is weighed and measured, photos are taken and the person is asked about his or her migration trajectory. If the person has a passport, the papers are crosschecked with relevant databanks. If a person has no proper papers and does not claim asylum, entry can be denied at the border. If a person entered via an airport, this means

⁴ "Da werden im Prinzip die Einreisevoraussetzungen in den Schengen-Raum überprüft. Das erfolgt europaweit nach einheitlichen Standards. Klar, liegen die Voraussetzungen vor, kann die Person einreisen. Liegen sie nicht vor, dann wird geprüft."

that the carrier is obliged to take the person back and pay for all costs which arise during the procedure. During the last years, carrier sanctions amounted to 1.6 million Euros per annum (E001). The Federal Police provides advice and training for air carriers to identify fraud papers.

“We offer advice to the airlines for free. We have document- and visa-consultants worldwide. Meanwhile there are also juridical decisions that carriers have to do a last gate check, if the person, who wants to travel to Germany, is identical with the documents and if the documents are real.” (E001)⁵

For persons who claim asylum at airports, an accelerated airport procedure was introduced already during the 1990s. Major German airports such as Frankfurt, Hamburg, Berlin-Schönefeld, Munich und Dusseldorf provide this possibility, which means that a person stays in the transit area of the airport during the procedure, and is either taken back by the carrier or allowed to enter the country, when his*her asylum claim is approved.

Regarding the efficiency of border controls, Federal Police officers admit that their control measures can only detect a small share of irregular migrants. In observation #2 (2014), the reporter argues that the number of Eritrean asylum applications is four times higher than the number of detected Eritrean migrants. But the ineffectiveness of border controls is also due to the large bureaucracy, as it is told that one of the police teams which detected a smuggled Syrian family in the morning will carry out no further control tour during this day, as the bureaucracy with the family will take the whole day (observation #2, 2014).

The interplay between Schengen and Dublin in the mobility of asylum seekers and refugees

From the perspective of institutional actors, the freedom of internal mobility is a crucial element of the European integration process. It enables the free movement of EU-citizens and goods without being controlled at internal borders. However, to minimize the negative effects of open borders, the Dublin procedures are necessary.

According to our interviewee from the Federal Police who are in charge of border controls, the Dublin procedure is theoretically good, but does not work out in practice, due to the failure of other EU-countries to follow the foreseen registration procedures. Frequent problems are non-registration of asylum seekers due to missing capacities, as well as differing regulations which lead to the situation that in Italy, for example, migrants could deny fingerprinting due to personality rights. Thus, migrants who travelled on to Germany from Italy without having been fingerprinted couldn't be sent back via the Dublin procedure.

“For example Italy didn't have the juridical requirements to take fingerprints by force. This means, that if a person says 'I don't want this', there were no fingerprints taken. If there are no fingerprints, the person can get registered again at another place, yet with another name.” (Interview E001).⁶

This quote refers to the EURODAC system, the European fingerprint databank which should enable the definite and fast detection of persons who were already registered as asylum seekers in another

⁵ “[...] bieten wir auch immer an, dass wir selber auch unterstützen, die Airlines zu beraten, da wir weltweit Dokumenten- und Visumberater im Einsatz haben, bieten wir auch dort, ja, kostenlos unsere Beratungsleistung auch an. Ja. Und da gibt's mittlerweile auch weit, weite Rechtsprechung auch, die die Verpflichtung der Airlines betreffen, beim Abflug halt, ja, zum Beispiel durch einen last Gate Check, nochmal zu prüfen, ob die Person, die nach Deutschland kommt, tatsächlich identisch ist mit der Person, die dort reist und die Dokumentenlage dort nochmal zu prüfen.”

⁶ “Also zum Beispiel Italien hatte rechtlich nicht die Voraussetzungen zum Beispiel Fingerabdruckdaten MIT ZWANG abzunehmen. So. Das heißt wenn die Person gesagt hat: 'Ich möchte das aber auch nicht', ja, dann ist das auch nicht erfolgt. Dann sind keine Fingerabdruckdaten da und ja, die Person kann im Grunde nach irgendwo anders wieder unter einem neuen, unter neuen Namen im Grunde nach sich wieder neu registrieren lassen.”

European country. The total numbers of Dublin procedures and their outcome give a good impression of the efficiency of the system. In 2017, for example, there were 64,267 readmission requests from Germany to another EU member state, mainly Italy, France, Hungary, Sweden and Poland. The share of EURODAC hits was around 65% (BAMF 2018b, 40). Of those, 15,144 requests were turned down and 46,873 were accepted. In the same year, 7,102 asylum seekers were transferred to other EU member states which makes a share of 11% of requests (ibid., 45). By contrast, there were 26,931 readmission requests from EU member states to Germany in the framework of the Dublin procedure, notably from France, Greece, the Netherlands, Austria and Switzerland; 61% of those requests were grounded on a EURODAC match (ibid., 41). Of these, 6,764 requests were turned down, 21,716 requests were accepted, and 8,754 asylum seekers were transferred to Germany, which makes a share of 32% (ibid., 45).

Generally, our respondent from the Federal Police (E001) deems the Dublin Regulation a good system, but with lacking functionality, such as the non-registration of asylum seekers, diverging juridical conditions, the failure of returns based on the Dublin procedure, partly due to law decisions. Regarding the often interpreted “opening of borders” by Chancellor Merkel, our interviewee clarifies that Germany and Austria enacted the so-called “right to take over” (*Selbsteintrittsrecht*), which is foreseen in the Dublin Agreement. It was originally not meant for large groups of migrants, and it should have been decided by the national parliaments of both countries.

Seen from a migrant’s perspective, Dublin has an important impact for people already inland. One interviewee from a local NGO (Interviewee E011) shares his experiences as volunteer who tries to support people living in an initial reception facility, which “is somewhere in the periphery. The people pay, I think, five Euros to get to the next city. They get, I don’t know, 130 Euros per month. They get awful food. They get awful care. By now there isn’t even a doctor. [...] Some people live there since more than one year. More than one and a half year and... no work. No school. Nothing! Like this. And actually also a total lack of perspective.” (E011)⁷ He states that it isn’t allowed for NGOs to enter this facility, even though this is actually permitted by law. 90% of the people staying there are “Dublin cases”, but mostly their return to another country isn’t exercised because they aren’t fit to travel. What happens then, according to the interviewee, is that people stay for minimum half a year at the facility in uncertainty, and then get redistributed to municipalities. Also, the system produces so-called “Dublin Ghosts”, “people who get deported through Europe, from one camp to the next and then mostly to Italy. There they become homeless. There they stay for one year. And then they try it in France, in Germany, in Scandinavia. They have ten Dublin hits then. And they arrive nowhere. They never get peace.” (E011).⁸ The interviewee illustrates the difficulties of EU bureaucracy taking the example of a refugee family who had to be sent back to France according to the Dublin Regulation. The family, who entered to the Schengen area with a French Visa and was detected in Germany, agreed to voluntarily return to France. They were provided with tickets to travel to the airport by the authorities, but when the family arrived at the airport, they couldn’t board the plane because authorities forgot to

⁷ “Das ist halt irgendwo in der Provinz. Die Leute zahlen, glaube ich, fünf Euro für den Bus, damit die in die nächste Stadt kommen. Kriegen, ich weiß nicht, 130 Euro im Monat. Haben da furchtbares Essen. Haben furchtbare Betreuung. Es gibt mittlerweile nicht mal mehr einen Arzt. [...] Also da gibt's Leute, die sind halt seit über einem Jahr da. Die sind seit anderthalb Jahren da und.... Keine Arbeit. Keine Schule. Kein gar nichts! So. Und eigentlich auch totale Perspektivlosigkeit.”

⁸ “[...] also so Leute die halt irgendwie durch Europa, und von einem Camp ins nächste, und dann [...] meistens nach Italien abgeschoben werden. Da dann in der Obdachlosigkeit landen. Da mal wieder ein Jahr sind. Und dann versuchen sie es mal, [...] in Frankreich, in Deutschland, in Skandinavien. Die haben [...] dann zehn Dublin-Treffer. Und die kommen nirgendwo an. So. Die kommen nicht zur Ruhe.”

forward their passports. The departure failed, and until the next deportation was prepared, the deadline for returning migrants according to the Dublin Regulation had already elapsed.

How internal and external borders are connected

There are multiple borders – territorial demarcations as well as social borders – which are relevant for the mobility of asylum seekers. It starts with the cordon sanitaire represented by Maghreb countries and the Mediterranean Sea as border-space, and it goes further to the EU external borders and national borders. Within Germany, also State or county borders are relevant for asylum seekers, due to residence restrictions during and after the asylum procedure. For those migrants who stem from so-called “safe third countries”, the territory of the so-called *Anker-Zentren*⁹ also represent a border.

Discussing the connectivity of internal and external borders with our interviewees, especially the NGOs articulate a broader perspective on borders and specifically address the EU external borders and beyond, and bordering practices enacted by EU institutions such as FRONTEX, on the basis of joint agreements of the EU member states. A respondent lines out what those exclusionary practices mean for the migrants who aim to get to Europe. The first frontier would be the Libyan stakeholders who aim to prevent people from leaving.

“They try to prevent people from taking off, and they receive a lot of money for it. Of course this is a schizophrenic situation, as we all know that many of those who work in those institutions which are carrying out controls along the coast, are involved in human smuggling networks at the same time.”¹⁰

The second border is the water as physical border and the distance to the first European coast, which is even enforced by unsuitable boats and disorientation while being on sea:

“They don’t have any navigation on board. They are only told ‘this is El Buri’ which is a big oil platform burning plenty of gas, you can see this nicely at night, and this is the direction. Often people tell migrants, that there is already Europe, or even Germany at best.” (Interviewee E009)¹¹

The activities of FRONTEX as European agency and of the Italian Coast Guard are criticized, as they mainly focus on the securitization of the EU external frontier and the persecution of human smugglers. Rescue operations, in the perception of interviewed NGOs (E003, E009) are only a side effect of security operations in the Mediterranean. Regarding the fact that the Mediterranean as border-territory is one of the best observed borders in the world (referring to observation activities via helicopter and satellite techniques), our interviewee criticizes that those techniques are not used for consequently saving lives.

Some civil society actors see a direct responsibility to prevent people dying in the Mediterranean. The perception, that the EU institutions are not willing or able to help, motivated a group of actors to buy a boat and become active tracing migrants in the Mediterranean:

“The group was founded here [anon. city], because a number of people sat together and said, they cannot stand any more to know about the dying of several hundreds of people in the Mediterranean, and to see that nothing really happens. They jointly decided to raise their private money and buy a boat, even though they barely knew

⁹ Specialized initial reception centers where all steps from first registration, to asylum decision and redistribution or deportation are carried out. The Acronym “Anker” stands for arrival, decision, and deportation.

¹⁰ “Die versuchen natürlich mittlerweile, die Leute möglichst schon vor dem Ablegen daran zu hindern und bekommen dafür sehr viel Geld. Das ist natürlich eine schizophrene Situation, weil wir sehr genau wissen, dass viele derjenigen, die in den Institutionen heute arbeiten – die angeblich dort kontrollieren – selber mit in diese Schleusernetzwerke involviert sind.”

¹¹ “Die haben ja keine Navigationsmittel an Bord. Denen wird nur gesagt “Da ist El Buri”. Das ist diese große Ölplattform, da wird ordentlich Gas abgefackelt, die sieht man nachts schön. Das ist die Richtung. Denen wird häufig suggeriert, dass dahinter schon Europa ist, am besten gleich Deutschland.”

what this would mean. "Seefaring" was an unknown term for them until then, but the logical answer to "drowning" is that you go there with a boat and see, what you can do."¹² (Interviewee E009).

In 2015 they started to cruise on the Mediterranean, and soon they had their first rescue operations. The Interviewee says that they were shocked to see the reality of the Mediterranean:

"We thought of various scenarios of our operations, but we didn't really expect that so many boats would be out there, and we didn't expect the totally desperate conditions of the migrants on the boats. They actually desperately needed help. It was really shocking to see that" (Interviewee E009).¹³

As their first rescue boat was too small to take on additional people, they collaborated with the Italian Coast Guard. When they detected migrants, they informed the Coast Guards to come and pick them up, and meanwhile secured the people with life-rafts and life jackets. Later they purchased a larger boat and even a plane in order to detect migrants.

The increasing criminalization of civil rescue operations is seen as strategic element in the border enforcement operations. Also the human smugglers, in the eyes of one interviewee, are part of the institutional strategy to scare off migrants to cross the Mediterranean:

"And this attempt to close the border with militaristic means, what happens with FRONTEX and Eunavfor med, this either leads to more barbarism and ... in the Mediterranean, they now have luckily stopped the civilian rescue operations. Now people are left drowning. There you can really rely on the human smugglers. They put them on the boats and let them drown. That's indeed deterrent, and maybe it has a reducing effect. In my eyes, this is clear calculation. ... And it is part of the militaristic isolation. Otherwise they would need to shoot at the boats. That would be even worse. That would not present a good image of novel laureate of peace, the EU." (Interviewee E003).¹⁴

Regarding national borders within Europe, our interviewees stress the fact that those national borders are connected and interlinked through individual practices of bordering. For example, enforced bordering practices at a national border leads to changes of migratory routes and thus affects other national borders, and border guards react with changed bordering practices, resulting in a chain effect of border enforcements.

The definition of borders given by border agents

Borders as demarcation of national territories are imagined in an essentialized way by institutional border agents. From their perspective, there is no necessity to define the border as such. They rather

¹² "Die Gründung ist hier erfolgt, indem sich eine Gruppe von Leuten aus [anon. Ort], muss man sagen, zusammengesetzt und gesagt haben, dass sie es so nicht mehr ertragen können, ständig die Zahlen der Toten über 2014 hinausgehend – die schrecklichen Unfälle, die passiert sind mit vielen hundert Toten – einfach nur immer nur zu sehen und es passiert nicht wirklich etwas. Sie haben dann gemeinsam beschlossen, ihr Geld zusammenzulegen und ein Boot zu kaufen, obwohl sie auch überhaupt keine Ahnung hatten, was das bedeutet. "Seefahrerei" war bisher für die ein Fremdwort gewesen aber die logische Antwort auf "Ertrinken" ist halt, dass man mit einem Boot hinfährt und das ist, was man dann tun kann."

¹³ "Wir hatten uns das zwar immer natürlich in den verschiedenen Szenarien so überlegt: "Wie ist denn das eigentlich?" Aber wir hatten nicht damit gerechnet, dass tatsächlich diese Anzahl an Booten da herumfahren würden und in welchem Zustand die Leute sein würden, dass sie halt wirklich akute Hilfe zu im Grunde jedem Zeitpunkt gebraucht haben. Das war schon ziemlich schockierend, muss man sagen."

¹⁴ "Und das, also so dieser Versuch dieses Ganze so mehr militärisch abzuschotten, wie das mit Frontex und diesem Eunavfor med passiert, der führt entweder zu mehr Barbarei und... also so im Mittelmeer haben sie jetzt das Glück, dass sie es geschafft haben die zivilen Seenotrettungsorganisationen zu stoppen. Jetzt saufen die halt alleine ab. Da kann man sich auf die Schlepper verlassen. Die schicken die auf die Boote, dann saufen die ab. Das schreckt schon ab. Also so vielleicht reduziert sich das darüber. Aber das ist irgendwie ganz, aus meiner Sicht ist das ein ganz klares Kalkül. Über... Und ist Teil dieses militärischen Abschottungsgedankens. Andernfalls müssten sie von den Schiffen halt schießen. Das wäre noch schlechter. Das ist also... so auf die Geflüchteten, ja. Wäre für das Bild des Friedensnobelpreisträgers EU nicht so ganz vorteilhaft."

elaborate on bordering processes and the necessity of those processes, which is connected to migration and ordering. The argumentation is based on EU directives and national law.

Regarding the practices of border agents, we can see that borders as territorial demarcations can also be interpreted in a flexible manner if necessary, for example with moving the border control point to Passau (some 20 km away from the Austrian border) due to winter weather and defining this place as border, which enabled police officers to carry out rejections (*Zurückweisungen*) even though migrants had already formally entered German territory (Observation #11, 2016).

From the perspective of NGOs, borders are clearly identified as mechanisms which influence the mobility of migrants in a segregated way. For example, one interviewee (E003) perceives borders as instrument for creating hierarchies of mobility for different groups of people, while another interviewee (E008) interprets the process of crossing borders as privilege which is only available for certain groups of persons. Also, there is a differentiation between geographical borders and bordering processes which influence the mobility of migrants, such as the availability of work permits for refugees or the permit to move to another town.

Regarding practices of border protection, definitions of border agents stress the symbolic function of bordering which actually are crucial for making borders “real”. For example a respondent (E001) explains that the mere announcement that a national border will be closed will affect migration decisions, as the information spreads quickly over social media.

“Another crucial aspect, apart from the objective effect [of closing borders] there is a signalling effect, as everything is spread over social media! Right to the country of origin! The information is spreading: ‘I am here on a Greek island and cannot move on!’ It spreads immediately! ‘I am in Macedonia, and I cannot move on!’ This definitely has an effect, even in the countries of origin. One shouldn’t underestimate this!” (Interviewee E001).¹⁵

Changes and challenges since 2015

The mass arrivals of 2015 posed a big challenge for the control procedures of the Federal Police. While before, every case of irregular entry was processed meticulously and could take several hours of workload for a whole team, the procedures in 2015 turned into mass procedures. Large provisional facilities were erected at major arrival points, where the Federal Police, jointly with other actors such as the Federal Office for Migration and Refugees (*BAMF*), but also medical services, introduced “registration lanes”, where all steps of the registration procedure were carried out as a chain process. However, during the first weeks of mass arrivals in September, with around 10,000 persons per day, an ordered registration procedure could not be carried out. “This was such a huge amount of persons who arrived, that we could just carry out collective procedures” (E001).¹⁶ Those procedures foresaw the identification of unaccompanied minors, who were taken out of the groups and transferred to the care of youth authorities. Certain persons such as individual travelling male migrants were sometimes checked more intensively. However, many were also just transferred to reception facilities via train or bus without any control or registration. “Later, when 10,000 people came, we had to clear the train platforms quickly, for sure. Otherwise we would have had a huge safety problem.” (Interviewee

¹⁵ “Ganz wichtiger Punkt neben dieser reinen Wirkung, ist auch die Signalwirkung, weil es geht halt alles über Social Media! Bis in den Herkunftsstaat! Es spricht sich sofort rum: “Ich bin hier auf einer griechischen Insel, ich komme hier nicht mehr weiter!” Das spricht sich sofort rum! “Ich bin hier in Mazedonien, ich komme hier nicht mehr weiter!” Also auch das hat Wirkung, bis in die Herkunftsstaaten! Im Grunde nach. Das sollte man also nicht unterschätzen!”

