

# Integration into the Labor Market – Opportunities to get refugees to a residence permit

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**How can the process of obtaining a residence permit for asylum seekers be  
adjusted in order to facilitate their integration into the German labor market?**

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Perspectives of different involved stakeholders in North Rhine-Westphalia

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## **Abstract**

The integration of refugees into the labor market has become one of the most important issues of the news and also of the society. The topic is influenced because of revolts and debates against the integration of refugees into the German labor market. The public opinion is divided on this subject. The thesis deals with the question ‘How can the process of obtaining a residence permit for asylum seekers be adjusted in order to facilitate their integration into the German labor market?’, based on review of related literature and conducted interviews with involved stakeholders. This identifies factors that could improve the process of obtaining a residence permit and also facilitate the integration into the labor market. Moreover, the identification of weaknesses is observable within the process. Key assumptions of the thesis are 1.) a faster procedure for giving asylum seekers a residence permit will help them to integrate into the labor market and 2.) a faster process of obtaining a residence permit that provides access to integration or German language courses conducts to greater participation of migrants into the labor market. Both hypotheses are proven during the research. Factors such as the abbreviation of time for the procedure or a better access to German language courses take to a successful integration into the labor market.

## 1. Background: Introduction to research problem and Research question

*“Migrants need to be seen as a resource rather than a problem and integration policies as an investment to make the best use of their skills” (OECD, p.11, 2014)*

The bachelor thesis deals with the civic integration of refugees. The focus of the thesis is on the integration into the labor market and on the residence permit. In April 2016, 60,905 asylum and first time asylum applicants were submitting application for asylum (eurostat-asylum, 2016). In 2016 from January to April 246,393 people submitted application for asylum (statista, 2016). The specific main question is: *‘How can the process of obtaining a residence permit for asylum seekers be adjusted in order to facilitate their integration into the German labor market?’* The purpose of the thesis is to find out whether factors related to the process of obtaining a residence permit should be improved to facilitate the access to the German labor market for asylum seekers. This is analyzed with various scholars, different theories and interviews. The main selected data method will be the qualitative data collection methods, such as interviews with different involved stakeholders who are in detail characterized in the following parts.

### 1.1 Scientific and social relevance

The relevance of the topic is established in different opinions about the integration of refugees into the German labor market; in discussion of requirements for a smooth integration and enhancements of the process of getting a residence permit. Just the elections on March 14, 2016 of the Federal States in Germany Rheinland-Pfalz, Sachsen-Anhalt and Baden-Württemberg showed that there is a dissatisfaction of the policy in Germany. The state parliaments of each of the Federal States have changed. (Spiegel online, 2016) Moreover, the party AfD is highly discussed because this is a right-oriented party and is mostly against the integration of refugees and does not want foreigners to work in Germany. (Röhlig, 2016) The citizens’ feedback on the refugee crisis is the election of this party and now many people in Germany are shocked by this election results.

The integration of refugees can be a threat against the society. On the other hand it is considered as the potential that is needed, especially in North Rhine-Westphalia (NRW). In 2016, on the average of the year, 624,833 job vacancies were available. This is the highest rate in the last few years in Germany (Bestand an freien Arbeitsstellen, 2016). The largest amount of job opportunities in Germany are in Bavaria (18,5%), **North Rhine-Westphalia** (17,3%) and Baden-Wuerttemberg (15,7%) (Verteilung der offenen Arbeitsstellen, 2016). Thus, Germany has the opportunity to open the labor market for refugees.

Germany has been called an ‘integration country’. The OECD issued a positive certificate for Germany’s legislation concerning the labor migration of qualified people of third countries, in the international comparison. Third countries are neither members of the European Union nor the European Economic Area or Switzerland (Citizens of third

countries, 2013). Germany is one of the countries with the fewest restrictions on labor migration for highly skilled workers. Moreover, it is the second most important target country for immigrants after the United States. In Germany the immigration is regulated better than in the US because they have 400,000 deportations per year and around 11 million 'illegal' immigrants. (Thränhardt, 2015)