¹⁶ “Das war natürlich eine derart große Anzahl von Menschen, die da kam, dass das, ja, in einem summarischen Verfahren im Grunde nach erfolgt ist.”

E001).¹⁷ During the “video-ethnography”, we saw scenes of crowded platforms, where arriving passengers could only be “removed” by putting them on another train. During their stay on the platform, they were only counted by police officers present on the spot, but there was no registration procedure (Observation #10, 2015). In another scene of the same observation, a group of migrants is guided from the platform to a bus for further transfer. Before, one police officers tries to explain that persons who carry dangerous issues such as knives or scissors have to hand them to the police. The officer tries to explain without words, holding a carton in one hand and showing a scissors and a knife and putting them into the carton.

The practices of crossing borders changed parallel to the changes of border control practices. During 2014 until September 2015, migrants frequently tried to enter via car, which was organized by human smugglers. During the ethnographic observations, we saw a number of those smuggling processes which were detected by the border police (Observations #1, 2013; #2, #3 2014; #6, #7 2015). In some cases, the migrants had already crossed two European borders (from Italy to Austria, from Austria to Germany) and intended to move on to Denmark or Sweden (#2, 2014). When the movements on the Balkan route accelerated in September 2015, growing numbers of migrants arrived via train, bus, or on foot (Observations #2, #4 2014, #5, #6, #7, #8, #10 2015). In many cases, human smugglers were involved. They sometimes organized the border crossing by buying train tickets or showing the best way to cross on foot. In other cases, they accompanied the migrants on their train trip until the final destination.

After 2015, irregular entry is also tried by hiding on freight trains from Italy. This is a very dangerous trip, and those who are detected – in the videos exclusively young male Africans – argued that they tried to escape miserable reception conditions in Italy. They paid human smugglers for being shown the best places to hide, and when they fail they try it again and again. In one ethnographic observation (Observation #12, 2017), we can see how two Nigerian migrants are detected under a freight container during a control in Rosenheim train station. The train came from Bolzano/Italy, a 9 hours trip. The two men are very exhausted and dehydrated and can hardly stand alone. Police officers help them, and a paramedic appears and checks the pulse. One of the men tells the reporter, that he wouldn’t know where he is now and that he didn’t know where the train would be going, but for him it was only important to get out of Italy.

As a consequence of the mass arrivals, border controls were re-introduced at the Austrian Border to Bavaria on 13 September 2015. Since then until today, the exceptional controls were prolonged, and police forces were increased at the border. For example, in 2015 the Federal Police built a further police station in the city of Freilassing (fig. 2), which is a major entry spot from Austria over the motorway A8 (Germany) near Salzburg. Checkpoints are mostly installed at the motorways and national roads crossing into Germany, but there are plenty of smaller streets where no regular controls are carried out (see ANNEX ethnographic observation report). Even though it is quite easy to avoid the stationary control at the border line, the probability to be controlled while driving in the border zone is relatively high. There are plenty of police teams who patrol the region and stop cars which are suspect, especially mini vans with mirrored windows. Also long distance buses are frequently checked.

Figure 2: New Federal Police station at the German border to Austria in the city of Freilassing

¹⁷ “Später als das richtig – klar bei 10.000 Menschen die da kommen, da musste natürlich auch der Bahnhof immer schnell wieder frei gemacht werden. Das hätte sonst auch große Sicherheitsprobleme da hervorgerufen.”



Source: B. Glorius, 17.04.2018

Another major change is the criminalization of rescue operations in the Mediterranean which heavily affects the work of NGOs which are active in this field. While those measures took place on the EU level or on behalf of other countries such as Italy, there are also changes of German legislation which lead to border enforcements and exclusion. Among those are the extension of the list of safe countries of origin which limits the chance to gain a refugee status for migrants from those countries. Also, their mobility is restricted and they are affected from exclusionary practices, such as the stay in an initial reception facility throughout the whole asylum procedure. Furthermore, a recently discussed draft law aims to introduce the possibility of detainment of rejected asylum seekers in ordinary jails until deportation is organized.

3.3. Institutionalized bordering practices performed by EU and national legislators

This section presents an analysis of the aspects covered during the interviews with EU and national legislators with focus on aspects such as bordering processes for migrants, the interplay between the Schengen Agreement and the Dublin Convention and reform possibilities of the Common European Asylum System (CEAS).

Bordering process migrants are subject to upon arrival in the country studied

Asylum seekers in Germany have to spend the first months in an initial reception facility in order to be available for the preparation of the asylum application. During this time, they are excluded from labor market access and partly from access to schools. The coalition treaty of the new government of 2018 foresees the prolongation of the stay in initial reception facilities especially for persons from safe third countries. Some of those initial reception facilities also have an exclusionary effect in terms of physical location and layout of the space. For example the AEO Bamberg, which is located in a former military compound at the edge of the city of Bamberg (fig. 3/4). Asylum seekers who are housed there have little opportunities to engage with persons outside the facility. They have their own bus service which connects specific points of interest in town. Children at school age attend classes on the territory of

the barracks and thus don't engage with German children outside. Asylum seekers living in the AEO receive catered meals and only get little pocket money for their personal needs. By contrast, they have little privacy as the doors to their shared apartments cannot be locked – for safety reasons, as the management of the AEO informs. The AEO Bamberg serves as a blueprint for the introduction of multifunctional reception facilities where all steps of the reception process until the possible deportation can be managed on the spot. This is also expressed by the denomination “Anker-Zentrum” for these reception centers, which is an acronym for “arrival, decision, return”.

Regarding physical bordering processes, it is not only initial reception facilities but generally collective accommodations for asylum seekers which can serve as borders to the outside world. Either because of their location in space (at the edges of a town, or even in industrial areas, which is possible since a reform of the construction law as of 20 November 2014 – draft bill 18/2752) or due to the former functionality of the buildings (frequently former military compounds or abandoned hospital buildings) which is remembered as exclusionary by the surrounding population and their inhabitants as “different”. The increase of those bordered living situations for asylum seekers goes in line with processes that are labelled as “campization” by Kreichauf (2018). The concept of “campization” describes the development of camp-like reception structures throughout Europe and hypothesizes that reforms of the asylum law stimulated those transformations. Campization explains the legalization of permanent, remotely located and gated structures with low living standards and points to the effects of these processes, which not only stress the physical exclusion of asylum seekers, but also leads to the perception that asylum seekers are not seen as individuals but rather as parts of a subaltern “other”, which does not deserve individual compassion.

Figure 3: Initial Reception Facility AEO Bamberg, Germany, entrance directory



Source: B. Glorius, 29.01.2019

Figure 4: Walkways on the territory of the Initial Reception Facility AEO Bamberg



Source: B. Glorius, 29.01.2019

After having been allocated to municipalities and also after the asylum decision, refugees experience physical and social exclusion, for example by mobility restrictions (*Residenzpflicht*) or residence restrictions (*Wohnsitzauflage*). A recent government reform foresees that refugees can be made to stay in the State where they were allocated during the asylum procedure, and municipalities can enact residence restrictions (*Wohnsitzauflage*) for refugees, if they fear that further rising numbers of refugees would overburden housing and social infrastructure and slow down integration processes.

But also if there are no residence restrictions (*Wohnsitzauflage*), the housing market presents a boundary for the social inclusion of refugees, as they not only suffer from recent rapid increases of housing prices and shortages of affordable housing, but as they are additionally discriminated by landlords due to their status or “foreign-ness”. As a matter of fact, some refugee relief organizations recently changed their focus from the support of the asylum application process towards the support of individual housing.

The hearing at the Federal Office for Migration and Refugees can be seen as a bordering process as well. The hearing is a crucial event during the asylum procedure and has an important influence for the asylum decision (Interviewees E006, E010). Already the written invitation to the hearing can be perceived as a barrier, as many asylum seekers cannot understand the formal letter and its crucial content. After having the “small hearing” where asylum seekers are interviewed about their travel route (with the possible effect of starting a Dublin procedure), some asylum seekers, if they have the possibility, consult NGOs before the “big hearing”, which is about their reasons of flight, “because they just simply want to know what they have to do there.”¹⁸ (Interviewee E006). Another reason is that, as one interviewee (E010) points out, the BAMF-interviewers tend to act more cautiously when asylum seekers are accompanied by a representative of a NGO. The hearing starts with a questionnaire,

¹⁸ “[...] weil die einfach auch wissen wollen, was die da jetzt machen müssen.”

followed by a detailed interview about the flight trajectory. During the interview, the interviewer sits behind a desktop and speaks into a microphone. This unfamiliar situation can cause distraction and nervousness among the asylum seekers. Therefore, it is crucial to prepare them for the situation and inform about the questions beforehand, so that they are able to present a consistent narration, because otherwise “they might tell things, forget about important dates, that they travelled through this and this country, and the BAMF employees realize that immediately and use it against them and say: ‘but you just told it differently’”¹⁹ (Interviewee E010). Even without having done something wrong, the heard person tends to feel unsure about his*her own story when being asked back in this way by the official, as reported by a respondent (Interviewee E010).

How Schengen affects Dublin

During our interviews, the legislators agreed that the Schengen Agreement and the Dublin Regulation are closely linked to each other. They emphasize the importance of open borders for the integration process of the EU and the economy. The Dublin Regulation is seen as vital instrument to prevent secondary movements that are evoked by open borders. As the representative of a State Ministry puts it:

“Well, the establishment of the Schengen area was, after all, closely linked to the adoption of the Dublin Regulation [...] and it was, of course, essential for the Federal Republic of Germany with respect to the consent to freedom of borders within the Schengen area that the Dublin Regulation will, of course, at least resolve the issue of the onward migration of asylum seekers in Europe, because the open borders make it possible for asylum seekers to simply continue their migration, and so the link between the Schengen system and the Dublin system was of course a very important one. And the current situation still shows that it is an important one.”²⁰ (Interviewee E005)

All legislators state that the Dublin procedure does not work anymore. This is clearly shown by the fact that a lot of secondary movements take place; asylum seekers do not stay in the first country of arrival. Secondly, readmissions – for various reasons – mostly are not executed. First of all in many cases the time limits for readmission have already expired. According to the interview partner of the Federal Ministry (E002) some countries create obstacles in the procedure, such as bottlenecks in the transport routes, until the deadline for readmission has expired. He also mentions that readmissions to Hungary cannot take place at the moment due to the infringement procedures against Hungary and due to Administrative Court decisions:

“But the mere fact that this infringement procedure is under way means that we are no longer carrying out Dublin transfers to Hungary. It is also the decision of the Administrative Court. And that means that Germany is responsible for people who should actually be going to Hungary, and the Hungarians know that. We will then ask the Hungarians for individual assurances that legal standards of the EU, in other words the current CEAS, will be held up in individual cases. Hungary does not give these assurances and says: ‘We are an EU member state, what

¹⁹ “[...] dann erzählen sie Dinge vielleicht, vergessen manchmal Jahreszahlen oder vergessen irgendwie, dass sie durch das und das Land geflohen sind und das merken die BAMF-Mitarbeiter ja sofort und drehen dann daraus einen Strick und sagen dann eben: Das haben Sie eben aber noch anders erzählt.”

²⁰ “Also, die, die Errichtung des Schengenraums ist ja eng verbunden letztendlich gewesen mit auch dem Erlass der Dublin Verordnung [...] und es war natürlich für die Bundesrepublik Deutschland wesentlich im Hinblick auf die auch Zustimmung zum, zum Grenzfürfreiheit, zum grenzenlosen Raum innerhalb des Schengenraums, dass natürlich durch die Dublin-Verordnung zumindestens die Frage der, der Weiterwanderung von Asylbewerbern in Europa gelöst wird, denn durch die offenen Grenzen ist ja die Möglichkeit gegeben, dass die einfach weiterwandern, und daher war natürlich die Verknüpfung zwischen einerseits dem Schengensystem und dem Dublin-System ein sehr Wichtiges. Und die aktuelle Situation zeigt ja nach wie vor, dass sie ein Wichtiges ist.”

is this distrust about? Why should we, unlike other member states, document once again that we are behaving in accordance with EU law?' Yes, and then they won't do that. And then we cannot do the transfer which leads to the fact that Germany will be responsible for these asylum seekers."²¹ (E002)

According to the interviewees these circumstances lead to asymmetries in refugee reception, which resulted in the decision of the German government to reintroduce internal border controls.

The interviewee from the Federal Ministry (E002) states that some countries take the main burden of the arrival of refugees, namely the first countries of arrival and the destination countries of secondary migration. It is deemed necessary to distribute the "burden" of migration equally to all EU member states. According to two other stakeholders (E005, E012), Germany has shown solidarity by taking in many asylum seekers that were already registered in other countries, but that it is not possible that Germany carries out 60 percent of the asylum procedures in Europe. It becomes clear that the focus of the interviewees is much on the year 2015 and the interests of Germany. The fact that there were already many problems with the Dublin procedure before 2015, for example for Italy and Greece, is not taken into consideration.

Two of the interviewed legislators ask for the reform of the Dublin Regulation. It is considered necessary to regulate migration again. According to the interviewee of a State ministry (E005) a mechanism of crisis management was embedded in the Dublin Regulation which included different steps, inter alia action plans of the Commission for affected countries. But it was not used. That's why in his opinion, reliable relocation measures have to be institutionalized in the Dublin Regulation for moments of crisis. The interviewees from NGOs criticize the Dublin system. For instance, the former crew member of a private sea rescue organization (E008) states that in his opinion, Greece and Italy are left alone with the organization of incoming asylum seekers and that the European Union as a whole should be responsible for that.

The ways in which (if any) CEAS could be reformed

Among the interviewed legislators, cooperation and solidarity in the European Union is an important tool in order to control migration. Most of the legislators emphasize the importance of the harmonization of the European asylum system. They are in favor of the reform of the CEAS but it becomes obvious that this reform adheres to the structures and mechanisms that already exist.

First of all the reform of the Dublin Agreement is seen as a vital step, including mechanisms of supporting first countries of arrival financially and in terms of personnel, but also in form of a fixed distribution system in times of high numbers of incoming people.

Secondly, the harmonization of different aspects of the Common European Asylum System is considered as important factor. This includes the adjustment of the asylum procedure, criteria for granting asylum, legal protection options and the classification of safe countries of origin in the

²¹ "Aber alleine der Umstand, dass dieses Vertragsverletzungsverfahren läuft, führt bereits dazu, dass wir keine Dublin-Überstellungen nach Ungarn mehr vornehmen. Es ist auch Ausschluss der deutschen Verwaltungsgerichtssprechung. Und das führt dann dazu, dass eben Deutschland für Personen zuständig wird, die eigentlich nach Ungarn müssten und die Ungarn wissen das. Wir bitten dann die Ungarn um individuelle Zusicherungen, dass im Einzelfall EU-Rechtstandards, also das aktuelle GEAS, dessen Rechtsstandards gewahrt werden. Ungarn erteilen sie nicht und sagen: 'Wir sind EU-Mitgliedstaat, was soll dieses Misstrauen? Warum sollen wir das jetzt anders als andere Mitgliedstaaten jetzt nochmal dokumentieren, dass wir uns EU-rechtskonform verhalten?' Ja, und dann machen die das nicht. Und dann können wir nicht überstellen und das führt dann im Ergebnis dazu, dass Deutschland meistens jedenfalls sehr oft für solche Asylsuchenden dann zuständig wird."

different member states. It is argued that asylum seekers need to have the opportunity of a fair asylum procedure no matter in which country they arrive. Therefore, interview partners are in favor of introducing an Asylum Procedures Regulation and a Qualification Regulation instead of a directive, so that member states do not have leeway when implementing the specifications. One stakeholder argues: "So that the asylum procedure is executed properly there [in the first countries of arrival], that every migrant has the corresponding right and can be sure that [the procedure] will be executed the same way at the external borders in order to prevent secondary migration. That he does not have to move on and if he wants to do so he needs to face the consequences with respect to a quick readmission to the responsible country. This refers to a normal arrival situation. In a situation of mass arrivals in the external border countries we have to think about an internal redistribution within Europe."²² (Interviewee E005) The interviewee also considers it essential to accelerate the asylum procedures. Another stakeholder (E012) suggests the introduction of arrival centers at the borders of each country where people are registered and where the asylum procedure can be processed quickly.

The harmonization of reception conditions is also seen as fundamental when it comes to the prevention of secondary movements, but is also considered problematic due to different economic and political conditions. The representative of a State Ministry argues that there can only be a "desire for approximation" because certain aspects such as benefits for asylum seekers are not going to be adjusted but there should be at least minimum standards for the accommodation of asylum seekers. The former Minister of Integration also demands humane minimum standards as asylum seekers are treated in a bad way in some European countries:

"[...] a kind of task sharing would not be impossible. I would have liked the [distribution] quota. I think there was a lot of dishonesty around. The Czech Republic and Poland who always say: 'They just all want to go to Germany.' They partly treated the people miserably, fenced within barbed wires. Well who wants to stay there? It is not about that they want to go to Germany they want to get out of Czech Republic. And that's why I think there was a lot of dishonesty around. That means we need kind of a human minimum standard at European level. And it is not about the big luxury here, but quite the contrary. But: How do I treat human beings? And you would think common sense would have to give that away. But it doesn't, that's what we realized, it doesn't. That means it has to be written down. How do I deal with people? What do I place at their disposal and where does it end? They don't get everything for free either, that is clear."²³ (E012)

²² "Dass dort eben dieses Asylverfahren auch durchgeführt wird, ordnungsgemäß, dass da auch jeder Migrant den entsprechenden Anspruch darauf hat und auch sicher gehen kann, dass das in den Außengrenzstaaten genauso geschieht, um letztendlich die Sekundärmigration auch schon dort zu verhindern, dass er überhaupt erstmal nicht weiterreisen muss, aber wenn er es dennoch tun möchte, dass er dann auch Konsequenzen tragen muss im Hinblick auf eine, auch schnelle, Überstellung wieder in den eigentlich zuständigen Staat. Das ist jetzt bei einer normalen Zugangssituation. Bei einer besonderen Belastungssituation im Außengrenzstaat sind wir dann eh bei anderen Überlegungen im Hinblick auf die Verteilung in Europa."

²³ "[...] eine Art Aufgabenteilung fände ich nicht unmöglich. Ich hätte das mit den Quoten gut gefunden. Fand auch, dass da viel Unehrllichkeit dabei war. Also Tschechien oder Polen, die dann ja immer sagen: ‚Ja, die wollen ja alle nur zu euch.‘ Die haben die aber teilweise auch so miserabel behandelt, die Leute. Also zwischen Stacheldrähten eingezäunt. Ja, wer will denn da bleiben? Da geht's ja nicht darum, dass die nach Deutschland wollen, die wollten einfach nur weg aus Tschechien. Und das find ich... Da war eben viel Unehrllichkeit im Spiel. Das heißt: Eine Art humanen Mindeststandard auf europäischer Ebene. Und zwar nicht, von wegen: Jeder muss hier den großen Luxus ausfahren, also ganz im Gegenteil. Aber: Wie gehe ich eigentlich mit Menschen um? Also, man denkt: Der normale Menschenverstand müsste das hergeben. Tut er aber nicht. Also, haben wir ja gemerkt: Tut er nicht. Da heißt, es muss richtig niedergeschrieben werden: Wie gehe ich mit Menschen um? Was stelle ich denen zur Verfügung, aber wo ist eben auch Schluss? Die kriegen ja auch nicht alles geschenkt, ist ja klar."

The interviewee criticizes the refusal of some member states to take in refugees and asks for a solidary distribution of tasks when it comes to the reception of asylum seekers in Europe according to the capability of the member states. This is also agreed upon by other legislators. But it is argued that there are a lot of different perspectives in the EU of how solidarity should be shaped. Hungary is presented as a country that only wants to participate in the protection of its own external European border (Interviewees E002, E005). Two interviewees emphasize that the protection of the external border is important but that also the inner perspective such as the distribution of asylum seekers has to be considered. The dispute among the EU member states regarding refugee reception is reflected in the interviews. As the representative of the Federal Ministry (E002) puts it:

“With regard to the CEAS reform it is of course an obstacle that the Visegrád countries do not want to take in refugees unduly. In particular, they don’t want to take part in an obligatory distribution mechanism. That was the central point of contention at the Dublin reform and still is. Hungary and Poland are aiming at a voluntary distribution mechanism in which they would not want to participate if it were drawn. So this lack of political willingness is a huge challenge which can even be better understood in part if you talk to one or other politician from these countries. Not because I agree with the position as a whole, but given the political situation there including in Parliament, I think it was in the Czech Republic, for example, where even the Greens do not vote in favor of accepting refugees. As President of this country, it is, of course, difficult to say: yes, we are now agreeing to this at EU level.”²⁴ (Interviewee E002)

When looking at these suggestions of a reform of the CEAS it becomes obvious that interviewed legislators want to keep to mechanisms and instruments that have already been practiced during the last years, even though they have failed. Migrants are discussed as objects that have to be regulated; borders are seen as mechanism for keeping the territory of Europe under control. However, this aim of a common regulation instrument always seems to be contradicting with national sovereignty. There are no new innovative suggestions that aim at changing the whole system.

Interviewed legislators agree that migrants cannot choose the country in which they claim asylum. In order to prevent migrants from engaging in secondary movements interviewees suggest the harmonization of the asylum procedure, legal protection standards, accommodation standards and criteria for granting asylum as positive incentive to stay in the first country of arrival. In addition, it is deemed necessary to accelerate the procedures. The former Minister of Integration (E012) suggests linking asylum migration to labor migration introducing a labor market list that distributes asylum seekers based on a match of their skills and a country’s labor market needs. A representative of an NGO argues that secondary migration cannot be prevented. NGOs usually are in favor of the “autonomy of migration” concept, meaning that people choose the place where they want to live, also in accordance to possibilities of social integration.

²⁴ “Also ganz akut mit Blick auf die GEAS Reform ist natürlich ein Hindernis, dass die Visegrád Staaten keine Flüchtlinge über Gebühr aufnehmen möchten. Sich insbesondere nicht beteiligen möchten an einem verpflichtenden Verteilmechanismus. Das war ja so der zentrale Streitpunkt bei der Dublin Reform, ist es auch nach wie vor noch. Ungarn und Polen insbesondere schwebt da so ein freiwilliger Verteilmechanismus vor Augen, an dem sie sich aber nicht, wenn er gezogen würde, beteiligen möchten. Also diese fehlende politische Bereitschaft ist eine große Herausforderung, die kann man zum Teil, wenn man mit dem ein oder anderen Politiker aus diesen Ländern spricht sogar besser verstehen. Nicht weil ich die Haltung insgesamt teile, aber einfach weil vor dem Hintergrund der dortigen politischen Verhältnisse, also auch im Parlament, in Tschechien war das glaube ich zum Beispiel, wo sogar nicht mal die Grünen im Parlament für eine Flüchtlingsaufnahme votieren. Da hat man es dann natürlich schwer als Präsident dieses Landes, zu sagen: aber ja wir stimmen jetzt auf EU-Ebene genau dem zu.”

3.4. Institutionalized bordering practices performed by actors in the housing and/or labor sector

Institutionalized bordering processes are mostly relevant in the housing and labor market, as well as regarding access to (language) education as an important pre-requisite for labor market integration. Depending on their country of origin, their prospect of staying or their status after the decision, asylum seekers may have the opportunity or even the obligation to attend a German language course even during the asylum procedure (§ 45a AufenthG). However, language classes are not always accessible. Especially during 2015 and 2016, there were gaps in the provision of language classes and qualified teachers, especially in more remote and rural places. Sometimes, volunteers or NGOs filled the gap; however they could rarely provide a structured and differentiated program which could guarantee a successful language acquisition. But language is a crucial element in Germany for finding an apprenticeship or a job as well as for educational matters in the sense of attending school or university. This distinction regarding the right of access to a language course is happening also regarding their status after decision. An Interviewee (E011) states that especially people from Afghanistan have no access to language classes:

“We have a lot of young people here. And the problem is these people have no access to German language classes. They have been here forever. They try to learn by themselves somehow or maybe get access to A1, A2 courses. But to have truly somehow a chance to get an apprenticeship, to find a work and so on, you need minimum B1.” (E011)²⁵

But also attending a language course doesn't mean to learn the language properly. One interviewee (M009) states, he was attending a language course, paid by himself, but didn't participate any further after ten days, because he had the impression he couldn't learn the language there. Instead, he learned the language while staying in a shared apartment with people from Germany. So besides the legal restrictions also social relations play an important role when learning the language. Being not permitted to live at a chosen place but living in a collective accommodation in a rural region, another interviewee (M003) states that it is hard to learn the language, as he lacks social contacts to Germans.

Regarding elementary and secondary education, asylum seeking children have the same rights and obligations as resident children. In general, the German school system foresees 9-10 years (depending on State laws of the 16 German *Länder*) compulsory full-time education, followed by compulsory vocational education, which terminates when 12 years of schooling have been reached or when the student turns 18. Above the age of 18, students have the right to continue schooling in order to complete their secondary education, either in a “*Gymnasium*” which terminates with the university-entrance certificate, or in a vocational school, which offers general and specialized education, usually accompanying a vocational traineeship. Even though asylum seeking children have the right (and the obligation) to attend a school from the first day of their stay in Germany, most German States connect schooling to an “ordinary residence”, which is defined as first address after leaving the initial reception facility. Thus, children who stay in initial reception facilities have often no access to proper education. This is specifically exclusionary for those children stemming from “safe states of origin”, who have to live in the initial reception facility during the whole duration of the asylum process.

During a field visit to the AEO in Bamberg, Bavaria, we could explore a specific type of exclusionary education. The AEO Bamberg was originally designed as special reception center for asylum seekers

²⁵ “Wir haben halt hier viele junge Leute. Und halt das Problem, die Leute, die kommen nicht in Deutschkurse rein. Die sind dann halt schon ewig hier. Versuchen irgendwie selber zu lernen oder kommen dann in A1, A2 Kurse vielleicht. Aber um tatsächlich irgendwie eine Chance zu haben, auf Ausbildung, auf Arbeit und so weiter, braucht man halt B1 Minimum.”

from the West Balkans, who were obliged to live there during the whole time of the asylum procedure. Today, it is the centralized initial reception facility for all asylum seekers arriving in the county, and it combines many services on the spot, as for example a “camp school” for the asylum seeking children. The “camp school” is a branch of a public school outside of the camp and offers education from grade one to grade eight, combined in four classes (two grades in one class). These classes pursue a special curriculum which focuses on German language acquisition, as one informant (E013) explained. However, this construction comes to the detriment of social integration processes, as asylum seeking children are prevented from meeting German children.

For asylum seeking children who arrive at age 16 or 17, there is usually no possibility for integration in a secondary school. Instead, German language classes have been largely installed at vocational education centers, focusing on language acquisition and orientation on vocational jobs. Several evaluation studies carried out since 2015, as well as our informants, criticize the early focus on vocational education while neglecting higher educational aspirations of the asylum seeking children. Mostly, pragmatic reasons are put to the fore, for example educational gaps of asylum seeking children who might have missed time at school due to their flight and thus are not assumed to be able to reach university entrance level in the existing secondary school system.

“[...] until 18 years people have theoretically compulsory education. They’ve been put in vocational training classes. Get their lower secondary school leaving certificate within one year, which isn’t worth that much. But after that they haven’t the right to further attend school. They’ve been thrown into the labor market and end up with some really precarious job. And there are a lot of kids who aren’t stupid! We have a lot of Afghan boys, who attended a Qur’anic school when they were six or seven. For two years. And they worked since they are twelve. And of course they can’t catch up their school graduation within one year!” (Interviewee E011)²⁶

For people already older than 18 years the possibilities to attend a secondary school are more than scarce. This happened to one interviewee (M007), who has a refugee status and who was almost 18 years old when she arrived in Germany. She attended a compulsory German language course, during which she turned 18, so that she was no more eligible for a secondary school. Later, she was enrolled in a school for adults and tries to obtain her secondary school certificate there. However, she has to repeat classes due to her lacking German language knowledge.

The educational degree is crucial for labor market placement, because the level of education decides about the quality of work and possible career paths. People without a secondary school certificate are not eligible for vocational education and are therefore excluded from the possibility to get a qualified position, especially if they have no secure residence title. Also the language proficiency is crucial for obtaining a qualified job or a vocational training. Usually, the B2 level (and certificate) is required.

“At the companies, temporary employment agencies, they need to have the basics in German language. And with the apprenticeships, then we have the situation, if they fail to follow the lessons in the vocational school, then it doesn’t work and they quit the apprenticeship. Also from the side of the training companies. So it always depends what kind of work it is.” (E014)²⁷

²⁶ “Bis 18 haben die Leute ja theoretisch noch Schulpflicht. Werden dann in so Berufsschulklassen gesteckt. Kriegen innerhalb von einem Jahr irgendwie einen Hauptschulabschluss, der halt auch nicht viel wert ist. Ähm. Und haben danach aber kein Anrecht irgendwie weiter zur Schule zu gehen, so. Die werden dann halt auf den Arbeitsmarkt geworfen und müssen dann halt irgendwelche krass prekäre Arbeit machen. Und da sind dann halt auch viele Kids dabei, die sind nicht blöd! [...] Wir haben einige afghanische Jungs, [...] die haben mal eine Koranschule besucht, als die irgendwie sechs oder sieben waren. Für zwei Jahre. Und haben seit sie zwölf sind irgendwie gearbeitet. Und die können natürlich nicht innerhalb von einem Jahr ihren [...] Schulabschluss nachholen!”

²⁷ “Bei den Arbeitsfirmen, Leiharbeitsfirmen, da müssen sie schon die Basics drauf haben an Deutsch. Und bei den Ausbildungen, weil dann haben wir auch die Situation, wenn sie in der Berufsschule nicht nachkommen, dann funktioniert

The work permit for refugees is connected to the current status of a person. According to an interviewee (E014), a representative of a local foreigners' authority, persons entitled to asylum, recognized refugees and persons with a subsidiary protection automatically receive a work permit and can also work self-employed. Also asylum seekers during the status determination procedure can obtain a work permit after a stay of three months, except persons from safe countries of origin. Also rejected asylum seekers with a toleration status (*Duldung*) can obtain a work permit on a discretionary basis. While the underlying regulations are the same all over Germany, the decision practices of local foreigners' authorities (in cooperation with local labor offices) vary.

"Even within the administrative structures, also Statewide. I, as a clerk in the foreigners' authority, don't know what regulations and internal things exist [in a foreigners' authority in another German state]." (Interviewee E014)²⁸

For the discretionary decisions and the interpretation of legal concepts, the cooperation duties regarding identity documents are crucial. A foreigner has to cooperate in obtaining identity documents (§15 AsylG), otherwise the work permit or permit for vocational education won't be given (§ 60a AufenthG).

"If an Indian citizen goes to his embassy and brings a paper from there 'he has auditioned, but can't be helped with the ID documents', for me still this isn't a cooperation. Because he by himself has also to check how he gets this ID documents. So he has to show me the cooperation to get an Indian passport or something like this." (Interviewee E014)²⁹

Furthermore, work permits for persons without secure status are always individual permits for defined positions, so migrants are obliged to re-apply when a work contract ends. Only after a stay of four years, those obligations are lifted. There are cases where labor or vocational education contracts are not concluded and the position stays empty. An Interviewee (E010) from a local NGO mentions that especially in rural regions apprenticeships stay empty, because often people with a tolerated stay don't get an employment permit.

"The possibility exists, that the [foreigners' authority] allows this, but I haven't found it yet, that a person with tolerated stay is allowed to work. I haven't seen this until now." (Interviewee E010)³⁰

The new Integration Law (*Integrationsgesetz*) implemented in July 2016 introduced a new labor market opening for persons without regular status who cannot leave the country or be deported and who thus are temporarily tolerated on state territory: The so-called "vocational training toleration" (*Ausbildungsduldung*) guarantees a suspension of deportation during the time of the vocational training (2-3 years), plus two further years if the migrant stays with the same company, or half a year to find a new position. After this period, under certain conditions, it is possible to obtain an ordinary residence permit and thus be able to leave the asylum trajectory. In order to qualify for this path,

das nicht, und dann brechen sie auch regelmäßig die Ausbildung ab. Auch seitens der Ausbildungsbetriebe. Also es kommt immer drauf an wie, was das für eine Arbeit ist."

²⁸ "Also selbst innerhalb der Verwaltungsstrukturen, auch bundeslandübergreifend, also ich als Sachbearbeiter in der Ausländerbehörde weiß nicht, was es da für Vorschriften gibt und interne Sachen."

²⁹ "Also wenn jetzt ein indischer Staatsangehöriger zu seiner Botschaft geht und dort... und einen Zettel mitbringt "er hat dort vorgesprochen, aber ohne ID Dokumente kann dort auch nicht geholfen werden", ist das für mich immer noch keine Mitwirkung. Weil er muss ja selber noch gucken, wie kriegt er denn die ID Dokumente. Also muss er mir die Mitwirkung zeigen zu einem indischen Personalausweis oder was."

³⁰ "Es besteht die Möglichkeit, dass das Amt das erlaubt, aber es ist mir noch nicht untergekommen, dass Geduldete arbeiten gehen dürfen. Das habe ich noch nicht erlebt bisher."

migrants have to cooperate in obtaining identity documents, and they need a treaty with their employer.

“If he isn’t able to [find a work] then he again gets a regular ban on deportation and the end of stay will be promoted.” (Interviewee 014)³¹

However, certain groups are again excluded from those new opportunities to enter the labor market and thus secure a temporary stay, as for example persons from safe countries of origin. As they need to stay in the initial reception facility during the whole process of status determination, they cannot take up employment, because “for the time of the stay in an initial reception facility for absolutely everybody a prohibition of employment exists”. (Interviewee 014)³²

Even though the Chamber of Commerce and Industry is searching for apprentices, the requirements, especially language knowledge and necessary certificates, are hard to fulfill for many asylum seekers and recognized refugees. This is also the case for people who want to start studying at a university.

First of all, their educational certificates from their home countries need to be approved by German authorities. Sometimes the certificates get accepted, but often applicants need to take additional exams before being enrolled at a German university. A veterinarian (M010) for example needs to redo 15 extra exams at university, even though he already was working in his profession in his country of origin. Given differences of terminology as well as language difficulties, these extra exams impose a high barrier for labor market participation in his profession. These barriers are even higher for refugees with poor education or for those who are illiterate, as it is stated by Interviewee E011 as well.

“You’d just have to give people a few years. And that’s just super frustrating for people, too. They also notice [...] that they somehow reach their limits and somehow, even if they wanted to make something out of themselves, have no chance at all. That’s very frustrating.” (Interviewee E011)³³

Regarding the labor market experiences of asylum seekers and refugees, we can frequently observe a process of social downgrading. Many migrants have to pay back debts back home for the money they used for their journey, and are therefore eager to find a job. Regarding male migrants, they also see themselves in the role of supporting their families back home in financial matters. Therefore, they accept also bad working conditions and payment, which are frequently offered by temporary employment agencies. They seem to draw profit from the vacancies regarding unqualified labor on the labor market on the one hand, and the desperate need of asylum seekers and refugees to find a job. Regarding the necessary procedure to obtain individual work permits explained above, temporary employment agencies found their own way to handle the massive labor force demand and on the other hand stay flexible. As an interviewee (E014) states temporary employment agencies tend to ask for employment permits in reserve, whereby it happens that people “have indeed an employment permit for the temporary employment, but do not start working, because the temporary employment agency then has no need”. (Interviewee 014)³⁴

³¹ “Wenn er das natürlich nicht schafft, dann ist er wieder ganz normal geduldet und dann wird wieder die Aufenthaltsbeendigung vorangetrieben.”

³² “[...] Für die Dauer der Wohnsitznahme in der Erstaufnahmeeinrichtung besteht für absolut jeden ein Beschäftigungsverbot. [...]”

³³ “Den Leuten müsste man einfach mal ein paar Jahre Zeit lassen. Und das ist halt für die Leute auch super frustrierend. Die merken halt auch, [...] dass sie da irgendwie an Grenzen stoßen und halt irgendwie, selbst wenn sie was aus sich machen wollten, gar keine Chance dazu haben. Das ist schon sehr frustrierend.”

³⁴ “ [...] die dann zwar eine Arbeitserlaubnis für die Leiharbeit haben, aber die Leiharbeit dann nicht antreten, weil dann die Leiharbeitsfirma doch kein [...] Bedarf hat.”

Work plays a crucial role for asylum seekers and refugees also when claiming their rights to live at a chosen place but also in having the right to move. However, due to legal and societal restrictions and the general socio-spatial conditions, housing, as an expression of a self-determined life, is also a contested area for refugees.

After the stay in an initial reception facility, asylum seekers are allocated to municipalities where they mostly live in collective accommodations until their asylum decision is completed. After status determination, they have to move out and find an accommodation by their own means. A recent legislative change imposed residence restrictions for all persons with refugee status and people with a subsidiary protection who received their status after 1st of January 2016 and who rely on social transfer payment after status determination. The restrictions can be issued for a specific municipality, for the catchment area of a certain foreigners' authority, or even a specific residence, and they are especially strict for persons whose asylum application have been rejected (*Wohnsitzauflage*, § 60 AsylG, § 12a AufenthG). For finding adequate housing, refugees who still depend on social transfer payment have to meet specific guidelines defined by the social laws and coordinated by the local jobcenter³⁵ regarding m² per person, amount of rent and utilities.

But also for persons with refugee status who don't depend on social welfare, there are constraints regarding access to affordable housing.

"Well, nobody gets kicked out of here! Our collective accommodations [...] are now large homeless shelters. Because, theoretically, people could live somewhere else. I think the rate of false occupancy, that's what it's always called, of people who shouldn't actually live there, is somehow 70, 80 percent, and some people from the social welfare office also say: 'Well, we'll have people there, they'll still live there for the next 20 years'. Simply because, especially people with special needs, people with disabilities, older people, large families [...] Nothing is built for them! So there is a bit of social housing now, which will be finished in 2022, or sometime, but even there this is not taken into account." (Interviewee E011)³⁶

This is also mentioned by another NGO specialized on housing (Interviewee E004). There is especially a lack in affordable housing for large families and single persons. Frequently, social housing is found in the outskirts of a city, while the refugees prefer to stay in the city centers, and they rather don't want to live in rural regions. Furthermore, foreigners are often discriminated by individual landlords, but also by large (even municipal) housing companies. For example, their e-mails are not answered, or phone calls are turned down as soon as a foreign accent is obvious. As arrangements for visiting free apartments are usually made by phone, refugees with poor language knowledge are disadvantaged and often need to rely on the assistance of German volunteers.

³⁵ The local jobcenter is responsible for all citizens who receive social transfer payment (SGB II). Their responsibility is twofold: on the one hand, they support persons to re-enter the regular labor market via consultations and training measures. On the other hand, they supervise that social transfer receivers obey to the rules, for example regarding efforts of job search, the size of sponsored social housing, and they are also entitled to reduce the social transfer payment as a disciplinary measure.

³⁶ "Also, hier wird niemand rausgeschmissen! Und unsere Gemeinschaftsunterkünfte [...] sind mittlerweile große Obdachlosenwohnheime. Weil, theoretisch dürften die Leute woanders wohnen. Ich glaube die Fehlbelegungsquote, heißt das dann immer, also von Leuten, die da eigentlich nicht wohnen sollten, ist irgendwie bei 70, 80 Prozent, und die Leute aus dem Sozialamt sagen auch einige: "Naja, wir werden da Leute haben, die werden in den nächsten 20 Jahren da noch wohnen." Einfach weil, gerade Leute mit besonderen Bedürfnissen, Menschen mit Behinderung, ältere Menschen, große Familien [...] Für die wird auch nichts geschaffen! Also es passiert jetzt ein bisschen sozialer Wohnungsbau, der dann 2022, oder irgendwann mal fertig werden soll, aber auch da wird sowas nicht berücksichtigt, so."

“[...] the worst [...] discrimination factors are first to be a beneficiary and then not to speak German or to badly speak German or having no German name. So that goes then rather fast, that one has no more chance.” (Interviewee E004)³⁷

Sometimes when the NGO called for their clients, they are informed that foreigners are not welcome in the respective housing association. But also more subtle discriminatory practices are known. For example clients were told that the apartment is no longer available, even it is still advertised. In other cases, housing associations only accepted clients who held a residence permit for minimum two years or who have a refugee status. As a consequence, people with a temporary suspension of deportation are largely excluded from the official housing market. Those migrants who have no proper documents and stay as irregular migrants in Germany, have practically no access to a self-rented housing. They can stay as unregistered subtenants, which often leads to overpriced rent and entails the risk of being reported to an official authority. Therefore, irregular migrants mostly stay with friends in often overcrowded places.

“And that's a terrible housing situation, because the same ethnic groups are also often not so well off, in having a 5-room apartment where they like to accommodate a family, so it's often very, very cramped. And then they live here for a while, there for a while and there for a while. And it's really exhausting to be illegal, it's really very, very exhausting.” (Interviewee E007)³⁸

Responding to the difficult housing market and the lack of public assistance, many NGOs emerged which focused on this topic. One of our interviewed organizations stated, that when they started their work in 2015 there was only one municipal social worker who supported refugees finding housing. They found that many refugees lacked information and experiences about the housing market in Germany, as housing is handled differently in their home countries. Some migrants used the help of an unofficial broker who charged high fees for his service and thus constituted an additional financial obstacle (M002).

Already when living in an initial reception facility or in a collective accommodation mostly a spatial division between asylum seekers and residents of an area is visible at least because of the surrounding fence. This separation is pushed in an extreme manner into action in the Anker³⁹ facility AEO in Bamberg. The facility is an initial reception facility which serves as a model for the integrated asylum decision process, however under exclusionary conditions. The AEO is located on the territory of a former military compound at the periphery of the town, next to a training center of the Federal Police. There is also a residence area in the vicinity of the AEO. During a meeting with residents, which was organized by the AEO management, the residents complained about the large numbers of asylum seekers who travelled with municipal buses and thus caused crowded situations in the busses. In order to satisfy the local residents and the residents of the facility, the facility management established an extra bus line, the so called “AEO-shuttle”, which drives eleven times per day from the AEO to given stops in Bamberg, which deem to be important for the asylum seekers (see figure 5). The maintenance

³⁷ “[...] die schlimmsten, also Diskriminierungsfaktoren sind eben erstmal überhaupt Leistungsempfänger zu sein und dann noch nicht deutsch sprechend oder schlecht deutsch sprechend oder keinen deutschen Namen habend. Also das geht dann ziemlich schnell, dass man keine Chance mehr hat.”

³⁸ “Und das ist eine furchtbare Rumwohnerei, weil die gleichen Ethnien sind auch oft nicht so gut gestellt, also dann eine 5-Zimmer Wohnung haben, wo sie gerne eine Familie aufnehmen, sodass es oft sehr, sehr beengt ist. Und dann wohnen sie eine Weile hier, eine Weile da und eine Weile dort. Und es ist wahnsinnig anstrengend illegal zu sein, es ist wirklich sehr, sehr anstrengend.”

³⁹ See footnote 1; the facility is also called AEO: Anker Einrichtung Oberfranken (Anchor Facility Upper Franconia)

costs are cross-financed by drawing a certain amount from the monthly social welfare payment of the AEO's inhabitants.

Figure 5: Plan overview of AEO Bamberg and the AEO shuttle



Source: Göler 2019

Another complaint of the local residents was, that a small – almost private – street, located nearby the former entrance to the facility, was used by asylum seekers as a walkway to the city center (fig. 6). The reaction to this complaint was to destine the entrance exclusionary for cars and open up another entrance for pedestrians on the other side of the territory (fig. 3). Thus, asylum seekers who walk or drive to town are effectively separated from the neighborhood. These exclusionary practices were labelled as best practice by our interviewees, focusing on the wellbeing of the local residents and on obtaining a peaceful coexistence between residents and the AEO (Interviewee E013).

These examples can be seen as formalization of an exclusionary mechanism and the process of othering which pervades the whole urban area.

Figure 6: Neighboring street of the AEO, formerly used as walkway to the city center



Source: B. Glorius 2019

3.5. Conclusion of the chapter

This chapter reported the results of empirical research with institutional actors, focusing on bordering practices at physical borders, via legislation processes and regarding borders of integration, notably in the sectors of housing, education, and labor market.

Regarding practices at borders, we saw a strong enforcement of securitizing borders, which is not only constituted by the ongoing border controls at the Austrian border as a suspension of the Schengen Agreement, but also through an enforcement of bordering practices towards migrants crossing the border without proper documents. From the perspective of migrants, the entry into a country is marked by group procedures while their mobility is strictly regulated: they have to stand in line, have to wait in separated spaces, and are marked with different control bracelets. When they are transferred from one country to the next, the control bracelet of the prior registration is removed and the registration procedure starts anew, resulting in another control bracelet. The whole process appears like a “rite de passage”, and migrants have to leave a lot of bodily traces, such as photos, fingerprints, weight and size. The definition of borders given by border agents mostly relate to legislative norms and results in bordering practices, which are not always bound to the physical demarcation line of a national territory. Thus, in our ethnographic observation we observed scenes of denial of entry which were not enacted at the borderline but several kilometers inside the country (see observation #11).

The perspective of national legislators shows that they lost confidence in the efficiency of external border control of the Schengen Area. The unrestricted arrival of 890,000 persons during the year 2015, ongoing irregular entries despite the implementation of border controls, and the fact that departures on the basis of the Dublin regulation are not effective, have led to a loss of confidence in the present regulatory system of EU borders and the mobility of migrants. Therefore, from the perspective of EU and national legislators, the focus should be on the securitization of the EU’s external borders, notably the sea borders. Relevant measures are the criminalization of sea rescue operations and the

enforcement of border control operations, turning the whole Mediterranean and Aegean Sea into a contested border space.

Regarding boundaries of societal inclusion, we could observe ongoing distinctions between “deserving” and “non-deserving” migrants, which are mainly enacted via the differentiation of safe countries of origin and the enforcement of exclusionary measures for persons from those states and those whose asylum applications were rejected. But also for persons with refugee status, restrictive measures regarding their right to mobility within Germany were implemented or enforced since 2015. Moreover, due to rising housing prices and discrimination, finding an appropriate place to live is becoming a major problem. As a consequence, the number of “overstayers” in collective accommodations for asylum seekers is increasing, and the number of homeless citizens more than doubled during the last years. Thus, the lack of adequate housing presents a major boundary of inclusion.

4. Empirical research with migrants

4.1. Introduction

In this chapter, we focus on the experiences of migrants which we collected during interviews and ethnographic observations. We will first focus on lived experiences of borders and how they were overcome, as well as experiences of exclusion upon arrival in Germany (4.2). Secondly, lived experiences of borders in the housing and employment sector are presented (4.3). Subchapter 4.4 will finally deal with experiences of mobility and immobility.

4.2. Lived experiences of borders and bordering practices upon arrival in Germany

The following chapter outlines borders and barriers that interviewees faced when they finally entered Germany. This includes legal, spatial and social borders and bordering practices from the moment of border crossing until the moment of the asylum decision and settling down in a certain place.

Crossing the physical border in Germany

Many interview partners say a lot about their journey to Europe and the difficulties they faced crossing certain borders, but the entry to Germany and the crossing of the physical border was perceived as very easy. This includes interviewees that came after September 2015 as well as interviewees that came before. Some of the interviewees even travelled some way in Germany without being controlled by the police and then went to the police station in order to request for asylum. One interviewee for example (M001) travelled with his nephew and a friend of his nephew, both underage. He was supposed to bring the friend of his nephew to the north of Germany. They arrived in September 2015. The interviewee states that he dressed neatly in order to not being recognized as refugee. They went by train from Vienna to a city in the north of Germany, stayed there overnight at the family's place of the nephew's friend and went the next day by bus to the east of Germany. They stayed at his brother's place for one week and then his brother said: "You have to go to the police and you have to say that 'I am asylum'." Another interview partner (M004) also states that the human smuggler only helped him to get to Austria. Then he arrived at the central station in Vienna stayed there for two hours and asked some people for help:

"I asked them: Where are you from? One person said: I am from Afghanistan. He knew German. And I said: I need a ticket, can you help me? And he helped me and I bought a ticket and I went by train to Germany." (M004)⁴⁰

He states that there was no police in the train or at the central station in Munich (arrival December 2014). The interviewee went to a Kebab shop and asked where the police station was. He went there and said: "I am from Afghanistan and I want to stay in Germany." (M004) Another interview partner (M008) came in a truck and arrived in Freiburg (Baden-Wuerttemberg, close to the Austrian border). He started the journey with his mother, but they were separated on the way and she arrived in Germany three months before him. When he came to Germany the interviewee wanted to visit his mother in hospital in the west of Germany. He asked people to help him and they explained how to get there and he visited the mother and after that went to his brother who lived near to the hospital. He went to the main station and asked people where he could find the police. Two police officers came the way and he got registered.

⁴⁰ "[...] dann hab ich sie gefragt: woher kommt ihr? Eine Person hat gesagt: Ich komme aus Afghanistan. Er kennt deutsch. Und dann habe ich gesagt: Ich brauche eine Fahrkarte! Kannst du bei mir helfen? Und dann bei mir eine Fahrkarte gekauft. Ich fahre mit Zug. Nach Deutschland."

Most of the interviewed migrants went voluntarily to the police, others were checked and registered by police when they arrived at the train station Munich (Bavaria, close to the Austrian border). One interviewee (M002) travelled with people from his country of origin. They went by train from Hungary via Austria to Germany and arrived in September 2015. In Munich he saw transparencies at the central station saying "Welcome to Germany" in different languages. At the central station his co-travelers were taken by the police and led to the registration procedure. He himself was not recognized as an irregular migrant, but as he promised to stay with the group he also went to the police even though he wanted to move on to his uncle's place.

In the "video-ethnography" (Observation #6, 2015) a whole train was checked carefully and every passenger needed to identify him*herself. If an irregular entrance was assumed by the officials the respective person needed to leave the train and was checked further by police officials at the platform before being transferred to an initial reception facility. In observation #8 people who crossed the border point by foot had to gather at a soccer field where the registration procedure was carried out. Others were stopped during random police checks at the motorway while driving with a car or bus (Observations #9, 2015; #14, 2018).

First contact with federal authorities

Usually, the first German authority our interviewees met was the police. Only one person directly went to an initial reception facility with a branch office of the Federal Office for Migration and Refugees. The other interviewees encountered police officers further inland. Nobody was checked at the land border crossing points. Some interviewees were checked by the police at the central station of Munich in Bavaria. But even though permanent border controls were introduced in September 2015, it seems that the border crossing did not become more difficult at least for the migrants we interviewed. However, in the videos analyzed we can see that some persons are rejected directly at the border at registration processing lines. For example, observation #11 shows that migrants without passport and visa who wanted to transit through Germany in January 2016 are rejected at the border and brought back to Austria. For this a so called "Z-lane" (Z stands for *Zurückweisung*/rejection) was introduced at the border point. Some of our interviewees were not checked and went voluntarily to the police station or to the train station in order to look for police officers. One interview partner (M009) says that the police was on his train from Italy to Germany but that he on purpose sat next to a group of bicycle tourists so that he appeared to be part of this tourist group. He managed to travel without being detected, while some other migrants were caught by the police during the train ride. Upon arrival in Munich he went to the police station. As observation #6 of the ethnography shows, one week before border controls were introduced in September 2015, every passenger of a train from Italy to Munich was checked by the border police, even though they looked like tourists. Observation #12 (2017) shows some migrants taking the dangerous route hidden on a freight train from Italy to Germany. The contact with the German police is usually not discussed in further detail and not mentioned as problematic by the interview partners. One person says that they had problems in understanding the police officers because they could not speak German or English. Also during the ethnographic observation, we mostly saw police officers speaking German or English, while interpreters are rarely present and are only called on later during the registration procedure, but not in every case. All interview partners do not say much about the asylum procedure as such. Nobody had known anything about the conditions of the asylum procedure before coming to Germany. The interview at the Federal Office for Migration and Refugees in most cases is mentioned but not described as problematic, except for those persons whose asylum application was denied. Persons, who are not recognized and only have a tolerated stay,

feel limited in their freedom of choice and partly cannot understand the decision of the Federal Office for Migration and Refugees.

“I want to stay here. But I don’t know what the Germans say: You can stay here or you have to go to Afghanistan.” (Interviewee M003)⁴¹

Furthermore, the German bureaucracy, which is present in manifold ways and institutions such as the social welfare office, the foreigner’s authority and the jobcenter is perceived as very complicated and thus can impose a barrier. One interview partner (M001) states that he was treated well by authorities in Germany and was not discriminated. He attributes this to the fact that he could speak English very well and that he could always express himself. On the other hand, those interviewees without those language competencies often expressed language as a major barrier. One interview partner (M003) for example describes that when he arrived in Germany there was an interpreter for Afghans at the police, but there was no interpreter when he was registered in the collective accommodation center.

“At that time there was no interpreter. Everything was asked in English. And I understood some words. And he asked me: What is your name and so on.” (Interviewee M003)⁴²

After three days people came and told him that he had to stay for two weeks at the collective accommodation center and would then be transferred to another city and that his questions will be answered there. They only spoke German, but one of his roommates knew a little bit of German and translated it to the others. But even with German skills the communication with the authorities is considered as difficult. Usually interview partners look for help at counselling centers of NGOs or ask friends for help.

“If I have a problem or if I received a letter and I don’t understand it I have to go to the Caritas. There is a competent man. If I don’t understand a letter and if I don’t know what to do then he will say: You have to do it like that.” (Interviewee M003)⁴³

Another interview partner (M004) also mentions that it is difficult for him to deal with the foreigners’ authority and the jobcenter. He is in contact with a German family that has helped him since the beginning to fill out the forms. Another respondent (M007) states on this topic.

“For example the public officials gave many forms to me. And I have to fill them all out. And that is very difficult. And I always go to a café or to other places and say: Could you please fill this out? But even the Germans have a problem with that.” (Interviewee M007)⁴⁴

Hence, some interviewees make the experience of being subject to the system of authorities and are frustrated because of their inability to settle their affairs on their own and are dependent on help. Other interviewees do not see the bureaucracy as problematic and think they have to accept it in order to adapt to German society. One interviewee (M005) considers bureaucracy as kind of a training program for his stay in Germany:

⁴¹ “Ja, ich muss hierbleiben, aber ich weiß nicht, was sagt die deutsche Leute: Du musst hierbleiben oder du musst weg nach Afghanistan gehen.”

⁴² “Nein, diese Zeit war nicht Übersetzer. Nur dort gefragt, alles auf Englisch er hat gefragt. Auf Englisch versteh ich manche Worte. Er hat gesagt: What is your name? Und so.”

⁴³ “Wenn ich habe ein Problem habe oder ich habe ein Brief bekommen und ich nicht verstehe, ich habe nicht verstanden, dann muss ich dort gehen. Weil Caritas eine gute Mann. Immer wenn ich verstehe nicht, manchmal von diese Brief oder was soll ich machen, dann immer sie sagen: Machst du so.”

⁴⁴ “Zum Beispiel viele Formulare sie geben, Beamte geben viele Formular. [...] Ich muss alle ausfüllen. Und das ist schwer. Und immer ich gehe in Café oder andere Platz, Plätze und ich sage: Bitte, können mir ausfüllen? Aber auch Deutsche haben Problem.”

“That is a program. And I have to go with this program. I cannot say: No, I don’t want that, I don’t want that. That’s the program. You come to Germany and Germany doesn’t bring your country here. I come to Germany because I wanted to. And I have to learn how the policy and the program work.” (M005)⁴⁵

Another interview partner (M001) considers the bureaucracy as difficult, but also sees advantages in it:

“And even the bureaucracy, it is tough, but it ensures for everyone his and her rights. For example, you know, all people here have rights and it doesn’t matter whether you are a German or an international student or a foreigner because in United Arabic Emirates the situation is completely different. They treat, for example, Emirates people much, much, much better than the people who came from other countries.” (M001)

Usually, asylum seekers’ first confrontation with bureaucracy and the manifold regulations and varying competencies of institutional actors is during their stay in the initial reception facility. Figure 7 gives an idea of the multitude of actors and regulations, and how this is displayed to the asylum seekers.

Figure 7: Information Blackboard in the AEO Bamberg



Source: B. Glorius, 29.01.2019

First accommodation

As to the housing procedure several interviewees describe that they were accommodated first in different collective accommodation centers near to the point of arrival for some days or weeks. They were transported to these places in busses. Then they were brought back in busses to the main station and were sent to initial reception centers in different States. They were given a ticket and a paper with the address of the initial reception center where they were supposed to go on their own. One interview partner (M002), for instance, stayed for three days in a collective accommodation center in Munich (Bavaria) and then for another week in another collective accommodation center close to Munich. Then he was brought with a group of other asylum seekers in busses to the central station of Munich.

⁴⁵ “Das hat eine Programm. Muss ich bei Programm gehen. [...] Nicht du sagen: Nein, ich will das nicht. Ich will das. Das ist Programm. Du kommst du Deutschland. Deutschland nicht kommen dein Land bringen. Ich komme Deutschland, weil ich wünsche. Das ist, muss ich lernen Politik oder ich muss Programmieren auch können.”

They got tickets in order to go to the initial reception facility in another State. They stayed a few days in one city in a collective accommodation center and were then transferred to another city, where they were accommodated in tents of 200 persons each for two months. Then they were transferred to a small village where they stayed for about six months in an apartment. Then he finally moved to the place where he lives now. During their stay in the collective accommodation centers, most of our interviewees were told that they could move around the city during the day, but that it was important to sleep in the center. The unsteady situation of housing, which often lasted several months up to one year, was rarely complained about. The heteronomy of the living space was accepted as temporary state. However, two of our interviewees speak of an inhuman situation of accommodation. They were accommodated in tents in an initial reception center in October 2015. They account of freezing temperatures and very bad sanitary facilities. One interviewee (M010) stayed there for 18 days and he said that they demonstrated because of the bleakness of their situation until they finally were brought to another place. Another interview partner (M001) experienced bad living conditions, which were only dissolved when a migrant protested by putting himself at a health risk.

“A guy, a refugee from Libya took his clothes off and he stayed in the cold weather and after maybe one hour he fell down. And then the doctor came and he said all of the inhabitants of that [!] tents should be taken to another place.” (M001)

Another interviewee (M005) also describes the situation of living in a tent with 130 families as hard. He stayed there for forty days and only had a bed. After that he was transferred for two months into a room which he had to share with another family before he finally got transferred to a collective accommodation in a rural region.

Most of the interview partners did not complain about the organized transfers to a certain State by the German authorities. Only one interview partner (M002) perceived the distribution according to the “Königstein Quota” as spatial border, as he was not able to move to his uncle’s place.

“I always fought for going to my uncle’s place and I always asked the interpreters if I can leave the collective accommodation center and go to my uncle’s. I wanted to go there because I had not seen him for almost 10 years. And I thought: Okay, now I am going to my uncle’s place. [...] And also when I got my residence permit I thought: Now I can move to my uncle’s place. But it was not as I thought.” (M002)⁴⁶

So the fixed distribution system was seen as encroachment to mobility and freedom of choice. Another interview partner (M010) wanted to go to the place where his brother lived and happened to get there by chance. He stayed in an initial reception facility: “And they said: Rooms 100 to 110 out!” (M010). And they transferred these people to where his brother lived.

Interview partners also describe other barriers and a feeling of isolation in the first months in Germany. This includes the limited access to information about the further asylum procedure. Most interview partners were not informed about what would happen next by authorities. Information of the next steps came at short notice. For example, one interview partner states (M003):

⁴⁶ “Weil ich hab sozusagen immer gekämpft und die Übersetzer gefragt oder Dolmetscher gefragt, ob ich einfach mein Heim verlassen darf um ich zu mein Onkel weiterzufahren, weil ich wollte unbedingt, dass ich zu mein Onkel fahre. Ja. Den habe ich fast 10 Jahre nicht gesehen. Und dachte ich mir: Okay, jetzt fahre ich zu mein Onkel. [...] Auch als ich mein Aufenthalt bekommen hab, dacht ich: Ach, das wär ja jetzt leicht zu mein Onkel umzuziehen. Aber das war nicht so wie ich gedacht hab.”

“There were many camps, for example, A, B, C, D. And I don’t know, we were in A or B. And the next morning a man came to us and said: ‘For your group there has a bus arrived. Leave this camp and go on this bus!’ And then we took the bus to [anon. village].” (M003)⁴⁷

Another interviewee states that the foreigners’ authority did not explain to him what the different residence permits mean. Another barrier was the limited access to education and leisure time activities. One interview partner (M010) says that he wanted to do a German class when he was in the initial reception facility. He registered at a language school, but the authorities only permitted a literacy class. But as he knew already English he considered this class as waste of time and refused to do it. Another interviewee said:

“In this accommodation we didn’t know what we should do. We didn’t have school or anything. I think six or seven months we just stayed [in this accommodation]. And we didn’t know anything about [the next city].” (M003)⁴⁸

As there were no leisure facilities or any education offers at the accommodation facility he decided to go to a school and ask for a German language course. He went there with a friend who was able to communicate in English and they were allowed to participate in a course already the next day. The course had already started and was half-finished, but he still managed to pass the exam.

Another interviewee (M002) mentions the frustrating conditions regarding his desire to move on in learning the German language.

“We were 6 to 7 months in a village. That was almost the worst place. We got an apartment there. [...] But there were no Germans with whom we could learn German. There was a voluntary German course and most people didn’t go. Or if they went they always wanted to repeat from the beginning. [...] And that was difficult for the people that already participated regularly and wanted to move on and always had to repeat the basics.” (M002)⁴⁹

The interviewee learnt German mainly by his own by watching German classes and music videos on youtube. Even though the living conditions in the individual accommodation was much better as the time in the tent, the social isolation and limited access to education seemed to be worse for him. Also contacts to the German population are perceived as a social barrier. One interviewee states that at the beginning he did not know how to get in touch with people.

“And at that time I couldn’t speak a word in German. I could only speak English. And as you know that some Germans do not like to speak, you know, other languages. Actually, I got on the train and I was sitting next to an old woman with a beautiful girl, young girl. She was only maybe 7 years old. And I gave her some kind of candies, show that we are normal people and actually I was afraid of asking her. Should I ask her? Do you speak English? I want to communicate with people. But I couldn’t. But after a while we actually got off to get on another train. And at that time I sat next to a woman who was in her forties from Poland and I sat next to her and I was not sure. Should I ask her? Should I? I thought: Okay, I will ask her! Excuse can you speak English? And she said: Yes! Ahhh, thank you. Okay, well, this is my first day in Germany, I don’t know how... I want to go to [anon. city]. Could you please help me?” (M001)

⁴⁷ “Dort war viele Heim, zum Beispiel, A, B, C, D. So! Ich weiß nicht: Wir waren in A oder B. Und dann morgen früh ein Mann hat gesagt: Unsere Gruppe hat Bus gekommen, kann wieder gehen, fahren. Aber mit dem Bus wir sind nach in diese [anon. Ort] gekommen.”

⁴⁸ “In diese [Unterkunft] erstmal wir gar nicht verstehen, was soll wir machen. Wir hatten nix Schule und nix andere. Ich glaube sechs oder sieben Monate wir waren nur in diese [Unterkunft] [...]. Ich wusste nicht auch [die nächste Stadt].”

⁴⁹ “Da waren wir sechs oder sieben Monaten. Genau. Aber da waren fast die schlimmste Sache. [...] Da haben wir ein Wohnung bekommen. [...] Aber da gab kein Deutsche wo man Deutsch lernen kann oder sowas. Ja. Wir haben zwar ein Deutschkurs bekommen, aber das war freiwillig sozusagen und die meisten Leute sind nicht da gegangen. Oder wenn die einfach dahin gegangen sind, dann wollten die immer von Anfang wiederholen, was der Lehrer von damals angefangen hat. [...] Und das war immer schlimm für die Leute, die weitergekommen sind und das nur wiederholen würden.”

Hence, it becomes obvious that not knowing the language is perceived as big obstacle, but also the fact that the resident population might perceive refugees as strangers. The interview partner wishes to be accepted as “an ordinary person” and to belong to the resident population. In this case the social barrier of getting in touch with people already living in Germany was overcome and the conversation finally was successful. The interviewee states that he is still in contact with that woman he met on the train. Another interview partner (M003) describes that it is difficult to get in touch with German people and the social isolation becomes clear:

“We don’t have contact with anybody. In [the town we stay] there are no German people we can talk to. Sometimes we go to [meeting place for refugees in the next city] or to [the next city]. There sometimes are people and we talk to them.” (M003)⁵⁰

Family and friends in the country of origin

Many interview partners who arrived alone consider it as very difficult to not having seen their parents, siblings and friends for many years. They feel torn between their reasons of flight, their life and what they have achieved in Germany on the one hand and their family abroad on the other hand. One interview partner (M001) for example mentions that he did not come to Germany for having fun and that it is very hard for him to be separated from his family. That is why he tries to integrate well and to do as many useful things as possible. He applied to many universities and was taken by one. He is doing his master now and works as interpreter on a voluntary basis. He also has some cousins in Germany but does not visit them because he is too busy: “You know a lot of words and a lot of papers here in Germany.” (M001)

An interviewee (M002) states that on the one hand he likes to stay in Germany but on the other hand he wants to return to Syria as he has not seen his family and friends for three or four years. And he cannot decide whether to see them or not.

“Maybe if I could visit my family. I want to be able to decide if I want to visit my family or not. You know? Because I did not decide that I cannot see my family for four or five years. I imagined that I can come to Germany and then go to Turkey or Lebanon someday. But that didn’t work. That’s why I am saying I would return to Syria tomorrow. But what’s the point of that? I also want to continue my vocational training.” (M002)⁵¹

He also mentions that about three years ago he could have met his family and friends in Turkey or Lebanon because it was easy to go there from Syria for one week. In addition, he mentions that Syrians with a refugee status in Europe had the possibility to go back to Turkey or Lebanon for some time. But now he needs a visa or a guarantor in Turkey or Lebanon for his stay. Hence, it is not only the fact of being far away from his family but of not being able to make decisions and of being stuck here in Germany. While in the beginning, the trajectory to Europe seemed to be the challenge, now it is rather the forced immobility which allows no temporary return.

Another interviewee (M004) feels bad about his mother whom he left alone in Afghanistan. His father is dead and his brother decided to go to Iran to work there. The brother asked him to help him to come

⁵⁰ “Ja, aber wir haben Kontakt mit niemand. In [der Stadt, wo wir wohnen] gibt’s niemand mit die deutsche Leute, wenn wir reden mit ihnen, ja? Aber wir kommen manchmal hier in [Treff für Geflüchtete] oder nach [nächste Stadt], dann gibt’s manchmal Leute. Wir reden mit ihnen.”

⁵¹ “Vielleicht die Familie besuchen. Und wenn ich die Familie besuche, dann kann ich sagen, was ich entscheiden kann. Weißt du? Ja. Weil, ich habe nicht entschieden, dass ich die Familie nicht vier oder fünf Jahre sehen kann. [...] Ich habe mir vorgestellt, dass ich nach Deutschland komm und irgendwann in die Türkei oder in Libanon fahren kann. Aber hat nicht geklappt. Deswegen, wenn ich jetzt sage: ich werde morgen nach Syrien zurückgehen... was bringt mir das? Ich will mein Ausbildung auch weiter machen.”

to Germany, but he told him to go back to care for the mother and that the journey is too dangerous. The interviewee also states that he only talked to his mother four times on the phone in three years because the signal in his home town is insufficient. Some interviewees (M007, M008) had the possibility of a family reunion. Another respondent (M002) considers this as difficult as he cannot imagine that his parents learn the German language and live the German life. This emphasizes the barrier that especially older asylum seekers have when they come to Europe. One interviewee (M003) is from Afghanistan and also mentions the legal barriers of family reunion:

“I don’t want to go back because there are many many problems. But I would like my family to come here. But I don’t think that’s possible. Germany says: If you have a wife in Afghanistan or children in Afghanistan they can come. But I think the family cannot come.” (M003)⁵²

This statement also points at the narrow definition of “family” in the European and German law.

4.3. Everyday lived experiences of borders and bordering practices in the housing and/or employment sectors

The following chapter analyzes the borders and border practices which migrants experience in the housing market and employment sector after their status determination. The majority of the interviewees experienced difficulties in the housing sector itself or in connection to it. Many of the interviewees needed months or even a year (M008, M007, M005) to find an apartment. They experience difficulties due to the family size, lacking language knowledge, formal restrictions imposed by the jobcenter as well as legal restrictions connected to the protection status. They also had to cope with residence restrictions which defined the places where they could settle, and lacked social support by official authorities in explaining the process of finding an apartment. All interviewees are living or want to live in a big city, except one interviewee (M011) who first wanted to stay in the village where they lived before because they already had established a social network.

A respondent (M002) explains that in the beginning, he had no idea about the functioning of the German housing market: “[...] nobody told me how to find an apartment in Germany [...]”. (M002)⁵³ He engaged an unofficial middleman who spoke his mother tongue. With his help he found a flat within four months, which was not in the city center as he actually wanted. Until his move, he stayed at two different friends’ places and registered himself at one of this addresses because he needed to have an official address for the jobcenter and the foreigners’ authority. Later, after having expanded his social network, he found a place in a shared apartment and gave his old apartment to a friend who also searched for housing. At his current residence the contact with his neighbors is friendly but at the place before he was not successful in his attempts to establish social contacts with his neighbors. “They offered to visit them to drink coffee or eat together. [...] Then I rang the bell but they didn’t react.” (M002).⁵⁴ Actually, he wanted to move to the place where his uncle lived, but he wasn’t allowed to move there during his asylum procedure. After successful status determination, he wanted to move, but couldn’t find an apartment, because “there were many refugees or foreigners who searched for

⁵² “Nein. Das zurück... ich will nicht dort gehen. Weil da gibt’s viele viele Probleme. Aber, wenn meine Familie hier ist, das ist sehr gut. Aber ich glaube, das geht nicht. Deutschland sagen: Wenn jemand hat zum Beispiel Frau in Afghanistan oder Kinder in Afghanistan, dann muss herkommen. Aber...Familie ich glaube geht nicht.”

⁵³ “[...] kein Mensch hat mir gesagt, wie man Wohnung in Deutschland finden kann. [...]”

⁵⁴ “[...] die haben angeboten, dass ich irgendwann vorbeikommen kann um Kaffee zu trinken oder irgendwann essen zusammen. [...] Damals habe ich geklingelt und die haben gar nicht reagiert.”

an apartment and there don't exist this many apartments." (M002)⁵⁵ At this time he was only 18 years old.

Also another interviewee (M007) had difficulties to find housing for her and four family members. After one year, she found an apartment in an old house in an area not that far from the city center, but with a weak socio-economic structure. She found it via internet. However, the house is in a bad shape, and the rooms are damp and there is moldiness in the rooms, so she is again searching for another apartment.

One respondent (M008) who lives in his own apartment not just found an apartment for the rest of his family (six persons) but also for other people from Iraq who faced difficulties as well, because "I know how difficult it is to find an apartment if you don't speak German. It is so difficult! And I know now some families who live with four, five persons just in one room". (M008)⁵⁶ He describes an apartment viewing where he told about the size of his family and then "a German man came and he just had one child and both of them are working and the rent is ensured! Then they directly cancelled [for us]. That is the situation! You don't have to take it personal, but probably many landlords have problems with the jobcenter and they don't want to get a headache." (M008)⁵⁷ One year they lived in a two-room-apartment with eight family members. As he told, the neighbors at his current residence are friendly and he developed a friendship with some, the same applies for his parents' place "[...] except one [neighbor] I think she generally doesn't like refugees. [...]" (M008).⁵⁸

Also another interviewee (M010) helped other refugees to find an apartment. He is the only one mentioning that he had the possibility to rent a lot of apartments, because of his own dedication, as he says "I had the courage to speak, to call per phone." (M010)⁵⁹. It took him two months to find his current residence. The place is close to his brother's apartment so he wanted to live there even though the apartment was actually too expensive for getting paid by the jobcenter. But the landlord reduced the rent by 23 Euros and the housing contract was accepted by the jobcenter. Except for one neighbor from the same country he does not have contact with others. "Mostly they are also foreigners. Like in other buildings: the contact is near zero." (M010)⁶⁰

After getting a job offer and after having started to work, a respondent (M005) moved to an apartment at his workplace, which is owned by his boss. He lived in a collective accommodation before, in a village app. 30 minutes by bus away from his workplace. He already had searched for housing for one year, but was not successful before. He mentioned the bad quality of living in the collective accommodation, which was mainly due to the different needs of people at different daytimes.

This was also mentioned by another interviewee (M003) who lives in a collective accommodation in a small city since more than one and a half years. Now he found work which will make him independent from state support and wants to move nearer to his workplace, as the commuting distance is long and he cannot find sleep in the collective accommodation. As he is still in the process of status

⁵⁵ "Da gab viele Flüchtlinge oder viele Ausländer, die Wohnung gesucht haben und da gibt nicht so viele Wohnung."

⁵⁶ "[...] man weiß wie schwierig es ist eine Wohnung zu finden, wenn man auch kein Deutsch spricht. Das ist so schwierig! Und ich kenne jetzt ein paar Familien, die vier, fünf Personen nur in einem Zimmer wohnen."

⁵⁷ "Und ein Deutscher kam und der hatte nur ein Kind und die beide arbeiteten und die Miete ist sicher! Dann die haben direkt abgesagt. Das ist, das ist die Situation! Das muss man nicht persönlich nehmen, aber wahrscheinlich haben auch viele Vermieter Probleme mit Jobcenter und die wollen nicht so Kopfschmerzen bekommen."

⁵⁸ "[...] außer eine. [...] ich glaube, sie mag generell keine Flüchtlinge. [...]"

⁵⁹ "Ich hatte den Mut zu sprechen, telefonieren."

⁶⁰ "Sie sind auch fast alle Ausländer. Wie bei in allen Häusern: Kontakt ist fast null."

determination and therefore underlies residence restrictions, he applied to the social welfare office for moving out to a private apartment, which was turned down by the authorities.

“And now I found a work. My work is going well. And my work is far away. [...] That is very difficult for me. I wrote a request for the social welfare office. But the social welfare office didn’t answer until now. What will they say: Am I allowed to have an apartment or not? And my work is very far. For example tomorrow morning at three a.m. I have to get up. At six a.m. I have to be there. At my work. [...] I live in a [collective accommodation]. In this [collective accommodation] it is difficult if somebody wants to sleep quietly or sit quietly. There are many people. Always drinking and always very loud. Listening loud music. You can’t sleep very well.” (M003)⁶¹

Also one interviewee (M009) reports problems due to residence restrictions and his poor asylum status. First he had difficulties moving closer towards his workplace. Later, the authorities wanted to prohibit him working, even though he can sustain himself and has an unlimited work contract. He does not understand the authorities’ motivation or the underlying regulations which aim to exclude him from the labor market and social life in Germany.

“But my problems are now from the foreigners’ authority. It is stress for me now. I have been working for two years and three months, but I am not allowed to do everything I want. They always say: Don’t do this. Do this. You have to stay [at the given place]. I am not allowed to travel to another country. I am not allowed to live in another city. I need three hours to go to work. I have to take two trains. And twice they said: No. You are not allowed to work anymore. And I don’t understand why. And my company gave everything: unlimited contract, that I work very well [...]. Three bosses who said: You will stay in the company. And I did not take money from the state, it’s from me.” (M009)⁶²

As he works and earns his own money, he feels entitled to make his own decisions. Losing the right of work would mean losing the right of claiming rights, as working and earning money proves his ability of societal inclusion. The fact that he found his way into the labor market without any help enforces the contradictions between his own individual agency and foreigners’ authority’s possibility to intervene in his private life. Hence, the administrative border and the connected bordering practice exerted by official authorities not only shows the limited private sphere of a person but turns as well this already limited private sphere into a public debatable matter. The only way to uphold his way of life is to undermine the authority’s restrictions, as he already did when he moved to another apartment without permission.

“From the state I took it [the money] for four or six months during asylum procedure. And then I found everything by myself. I didn’t learn German in school. I learned it by myself. And I want to move on. I can’t always depend on what will say the social welfare office or another department. I want to do things on my own. And I can manage that. And I want the social welfare office to help me in moving on. But the one from the foreigners’ authority sucks, the people. My advisor at the foreigners’ authority is not kind. She always says ‘Why are you

⁶¹ “Und jetzt ich habe eine Arbeit gefunden. Meine Arbeit geht gut. Und meine Arbeit sehr weg, weit weg. [...] das ist sehr schwierig für mich. Ich habe ein Antrag geschrieben für Sozialamt. Ich... Aber das Sozialamt bis jetzt nicht geantwortet, was sie sagen. Darf ich eine Wohnung haben oder nein. Und meine Arbeit ist sehr weg. Zum Beispiel morgen früh um drei Uhr ich stehe auf. Um sechs Uhr muss ich dort sein. In, zu meine Arbeit. [...] Ich wohne in Hotel. In diese Hotel gibts nicht auch, wenn jemand Ruhe schlafen oder Ruhe sitzen. Gibts viele Leute. Immer trinken und immer viel laut sprechen. Musik laut hören. Kann man nicht gut schlafen.”

⁶² “Aber bei mir das Probleme immer jetzt von Ausländerbehörde. Das ist Stress für mir jetzt. Ich bin seit zwei Jahre und drei Monate arbeitet, aber darf nicht alles machen was ich will. Das ist immer sagt "Macht das nicht. Mach das. Du bleib hier". Ich kann nicht andere Staat fahren. Ich kann nicht andere Stadt Wohnung. Bei mir von Arbeit ich muss drei Stunden von in der Weg das. Nehme zwei Züge. Und die hat zweimal sagen "Nein. Darf nicht mehr arbeitet." Und ich verstehe warum nicht. Und meine Firma hat das alles gegeben: unbefristete Vertrag, sehr gut machen das [...] Drei Chefe, die sagen "Du bist kannst bleib hier von die Firma." Und ich hab das nicht Geld von Staat nehmen, die alles alleine.”

here? What are you doing here? You can go back to your country!' Always she says this! Always this is strange! Always she is talking to me in a strange way! It bothers me!" (M009)⁶³

While he experienced few difficulties in finding his work, others had hard times. An interviewee (M003) wanted to do a vocational training but got always rejected, even though he offered to do an internship first.

"But all told: 'You don't have a graduation. You need to do a graduation, then you can [work]. Then I thought: I think salesman doesn't work, then, no problem, painter, and building worker or..." (M003)⁶⁴

For him it doesn't matter which kind of work he is doing, he would take any job. He wanted to work or find a vocational training because he wasn't allowed to participate further in a German language course, as "in Germany now for people from Afghanistan there don't exist German language courses if somebody is older than 18 years". (M003)⁶⁵ At the same time the language course is needed for further education and the subsequent graduation which is needed for a vocational training or certain working places. Additionally he doesn't want to stay just at home because this would mean a standstill of personal development "just home, if there is no school, just home, what you can do?" (M003)⁶⁶

Another interviewee (M002) first completed an internship, then he found a position as trainee with another company, even though he lacked the required B2 level language certificate. There was a lot of bureaucracy connected to the vocational training, and he needed a long time to fill in all documents from various authorities such as the jobcenter. He plans to continue his German language education and pass the B2 test, but first needs some clarity about the length of his stay "according to what the foreigners' authority will say, how I can prolong my stay". (M002)⁶⁷ Even though he has a refugee status, he is not entitled to a long-term stay in Germany and stays dependent from authority's decisions, which directly affects his future plans. When thinking about future options and connected efforts, the option that the refugee status will not be prolonged is always present. The B2 language certificate, as a proof of successful integration, appears as an internal border which can in the worst case lead to the physical exclusion from the state territory.

Those anticipations as explained by the examples of these two interviewees (M002, M003) highlight how borders are inscribed in human bodies on the basis of nationality and citizenship. For non-citizens, the stay in a country is always dependent on how well they meet the requirements claimed by the authorities of the state, which are however subject to change.

4.4. Lived experiences of im/mobility

This section displays migrants' testimonials of their migration trajectories during the flight, how they experienced borders and bordering processes, and their reflections on reception processes. The

⁶³ "Von Staat ich hab das vier Monate oder sechs Monate von Staat, wenn ich Asyl gemacht. Und dann ich hab alles gefunden alleine. Keine Deutsch gelernt in die Schule oder das. Ich hab alles selber gelernt. Und ich möchte weitergehen. Ich kann nicht warten von Sozial was sagen oder von andere Amt. Ich will machen alle Sachen alleine. Und ich schaff das. Aber ich möchte bisschen Zeit. Und ich möchte von Sozial helfen, dass gehen, weitergehen. Aber die von Ausländerbehörde, das ist Scheiße, die Leute, [...] für meine Betreuer von Ausländerbehörde das nicht... Ich finde das nicht nett. Das ist immer sagen "Warum du bist hier? Was machst du hier? Kannst du zurück in dein Land!". Immer sagt das! Das ist immer komisch! Das ist immer rede mit mir komisch! Das ist nerven für mir!"

⁶⁴ "Aber alle hat gesagt: Du hast kein Abschluss. Du musst ein Abschluss machen, danach kannst du. Dann habe ich gedacht: Ich glaube Verkäufer geht nicht, dann kein Problem, als Maler und als Bauarbeiter oder..."

⁶⁵ "In Deutschland jetzt für die afghanische Leute gibt's gar nicht Deutschkurs. Wenn jemand über 18 Jahre ist."

⁶⁶ "Nur zuhause, wenn gibt's nicht Schule. Nur zuhause, was macht man?"

⁶⁷ "Je nachdem was die Ausländerbehörde sagen, [...] wie ich mein Aufenthalt verlängern kann."

section draws from the migrants' interviews carried out within Work Package 4, as well as from migrants' narrations collected during the ethnographic observations.

Migration trajectories to Germany

Most of the interviewed migrants arrived on the Balkan route via Turkey, Greece and several Balkan countries to Austria and Germany. All of them made use of human smugglers for different parts of the journey, notably the crossing from Turkey to the Greek Islands. Routes were varying; most of them crossed Greece and went through Macedonia and further to Serbia and Hungary or Serbia, Croatia and Slovenia to Austria and Germany. Depending on the year they travelled, in 2015 and 2016 migrants needed on average one month from Turkey to Germany, in 2014 several months. However, some trips took years, considering the departure from the countries of origin and the trajectories made until reaching Turkey.

Other migrants, especially those whose accounts were documented during the ethnographic observation, crossed the central Mediterranean and arrived in Germany via car, train, or on foot. All of them needed human smugglers to manage the trip.

Those interviewees who migrated before 2015 needed more time for their trip and experienced more dangerous situations, also caused by state authorities who enacted illegal practices. Also, they experienced few anticipation of their flight reasons. In one case, a Yezidi migrant who was caught by the Greek border police was advised to return, as Iraq was perceived "as safe as Greece" (M008) in those times, and he felt obliged to explain how badly Yezidis were treated in Iraq in those times. Later in 2015, there was much more public anticipation that migrants escaped from life threatening situations and thus were deserving support and free mobility. In this context, the "long summer of migration" on the temporary open "corridor" at the so called Balkan route marks a time-limited space where migrants could travel relatively free. Those public perceptions influenced peoples' practices, such as the welcoming committees in Munich train station, or border guards at various borders who waved people through. Travelling in big groups was possible in this short period of time. Just in cases some wanted to go to a special place inland in this time, like two interviewees (M002, M010), they separated themselves from their group and tried to be not detected before they arrived at their final destination inland. After 2015, parallel to the changed legal conditions in Germany, the EU-Turkey Deal and the instating displacement of sea rescue organizations from the Mediterranean, a total exclusion of one's own subjective mobility reasons was implemented from the very beginning of a journey, shifting the perceived entirety of the "refugee group" from 2015 into separated groups depending on their country of origin, as it can be seen in the further implementation of the concept of safe countries of origin in Germany.

Experiences on the road

Migration on the central Mediterranean route: Several interviewees, also in the ethnographic observations from the Bavarian border, travelled over the central Mediterranean route and transited through Italy. For example a respondent (M009), who arrived in 2016. His first try was 2012, when he left Libya to Tunisia and Egypt and tried to get a travel visa to get to Europe. After two years of trying, he returned to Libya and paid human smugglers to take him over the Mediterranean Sea. He was on the boat for seven hours when his boat was seen by a drone "with camera". For three more days he was then on board of an Italian navy ship which approached them before they reached Italy. In Italy, he denied to give his fingerprints. He was sent to an initial reception facility where he should wait ten days for getting registered. However, after one week he went to the train station and bought a train

ticket to Germany. He sat with a European travel group and was not controlled; he thinks because at that time he was red faced and corpulent and thus looked like a European.

“Maybe they [the police] didn’t notice. No idea. Because really, I was sitting with these four or five persons, eating with them and they were chatting and laughing [...] If you had seen us you would think we are friends.” (M009)⁶⁸

In observation #2 from 2014, there was a Syrian family with 6 persons, who were smuggled into Germany with a taxi from Italy. The Syrian woman tells that they spent time in Tunisia, but they found no work and had to move on. Her husband is sick, he suffers from Multiple Sclerosis and has no treatment or medication since they left Syria. The woman is around 30 and neatly dressed, with green shirt and white headscarf. When they arrived in Italy, they received the phone number of the “taxi driver” from a family who was brought to Sweden by the same driver. She tells that the driver knew that they were refugees from Syria. He took 1,200 EUR for the trip. In 2014, there were plenty of migrants being smuggled by car into Germany, sometimes heading further to Denmark or Sweden (observation #3, 2014). There were also arrivals by train (observation #2, 3, 2014; #5, 2015). In observation #2, there was a group of young Eritreans, one of them tells that he paid 7,000 \$ from Eritrea to Italy. Also in observation #5, a group of Eritreans arrived via train from Italy.

The way to Turkey: Most interviewees reported it was not difficult to get to Turkey, notably those who could travel with a passport and just bought bus or flight tickets. For those without documents, the situation was different. One interviewee reported terrible experiences in Iran, where refugees without passport were chased with guns. They needed to hide and walk over the mountains to get to Turkey.

“[...] in Iran until Turkey [we walked] by foot over the mountains. It was so high and dangerous. And we were also tired. And I couldn’t walk on, but we have to move on, because the Iranian police is shooting, yes, and this is dangerous.” (M007)⁶⁹

But also in Iran one interviewee told that he had to bribe Iranian police after he got caught in a bus on the way to Teheran. “And then I lied. I said I drive to Teheran for work.” (M003)⁷⁰

Crossing the border from Turkey: Two persons crossed the river Evros from Turkey to Bulgaria. One of them was in a group with many sick and vulnerable people. The other one reported that the Bulgarian border police maltreated them and drove the whole group back to the border with a truck, where they had to leave the truck one by one and get hit each of them by the police after taken away their valuables.

“But the police from Bulgaria. We had telephones and money and other things. All, the police took away. We just had our clothes and shoes. ‘That’, the police said, ‘is for you.’ Everything else the police took away.” (M003)⁷¹

The interviewee tried two times to reach Bulgaria, being brought back by the Bulgarian border police the first time.

⁶⁸ “Vielleicht hat nicht gesehen oder... Keine Ahnung. Weil wirklich, ich sitzen mit die vier oder fünf Leute, [...] essen mit und die quatschen und die lachen [...] Wenn du siehst Leute, die sagt, das ist Freunde oder das.”

⁶⁹ “[...] in Iran bis Türkei mit ein Fuß, mit Fuß, zu Fuß und auf dem Berg. Es war so hoch und auch gefährlich. Und wir sind müde. Und ja ich konnte nicht weitergehen, aber wir müssen gehen, weil die Polizei von Iran erschossen, erschießen, ja, und das ist gefährlich.”

⁷⁰ “[...] Und dann habe ich gelogen. Habe ich gesagt, ich fahre nach Teheran und ich arbeite dort [...]”

⁷¹ “Aber die Polizei von Bulgaria. Wir hatten Handy und Geld oder was andere Sache. [...] Alle die Polizei hat genommen. Geld und Handy und Essen. Nur wir hatten die Kleidung und die Schuhe. Das, die Polizei hat gesagt, das bleibt für du. Die andere alle die Polizei hat mitgenommen.”

“We went out [from the truck] close to Turkey. Then the police beat all people very much! [...] And one person get out. And this police beat him three to four times. Then he went away. Then the second one, like this! Then the third one, like this! We went to Turkey then... I think half hour by foot. Then we were there [in Turkey]. And after two days we came again to Bulgaria.” (M003)⁷²

The other interviewees crossed the Aegean Sea with a rubber or wooden boat, provided by human smugglers. Several respondents did not know where exactly they disembarked. One respondent said, he disembarked in Samos. Most walked to the next harbour and took a ferry to Athens. Mostly they could take the ferry free of costs in 2015, while it needed to be paid by them in 2014. If they met some authorities or international organisations on the islands, they were told to go to Athens for getting registered. On the islands no fingerprints were taken and no registration procedure was carried out, but for identification matters many had to show their passports.

“[...] We found some people, who kind of helped us or welcomed us and they told us to walk for almost maybe two, three kilometers and then we get to a place, we found busses and the busses took us to, I don't know, a check point. And I had to show my Syrian passport to show them that I am a real Syrian [...]” (M001)

In Athens, they mostly received a permit to stay in Greece for one month.

Transit through Greece: The situation in Greece was accounted differently by our interviewees based on the time when they arrived. Those who arrived during 2015 or later were mostly “waved through”, while those who came in 2014 were rather held back and needed longer to manage to travel on. For example an interviewee (M010), who reached Greece in 2015, accounts how his group met the Greek police at a Greek island. The police officer asked, where the migrants came from. Some were from Iraq, the others from Syria. The police officer recommended the Iraqis to tell they were Syrians, so that they could travel on. They received a paper which allowed for a stay in Greece for six months. The group reorganized in smaller groups which moved on separately by plane or ferry. In comparison another interviewee (M002), who arrived the same year, said that the Greek police at a Greek island told him to leave Greece within 48 hours. On the other hand a respondent (M004), who arrived in 2014 at a Greek island, had to give his fingerprints and stayed there for one week in a camp which was so crowded that all male refugees needed to sleep outside. After one week he was told to leave by ferry and go to Athens. He lived for three months in Athens, sharing a room with his wife and two other persons, each of them paying 10 EUR per day. When they moved on, they stayed for one month in the border region of Greece and Macedonia. They were hiding in the mountains, sleeping in a lodge. They tried to cross the border at night but were always sent back. After one month of trying, they paid a smuggler organized by a family member back home and managed to cross. It took them ten months to reach Germany. One interviewee (M008), a Yazidi from Iraq who came to Greece in 2014, also had to give his fingerprints. He was detained for one month and was to be deported to Iraq. His deportation was turned down by a lawyer from the UN. “And they [Greek police] didn't believe us about the situation back home, because it just started, and they didn't know Yazidis at all. And they told: “In Iraq also safety exists! Like in Greece. Then you can go back!” (M008)⁷³ He then had a one-month permit to stay in Greece. During this time, he managed to transfer his mother, who was very sick, via plane to

⁷² “Wir sind aussteigen (ausgestiegen) in der Nähe von Türkei. Dann die Polizei hat alle, alle Leute viele geschlagen! [...] Und eine Person kommt da raus. Und diese Polizei hat drei- oder viermal so geschlagen. Dann er weg. Dann Zweite kommt, so! Dritte kommt, so! Wir sind nach Türkei dann... oder ich glaube halbe Stunde gelaufen mit Fuß. Danach wir sind, war dort. Und nach den zwei Tage wieder nach Bulgaria gekommen.”

⁷³ “Und die haben uns auch nicht geglaubt, dass wir, dass die Situation bei uns so ist, weil am Anfang war, und die kannten auch die Jesiden überhaupt nicht, erstmal. Und die wollten... Die haben gesagt: "Irak gibt's auch Sicherheit! Genau wie in Griechenland! Dann könnt ihr wieder zurückgehen!"”

Italy, and from there with a taxi to Germany, using the service of human smugglers, because “there wasn’t any other way to Germany. I needed to do it, because there was no other way!” (M008)⁷⁴ He himself stayed three further months in Greece until he managed to leave. The rest of his family, father and siblings, from which he and his mother were separated since they had to leave Iraq in a rush, came to Germany two years later via family reunification.

Navigating on the Balkan route: the decisions to move on and which routes were taken were sometimes determined by human smugglers, sometimes authorities or NGOs gave information. During the transit to Germany, the migrants experienced varied reactions from border police and other authorities. The Greek and Macedonian police was mostly experienced as friendly, while there were very bad experiences in Serbia and Hungary. Some were brought to prison in Hungary, others saw how police officers were maltreating migrants. Many travelled in groups and therefore can also give an account how their fellow travellers were treated. In Macedonia, the Red Cross described how they could travel on the Balkan route via Serbia and Hungary (Interviewee M010). A respondent (M003) stayed one day and one night in Belgrade, Serbia. He went to the police, they registered him and registered his trajectory, then he could travel on. He used the bus and the local train to travel from Belgrade. Some of the migrants avoided Hungary and went through Croatia and Slovenia. Two respondents had an app on their mobile phone which helped to navigate on the Balkan route. Also google maps was found helpful.

Experiences of repression and danger: Many migrants experienced dangerous situations where they requested help by authorities but were not heard, or where border police and human smugglers threatened them with violence. For example an interviewee (M001) travelled with two minors (one was his nephew) in a rubber boat.

“He was under 18 years old, so I had to take care of them the whole [time], all the way to Germany. So it was actually a big responsibility, because, as I told you, that I can swim, but he cannot. So, it was a nightmare for me, if he, you know, for example he would sink in the water. What, what, what could I do?” (M001)

During the crossing, they were detected by Turkish border police and sent back to the Turkish coast. This happened two times. The third try was successful. When the border police approached, the human smuggler forced them to get off the boat into the water with a gun, even though many children and new-born babies were on the boat. Also in the ethnography (observation #6, 2015) a man from Syria tells about seeing a little child drowning whose father was forcefully inhibited by the smugglers on the boat to rescue it. Another interviewee (M010) called the Greek coast guard with his cell phone while being on the trip and asked to rescue them. The Greek coast guard responded the call, but didn’t send a boat to rescue them. Another one (M004) tells that they were harassed by a human smuggler who threatened them with the announcement that they would cut off limbs if they fail to pay. He tells that his wife cried all night because of those harassments.

There are also accounts of sexual harassment and rape. For example one interviewee (M011), who travelled with husband and daughters tells how they reached the border fence between Macedonia and Serbia in a very large group. It was a chaotic situation, and they realized that some men in the midst of the group sexually assaulted women. She was separated from her daughters and struggled to free herself from a Serbian border guard in order to take her daughters out of the scene. Additionally, the Serbian border guards used batons and water hoses to prevent the migrants from crossing the border. Another interviewee stated that his group which consisted of 300 persons was taken as

⁷⁴ “Sonst gab es keinen Weg nach Deutschland. Ich musste es machen, weil, weil es keinen anderen Weg gab!”

hostage on the way between Sudan and Libya and that women from his group were raped by the kidnappers (M014).

When another respondent (M002) arrived in Hungary, he was caught by the police and put into prison for four days. He heard the screaming of migrants being beaten up because they resisted to give their fingerprints. As they were afraid he and his travel-companions gave their fingerprints "otherwise they can beat us. Because of this we gave our fingerprints. Because we heard the people, how they screamed. Yes. That's why." (M002)⁷⁵ He himself was hit by a security man in a Hungarian camp and saw migrants being beaten by police at the Hungarian train station during a demonstration. An interviewee (M001) mentioned that he got to know stories about people being beaten up by Hungarian police.

Germany: In Germany, our respondents sometimes waited for a long time until the asylum application was processed. For example one interviewee (M010) waited 9 months until he had his status determination interview, and another one (M004) waited for approximately one year. For other migrants, the procedure was faster and easier, as they were treated with a shortened procedure of status determination which basically consisted of a questionnaire (mainly people from Syria or Yezidis). Some respondents have no clear memory of the asylum procedure and they cannot really tell when the different steps of the procedure took place but mentioned that after transfers they had to answer always the same questions again and again. They have more knowledge of authorities responsible for the integration process after the asylum procedure, such as jobcenter. However, many names of authorities cannot be reclaimed, and they mostly tell that there were individuals who assisted them with the integration process, or family members who already were staying in Germany.

Immobility and incapacitation: Their experiences in Germany are largely characterized by immobility and the fact that they cannot make decisions for themselves. For example one respondent (M002) claims that he wants to meet his family, but he is not allowed to travel to Turkey to meet family members. He says, the denial of the right to make his own decisions where to go, that's the most difficult aspect for him being a refugee.

Also others are suffering from the separation from family members. That's one strong reason why refugees are planning to return to their country of origin, as soon as it is possible. They rather not plan secondary movements within Europe, mostly because they don't want to start the integration process all over again, or, as one interviewee (M004) puts it "I don't want to become a child again".

Many reflect on the situation of being incapacitated during the asylum procedure and want to get a job as soon as possible for being able to take their own decisions again.

Being a refugee isn't just a legal status but also a perception by the host society, as one respondent (M008) states. Since the New Year's Eve in Cologne 2015/2016 he tells, he feels as a refugee, which wasn't the case before. "Being" a refugee is a crucial point when differentiating in the right of getting shelter and a therefore recognized legal status and the imaginations by a host society connected to these objectivized and anonymous mass and the self-perception of oneself.

One of the reasons another interviewee (M006), who stays illegal, doesn't want to be registered as somebody searching for shelter, is because his "real status, what I wanted, don't exist in system" or told in other words: "I am from world." Being nonetheless somebody who left his country of origin due

⁷⁵ "Ansonsten hätten sie uns schlagen können. Ja, aus diesem Grund haben wir unsere Fingerabdrücke gegeben. Ja. Weil, haben wir die Leute gehört, wie die geschrien hat. Ja. Deswegen."

to structural and personal conditions, he refused to become part of another system in the sense of being “inside” as somebody with a registered status as this doesn’t mean safety for him, even when applying for asylum, “because one day he [the authorities] can put you in some plane and send you in your country [of] origin”. Switching from time to time between different European countries, he was caught once by German police inland. Although trying to hide himself from public, from time to time he needs to leave the place where he is staying to get food. “And I was go all times into night with bike to take food from trash, because I don’t have money to live.” (M006)

A routine police check was done after police stopped him accidentally at the street and his identity was checked already there. He told immediately that he is illegal inland after they found nothing about him in the national manhunt databases, because he thinks when he is giving information he gets as well some information back and he needs to “know what’s happen for me, into end”. This is a huge difference to the other interviewees when confronted the first time with border agencies inland. As he never thought about applying for asylum, the biggest importance was to be invisible for them as it was for the others in the very act of crossing the border. Thus for the interviewee the border as a demarcation is not just a line, an actual border point, an official authority, but every situation, be it connected to a place or an unknown person he can’t anticipate in detail.

When crossing physical borders in Europe, he needs the help of other people whom he trusts. He hides himself in the space between backseat and front seat while somebody else is driving. This is always very stressful and needs a lot of organization, especially the very act of crossing the border and being inside the 30 kilometer border area.

“And you have some ten minutes stress. And we go and I stay stressed. When he tell me we are more than 30 kilometer [...] I make all times this, that's some fun for me like: I smoke the last cigarette in the country, you know, and when we cross, when [the one who drove] tell me we are there, I have first cigarette in [the other country], you know?” (M006)

The fact that actually no borders exists in the “area of freedom, security and justice” isn’t a fact for him.

“Me, I don't like, for [to] be honest, I don't like look to borders. [...] If you tell me that's [nothing] [...], that makes me more angry, just psychologically [...].” (M006)

His journey actually started already in his country of origin, the planning of it three years before he finally left. In trying to avoid a crossing with a boat he searched for a legal and especially safe way.

“I was make some money and make some fun [...] and travelling [...] I was try to make something. I'm thinking: how going out? Because my friend, a lot, from outside was tell me: ‘you need go outside. If you want make this stuff you want search something, you don't know what is it, go! [...]’ And then I was searching, how the way. I have some family was go with the boat. Me I was not really fun to make this because, for me personally, I respect, but for me, that's like [...] suicide.” (M006)

He managed to get a visa for France, but moved on after arriving. He tried to find places and people to live with and moved finally to Germany. After he had been caught by police he was brought to a police station for further identity check. He had to answer questions, a photo was taken and he gave fingerprints. Then he was brought to another police station. It was already late evening then and he was afraid about what will happen to him, because he “know[s] from some contact from some people: if you stay one night [it is] ninety percent [that] you finish in your [country of origin]. And I was afraid about this and time was going”. He tried to find out what will happen to him, but it was very hard to communicate with the police officials

"[...] because he speak only [German] between [police] and I try to understand, but he speak bureaucracy [language], you know? And I understand nothing. And I was paranoid and afraid [...]." (M006)

He was told about having 48 hours before he needed to go to the foreigners' authority, "this bureau, [it] send you in your country. [It] is not like BAMF". In these two days he was talking with a lawyer and decided to apply for asylum. As it wasn't his aim to apply for asylum he felt very strange to do it, seeing the difference of his way of life and other migrants.

"I am not some refugees, like I was just living [...] But you have some special feeling like you ask [...] about clothes, but you have clothes and you don't know, why you ask for clothes [...]." (M006)

He went to the foreigners' authority and was transferred with other people to the BAMF where he needed to answer the same questions as at the police station. He needed to wait with other people in a small waiting room for up to six hours in between the questioning.

"And then you wait and you are with all the people waiting. [...] I was see it, like, stress room, not waiting room, because you have some people go crazy. You see people walking and make some crazy stuff, be stressed. [...] And you have some papers, flyer [in the] waiting [room], like: 'maybe you can going in your home. Think about!' Or you have some fucking TV, like for integration [...]: 'How you say this? In Deutschland we say: Hallo. We shake hand in Deutschland. Don't touch ass for women [in] Deutschland.' You know some crazy idiot stuff, like all people is same [...]." (M006)

After he had to go to another city and stay in a reception facility, which was "maybe twenty percent difference from prison". He tried several times to find out if it is allowed to leave the facility for some hours but was told every time something different by staff. In the end he just decided to leave from time to time for some hours. He shared the room with six other persons. He mentions that there was a lot of violence and he himself was threatened physically and near to a fight once. After some time in the facility he decided to leave and to live outside of the system again.

Secondary movements

Except for two interviewees (M006, M009) no one of the others wants to move on to another country to stay there. One respondent (M009) who regrets that he came to Germany because of the restrictions given by the foreigners' authority thinks about going back to Italy, as he felt comfortable there when he arrived in Europe and got to know from friends that life is somehow "better" there. Another interviewee (M001) would like to meet his close family members in Great Britain where he would also like to improve his English. Additionally, he would like to teach English in the Middle East as some not yet defined future plan. He also mentions that he would like to see his mother and bring her to Germany. Interview partner M002, in contrast, wants to meet somewhere with his close family for some time, but can't imagine that they can adapt to the life in Germany. Due to different reasons, both (M001, M002) can't meet their family members for now as it is the case also for another respondent (M003). One interviewee (M014) mentions that he is "not always in [...] Germany"⁷⁶ and was travelling to other countries in Europe to visit friends but immediately after told that he "would like to stay forever in Germany" and "do not want to move to another country"⁷⁷ (M014). It seemed like that there is a fear in telling about travelling because it might sound like that Germany isn't the right place to stay for the respective person, as another interviewee (M005) mentions when telling also about the lack of time since he is in Germany.

⁷⁶ "Ich bin nicht immer in [...] Deutschland."

⁷⁷ "Ich möchte immer bleiben in Deutschland. Ich wollte nicht reisen in andere Land."

“[...] That doesn’t mean that you can’t live here, if you are going to France or Switzerland or something. Sometimes you also don’t have time. You have to go to school. Work. And then you are a father and have to take care about the child.”⁷⁸ (M005)

Also the term travelling by now might be for at least some of the migrants connected to something forced, exhaustive and most important illegal and does not necessarily mean something like holiday and rest, as it wasn’t the case during the time of flight.

4.5. Conclusion of the chapter

This chapter showed the results of empirical research with migrants and ethnographic observations. It focused on mobility and borders and how those fields are intertwined.

For the interviewed migrants, the most difficult spatial border was the Aegean or the Mediterranean Sea, in some cases the police in Iran as well. While the journey to Europe was more difficult before 2015 and needed mainly several months, for refugees who arrived in autumn 2015 it was “easier”. The journey lasted from within ten days from Turkey to Germany up to one month. From the ethnography it is obvious that travelling since 2017 became more difficult again. Migrants now mainly arrive in Germany in small groups in clandestine and invisible ways, hiding under and between freight trains.

During the first registration procedure, asylum seeking migrants have to reveal many personal and intimate data to public authorities: they are photographed, fingerprinted, bodily searched. Also their belongings are searched. The first steps into the country of refuge is usually determined by clear restrictions regarding moving through space, which results from usual police practices which were invented to cope with criminal subjects (such as handcuffing, body search, temporary detention in police cars or cells of the police station), and clear restrictions where and how to move or to rest during the reception procedure (marked by police cordon or restrictions enforced by police bodies).

During the asylum procedure migrants are obliged to stay in a given facility according to national considerations (“Königstein quota”). They are bound to the structures of the reception system which is determining their place of residence. This determination pervades their whole stay, as moving not according to the given regulations is hard to achieve. Having their asylum decision and being entitled to leave the municipal facilities, it was difficult to find an apartment for most of the interviewed migrants. Additionally the freedom of choice of the place of living is limited. People from safe countries of origin are excluded from this process in general, as they have to stay in the initial reception facility.

As for the legal borders, there is clear differentiation between “deserving” and “non-deserving” migrants, based on state norms. Migrants from safe countries of origin, as “non-deserving” migrants, experience far more restrictions and exclusions than other groups of asylum seeking migrants. Sometimes migrants tried to bypass those legal or bureaucratic borders, e.g. by moving unauthorized into a certain apartment.

For the interviewed migrants, social boundaries materialized because of lacking language knowledge which excludes them from communication with the resident population. Also, we found migrants having limited access to information, starting from their arrival and during their stay in reception facilities. Being mal-informed about the structures of the German housing market, they experience

⁷⁸ “[...] Das ist nicht bedeutet, du kannst hier nicht leben, weil du gehst nicht mit Frankreich oder Schweiz oder was das. Manchmal hast du keine Zeit auch. Musst Schule. Job Arbeiten. Und dann du, dann du bist Papa oder... Dann du musst passen auf Kinder.”

difficulties to find adequate housing. The access to education or qualified labor is limited and furthermore entails many bureaucratic obstacles.

Due to the politicization of migration and asylum since 2015, individual asylum seeking migrants turned into a “collective public figure”. This means that they are not recognized as individuals with individual trajectories, capacities and visions, but rather as part of an excluded group which is subject to public debates, restrictions and control. Their conditions of living are publicly negotiated between legislators, public institutions such as the foreigners’ authority, the social welfare office and the jobcenter and the public in general. This produces a hierarchical constellation where the refugee always has the role to deliver.

5. An analysis of the links, or the lack thereof, between the management of mobility and that of borders

5.1. Introduction

This chapter outlines the links between borders and the mobility of migrants. The focus is on the physical borders as well as on legal borders that are connected to accessibility barriers.

5.2. Mobility of migrants and borders in Germany

When analyzing the interviews with asylum seekers the physical border as obstacle is particularly noticed outside of Europe. This border appears in form of the Aegean and Mediterranean Sea that has to be crossed and that limits mobility. In order to overcome this border, migrants have to rely on human smugglers. There is no interview in which sea borders were crossed autonomously. Hence, for many interviewed migrants the journey to Turkey is only mentioned in a sub-clause because it was perceived as easy. The big barrier was the external European border, except for persons who had to cross Iran. This was considered as difficult and dangerous task, as for example the Iranian police was reported to shoot at people travelling illegally.

After having crossed the external border to Europe, state borders mainly appear as personalized borders in form of police and security. Police and security either promote mobility or prevent mobility. For example, some police men said that asylum seekers would have to leave Greece within the next two to four weeks. Some police officers in Hungary said that they have to move on and cannot stay in Hungary. On the other hand immobility became visible when asylum seekers were partly registered and fingerprinted or even imprisoned in Hungary. Asylum seekers mostly tried to avoid these personalized borders by hiding from the police or security. Fences mostly were only perceived as temporary obstacle that could be easily skirted.

When looking at mobility it becomes clear that there was also a temporal boundary or rather a time frame that particularly promoted mobility. This seemed to be the case in autumn 2015. The journey from Turkey to Germany took two to four weeks during this time while it took several months before that. Borders seemed to have much more of an impact on migrants' mobility before autumn 2015. And even nowadays it seems to be more difficult again to come to Germany. In addition, the belonging to a certain nationality or pretending to belong to a certain nationality, namely Syria, was seen as mobility factor as it was much easier for Syrians to cross borders. The border turns out as changing situation that is either promoting or preventing mobility depending on when and whom is crossing it. At the same time migrants seem to also shape borders and bordering processes by skirting obstacles and finding new ways for their mobility.

The migrants interviewed did not perceive the German border as big obstacle. The border line as such was not even noticed. However, in some cases also here the personalized border in form of the Federal Police was circumvented by certain actions of not getting spotted as refugee in order to keep up mobility to the destination. Bordering practices on the way to Germany such as registration and fingerprinting procedures were seen at some points as threat to the free movement and decision making by migrants, worrying about being sent back to the country were they were registered. But it became obvious that in many cases the Dublin Agreement has not limited mobility which was also confirmed by the statements of the Federal Police that Dublin readmissions rarely take place.

When reflecting upon borders and mobility of migrants in Germany it is striking that there are many legal boundaries that are connected to the legal status of asylum seekers and refugees. These restrict the spatial mobility in form of actual moving from one point to another but also the social mobility in form of participating in society. During the asylum procedure persons are accommodated in places and facilities that they cannot choose. In addition, asylum seekers, during the first three months of their stay or during their stay in an initial reception facility, underlie mobility restrictions (*Residenzpflicht*) meaning that their individual mobility is restricted and they cannot visit other places in Germany without permission of the responsible authority. However, migrants seem to bear those obstacles as a necessary temporary situation. Only some interviewees complain about those limitations, having in mind to reunite with their relatives in a certain place.

Mobility restrictions also come into effect after the asylum procedure has been completed. Mobility depends on the respective status. Persons with a tolerated stay (*Duldung*) are not allowed to move to the place they favor, as they are again dependent on the permission of the responsible authority. Persons from safe countries of origin have to stay in initial reception facilities during the whole duration of the asylum procedure and free movement is restricted.

Furthermore, refugees and persons with subsidiary protection also may be forced to stay in a certain State, county or municipality after status determination (*Wohnsitzauflage*). Mobility or immobility is not limited to the spatial dimension. Limits of social participation play a major role when it comes to the accommodation of refugees which can be found in the fact that migrants often have difficulties orientating themselves on the housing market due to language or organizational barriers or due to the fact that they are excluded for being a refugee. The lack of contact to the German population in many cases is perceived as barrier for learning the language and integrating to society. Exclusionary processes are reflected as social immobility and seem to be worse than spatial immobility.

Mobility in the employment sector is always connected to the respective official guidelines presented by an official authority, which appear as a personalized border in the daily life for refugees. The administrative system therefore represents a hierarchical power constellation where the official workers have, besides the legal settings, a subjective administrative discretion to which the refugees are subordinate. As there are many borders in this area for refugees, e.g. lack of language knowledge, the non-recognition of certificates and missing graduations, migrants have to be very proactive to achieve their goal to find a work. Additionally, migrants with a tolerated stay, striving for a better legal status or just trying to reduce the chance of getting deported, are frequently subject to irregular practices on the labor market. Many of them have to work under precarious conditions in bad paid jobs, engage in short-term employments without a further perspective, and thus face de-qualification. Regarding their labor market placement, there is also a border of public perception, differentiating between high qualified labor migrants, welcomed by the German economy and politics as useful for the wellbeing of the state, and the “others”, which always have to show extraordinary engagement, but may never arrive at a stable position in the labor market and with regards to their legal status.

5.3. Conclusion of the chapter

Hence, the interpretational sovereignty about mobility belongs to the legal and administrative prescriptions given by the official authorities, as long as this kind of mobility is bordered by the orderly and classified assumptions made by them. Therefore mobility itself represents a concept of borders. It represents as well the borders of state sovereignty, in the intertwining of administrative borders and forced mobility and the production of a private-public sphere, separate from an “official” public

sphere, where the ones without proper documents, be it qualification certificates or a legal status, are able to be “mobile” to a certain extent. Thus, the “mobility of borders”, meaning here the variability of administrative regulations and practices, does not just shape the life of individuals but also the “well-being” of the state, which was aimed to be secured by these very regulations.

6. Final conclusion

This country report represents research findings on bordering processes in Germany. It is based on a broad concept of borders and bordering which goes beyond the regulations at state borders and rather refers to all kinds of exclusionary practices implemented on migrants.

Regarding the research methods, there were two major difficulties reaching interviewees which might limit the richness of results. The first obstacle was the denial to carry out ethnographic research at borders and border agencies. We tried to overcome those restrictions by implementing an alternative approach, auto-ethnography and “video ethnography” which entailed a selection of 17 journalistic TV reports, displaying bordering practices at state borders.

The second difficulty was to arrive at a representative selection of migrants during the migrant interviews. While male migrants agreed easily to take part in the research, we had difficulties to approach and convince female migrants. Even though we took an extra effort to meet female migrants and explain our research with the help of interpreters, and even though they agreed to take part at first, they often withdrew their consent later. We are still trying to fill the gaps in our selection of interviewees, however, we are confident that our results can be cross-validated by the findings from the other country reports carried out in Work Package 4.

Our main findings relate to the development of the legal national framework since 2015 and its effects on the mobility of migrants, the effects of institutionalized bordering processes and how these practices relate to the experiences of migrants.

Regarding the legal national framework, we observed a two-fold border enforcement since 2015: the reintroduction of stationary border controls at the Bavarian border, and the enforcement of internal bordering processes, notably against migrants who are deemed as “non-deserving” refugee protection. The differentiation of “deserving” and “non-deserving” migrants is based on state norms. Migrants from safe countries of origin, as non-deserving migrants, experience far more restrictions and exclusions than other groups of asylum seeking migrants, such as the limitation of mobility, the ban from the labor market and the enforcement of detention and deportation. These enforcements, which followed a period of opening and flexibilization of borders based on the Schengen Agreement, constituted the strongest transformation of the German asylum law since long.

Most institutional actors deem the existing Regulations (Schengen, Dublin) as theoretically good, but practically deficient. The loss of confidence in the regulatory system led to enforced securitization practices at external and internal borders, for example by criminalizing sea rescue operations and by enforcing border control operations in the Mediterranean. The enforcement of securitization at state borders is not only constituted by enforced border controls, but also by enforced disciplinary measures against persons crossing the border, who have to obey to a detailed, de-individualizing registration procedure and who are subject to police practices which were invented for coping with criminal subjects. Also internal bordering processes were enforced by increasing exclusionary measures and practices. These are mostly focusing on “non-deserving” migrants, such as persons from safe countries of origin or persons who apparently did not flee from war and persecution, but from miserable living circumstances.

The narrations of migrants and results from ethnographic observation revealed details about practices and experiences of border crossing, which were in line with the narrations of institutional actors and

were found contingent in terms of time and space. The experiences of the journey to Germany entailed many dangerous and humiliating situations, oppression by official authorities, the need of using human smugglers, and practices of solidarity among migrants. Most of them travelled in groups to reduce individual risks. The European borders were perceived very differently, especially the German border was not perceived as a demarcation line, but via the police practices enacted along the border. The travel experiences differed regarding the time of travel (pre-2015, 2015/16, post-Turkey Deal). While the year 2015 was seen as a “window of opportunity” for crossing Europe, the journey was perceived as longer and more costly before 2015, and more dependent on human smugglers’ networks after the EU-Turkey Deal. The latter can be seen as a non-intended consequence of state activity, a phenomenon we can see frequently in the research of migration.

While during the journey, experiences varied regarding age, gender and ethnicity (Syrians appearing as privileged ethnic group regarding the relative freedom to cross borders), during the reception and status determination procedure, variations of experiences were based on state norms and public perceptions. This is most clearly displayed in the manifold restrictions for migrants from safe countries of origin, as well as for those who were detected as migrants engaging in secondary movements on the basis of the Dublin Regulation. For those two groups, there are manifold obstacles towards reception, integration and internal mobility, which were even enforced by several new laws and regulations since 2015.

7. List of References

Anderson, J., O'Dowd, L. (1999) 'Borders, border regions and territoriality: Contradictory meanings, changing significance', *Regional Studies* 33 (7), pp. 593-604.

Bundesamt für Migration und Flüchtlinge (BAMF) (2019) *Ablauf des Asylverfahrens*.

Available at: <http://www.bamf.de/DE/Fluechtlingsschutz/AblaufAsylv/ablauf-des-asylverfahrens-node.html> (Accessed: 28 May 2019).

Bundesamt für Migration und Flüchtlinge (BAMF) (2018a) *Aktuelle Zahlen zu Asyl*. Ausgabe Dezember 2018. Nürnberg.

Bundesamt für Migration und Flüchtlinge (BAMF) (2018b) *Das Bundesamt in Zahlen 2017. Asyl, Migration und Integration*. Available at:

https://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/bundesamt-in-zahlen-2017.pdf;jsessionid=C4B697C95E2E6E7FE570B343D2CB93C9.2_cid368?blob=publicationFile (Accessed: 29 May 2019).

Classen, G. (2018) *Leitfaden zum Asylbewerberleistungsgesetz*. Flüchtlingsrat Berlin. Available at: http://www.fluechtlingsinfo-berlin.de/fr/asylblg/Leitfaden_AsyblLG.pdf (Accessed: 20 December 2018).

Göler, D. (2019) 'Places and Spaces of the Others. A German Reception Centre in Public Discourse and Individual Perception', in Glorius, B. and Doomernik, J. (eds.) *Geographies of Asylum in Europe and the Role of European Localities*. Amsterdam: Springer (forthcoming).

Kreichauf, R. (2018) 'From forced migration to forced arrival: the campization of refugee accommodation in European cities', *Comparative Migration Studies*, 6 (7). Available at:

<https://doi.org/10.1186/s40878-017-0069-8> (Accessed: 28 May 2019).

Newman, David (2006): 'The lines that continue to separate us: borders in our 'borderless' world', *Progress in Human Geography* 30 (2), pp. 143–161. Available at:

<https://doi.org/10.1191/0270309132506ph599xx> (Accessed: 28 May 2019).

Paasi, A. (2001) 'Europe as a Social Process and Discourse: Considerations of Place, Boundaries and Identity', *European Urban and Regional Studies*, 8 (1), pp. 7–28.

Pickering, S. (2006): 'Border narratives', in Pickering, S., and Weber, L. (eds.) *Borders, mobility and technologies of control*. Dordrecht: Springer, pp. 45-62.

Van Houtum, H., Van Naerssen, T. (2002) 'Bordering, Ordering and Othering', *TESG*, 93 (2), pp. 125-136. Available at: <https://onlinelibrary.wiley.com/doi/epdf/10.1111/1467-9663.00189> (Accessed: 28 May 2019).

Legislative documents

Act Amending the Asylum Seeker Benefits Act and the Social Court Act of December (*Gesetz zur Änderung des Asylbewerberleistungsgesetzes und des Sozialgerichtsgesetzes*). Available at:

https://www.bgbl.de/xaver/bgbl/text.xav?SID=&tf=xaver.component.Text_0&toctf=&qmf=&hlf=xaver.component.Hitlist_0&bk=bgbl&start=%2F%2F%5B%40node_id%3D%27357926%27%5D&skin=pdf&tlevel=-2&nohist=1 (Accessed: 29 May 2019).

Asylum Law (*Asylgesetz*). Available at: http://www.gesetze-im-internet.de/asylvfg_1992/AsylG.pdf (Accessed: 29 May 2019).

Asylum Procedures Acceleration Act (*Asylverfahrensbeschleunigungsgesetz*). Available at: https://www.bmi.bund.de/SharedDocs/downloads/DE/gesetztestexte/asylverfahrensbeschleunigungsgesetz.pdf;jsessionid=A4638823A9CEB2FDE05977942D83404F.1_cid295?_blob=publicationFile&v=2 (Accessed: 29 May 2019).

Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*). Available at: <https://www.gesetze-im-internet.de/asylblg/AsylbLG.pdf> (Accessed: 29 May 2019).

Basic Law (*Grundgesetz*). Available at: <https://www.gesetze-im-internet.de/gg/GG.pdf> (Accessed: 29 May 2019).

Book II of the Social Code (*Soziales Gesetzbuch – Zweites Buch*). Available at: https://www.gesetze-im-internet.de/sgeb_2/SGB_2.pdf (Accessed: 29 May 2019).

Book XII of the Social Code (*Soziales Gesetzbuch – Zwölftes Buch*). Available at: https://www.gesetze-im-internet.de/sgeb_12/SGB_12.pdf (Accessed: 29 May 2019).

Convention implementing the Schengen Agreement of 14 June 1985 (*Übereinkommen zur Durchführung des Übereinkommens von Schengen vom 14. Juni 1958*). Available at: [https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:42000A0922\(02\)&from=DE](https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:42000A0922(02)&from=DE) (Accessed: 29 May 2019).

Directive 2001/51/EC (*RICHTLINIE 2001/51/EG*). Available at: <https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32001L0051&from=EN> (Accessed: 29 May 2019).

Directive 2011/05/EU – Qualification Directive (*Richtlinie 2011/95/EU – Qualifikationsrichtlinie*). Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:de:PDF> (Accessed: 29 May 2019).

Directive 2013/32/EU – Asylum Procedures Directive (*Richtlinie 2013/32/EU – Asylverfahrensrichtlinie*). Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0060:0095:DE:PDF> (Accessed: 29 May 2019).

Directive 2013/33/EU – Reception Conditions Directive (*Richtlinie 2013/33/EU – Aufnahme richtlinie*). Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0096:0116:DE:PDF> (Accessed: 29 May 2019).

Dublin Convention (*Dublin Übereinkommen*). Available at: [https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:41997A0819\(01\)&from=DE](https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:41997A0819(01)&from=DE) (Accessed: 29 May 2019).

Dublin II Regulation (*VERORDNUNG (EG) Nr. 343/2003*). Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:DE:PDF> (Accessed: 29 May 2019).

Dublin III Regulation (*VERORDNUNG (EU) Nr. 604/2013*). Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:de:PDF> (Accessed: 29 May 2019).

Integration Law (*Integrationsgesetz*). Available at: https://www.bgbl.de/xaver/bgbl/text.xav?SID=&tf=xaver.component.Text_0&toctf=&qmf=&hlf=xaver

[.component.Hitlist_0&bk=bgbli&start=%2F%2F*%5B%40node_id%3D%27356836%27%5D&skin=pdf&tlevel=-2&nohist=1](https://www.bgbli.de/xaver/bgbli/text.xav?SID=&tf=xaver.component.Text_0&toctf=&qmf=&hlf=xaver.component.Hitlist_0&bk=bgbli&start=%2F%2F*%5B%40node_id%3D%27356836%27%5D&skin=pdf&tlevel=-2&nohist=1) (Accessed: 29 May 2019).

Law for Better Enforcement of the Obligation to Leave the Country (*Gesetz zur besseren Durchsetzung der Ausreisepflicht*). Available at:

https://www.bgbli.de/xaver/bgbli/text.xav?SID=&tf=xaver.component.Text_0&toctf=&qmf=&hlf=xaver.component.Hitlist_0&bk=bgbli&start=%2F%2F*%5B%40node_id%3D%27355995%27%5D&skin=pdf&tlevel=-2&nohist=1 (Accessed: 29 May 2019).

Law on Measures in Construction Planning Law to Facilitate the Accommodation of Refugees 20 November 2014 (*Gesetz über Maßnahmen im Bauplanungsrecht zur Erleichterung der Unterbringung von Flüchtlingen*). Available at:

https://www.bgbli.de/xaver/bgbli/start.xav?start=%2F%2F*%5B%40attr_id%3D%27bgbli114s1748.pdf%27%5D#_bgbli_%2F%2F*%5B%40attr_id%3D%27bgbli114s1748.pdf%27%5D_1559138877675 (Accessed: 29 May 2019).

Legal Status Improvement Act (*Gesetz zur Verbesserung der Rechtsstellung von asylsuchenden und geduldeten Ausländern*). Available at:

https://www.bgbli.de/xaver/bgbli/text.xav?SID=&tf=xaver.component.Text_0&toctf=&qmf=&hlf=xaver.component.Hitlist_0&bk=bgbli&start=%2F%2F*%5B%40node_id%3D%27357856%27%5D&skin=pdf&tlevel=-2&nohist=1 (Accessed: 29 May 2019).

Ordered Departure Law (*Geordnete Rückkehr Gesetz*). Available at: <https://www.proasyl.de/wp-content/uploads/2019/02/GE-Zweites-Gesetz-zur-besseren-Durchsetzung-der-Ausreisepflicht.pdf> (Accessed: 29 May 2019).

Residence Act (*Aufenthaltsgesetz*). Available at: https://www.gesetze-im-internet.de/aufenthg_2004/AufenthG.pdf (Accessed: 29 May 2019).

Schengen Borders Code (VERORDNUNG (EG) Nr. 562/2006). Available at: <https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32006R0562&from=DE> (Accessed: 29 May 2019).

Schengen Implementing Convention (*Richtlinie 2001/51/EG*). Available at: <https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32001L0051&from=DE> (Accessed: 29 May 2019).



The research project CEASEVAL (“Evaluation of the Common European Asylum System under Pressure and Recommendations for Further Development”) is an interdisciplinary research project led by the Institute for European studies at Chemnitz University of Technology (TU Chemnitz), funded by the European Union’s Horizon 2020 research and innovation program under grant agreement No 770037.) It brings together 14 partners from European countries aiming to carry out a comprehensive evaluation of the CEAS in terms of its framework and practice and to elaborate new policies by constructing different alternatives of implementing a common European asylum system. On this basis, CEASEVAL will determine which kind of harmonisation (legislative, implementation, etc.) and solidarity is possible and necessary.