Thränhardt discusses means of improving the integration of refugees into the labor market. One of the main arguments to improve the process to get a residence permit, is to reduce the procedure for granting the right for asylum. Due to the long procedure, refugees are not able to do anything during the long waiting time. Even though, the grand coalition aimed at handling application for asylum within three month, in one of their contracts, it takes about seven month (for some countries such as Afghanistan 16 months). He also argues that this time period is a burden for the refugees because they do not have a future perspective and they are living in uncertainty what will happen next. Only in five Federal States the waiting time is bridged by language courses because the Federal Ministry for the Internal Affairs did not accept the language and integration courses yet. Even though, this form of integration can cause normalization of life and a positive feeling. (2015)

The prime focus of the study is on the procedure of gaining the residence permit and secondly on the process of the integration of refugees into the labor market. Moreover, it provides a better understanding of conditions that facilitate or hinder the integration into labor market from the multi-stakeholder perspective.

The problem is the complexity of the laws and permits that define restrictions for asylum seekers; the lack of information on both sides, the employers and the refugees is huge.

The committee of migration, refugees and displaced persons states if the refugees have access to the labor market and get a job, it will be a profit for the receiving country. The countries will not have to pay more social support if the refugees have a job. Furthermore, the social cohesion is strengthened and the self-esteem is higher because employment is often combined with other integration sectors (Thränhardt, 2015) such as 'processes of social connection within and between groups within the community' and 'structural barriers to such connection related to language, culture and the local environment' (Ager & Strang, 2008, p. 1).

The thesis discusses what bureaucratic optimizations of the process of getting a residence permit and with it the work permit are possible to facilitate the process of integration into the German labor market. Additionally, it is not known which disadvantages or advantages the civic integration has, if it is beneficial or implicates lots of losses. However, all aspects of the issue should be considered and prejudices should be stashed away.

Moreover, if employers want to integrate refugees in the company they can request government aid; the subvention for the integration is paid by the employment agency. They pay half of the wage for people with lower chances in the labor market maximum one year.

Furthermore, the activation and vocational incorporation of refugees are also a measure for employers. This implicates that the employment agency is paying the travel expenses and language and subject courses during an internship. (SPIEGEL ONLINE, G., 2016)

## 1.2 Research question

The clearly formulated research question of the bachelor thesis shall be: ‘How can the process of obtaining a residence permit for asylum seekers be adjusted in order to facilitate their integration into the German labor market?’

The sub-questions are:

- What is required for a smooth integration of refugees in the German labor market?
- What can be done to enhance the procedure of granting the right for asylum?
- To what extent is the process of getting a residence permit different when it comes to the various nationalities?
- How can then a smooth residence permit process enhance the integration of refugees into the labor market?

These are some sub-questions which will be answered in the bachelor thesis. This is an explanatory research question. The question will be answered both by the analysis of the interviews with the an employee of the Immigration Office, an employee of the Employment Agency and a member of the local municipality of North Rhine-Westphalia and the analysis of the legal framework for the residence permits. The research question is based on a unit (*asylum seekers*) and two variables (independent variable: *procedure of granting the right of asylum* and dependent variable: *integration into the German labor market*) and a setting (*North Rhine-Westphalia*). (Denters, n.d.)

After the thesis having introduced the topic and has cleared the basic research question (chapter 1), the text will be structured as follows: In chapter two civic integration, the different types of refugee statuses and certifications, the current situation and structures of the asylum procedure and the labor market access conditions will be evolved based on theories and empirical findings on the present topic. Moreover, Chapter two describes the details of the German asylum procedure and the various steps asylum seekers have to go through. This also describes the conditions to enter the German labor market and the new Integration law. The thesis goes on with the research methodology in chapter five that is

based on data collection used in this study giving an overview on the sources the data derive from. Furthermore, an analysis of the findings will be presented in two different parts, either result of existing studies and of the conducted interviews. These will be discussed in order to conclude, in the last section, all relevant information about the study.

## 2. Theory

The most important concepts regarding the research question: ‘How can the process of obtaining a residence permit for asylum seekers be adjusted in order to facilitate their integration into the German labor market?’ are the following:

### 2.1 Civic Integration

Integration is a complex issue and is divided in different domains:

#### **A Conceptual Framework Defining Core Domains of Integration**



**Illustration 1:** A Conceptual Framework Defining Core Domains of Integration (Ager & Strang, 2008, p. 5)

*Civic integration* is defined by Gsir (2014) as ‘the inclusion of immigrants in the civic institutions of the receiving country and the way in which citizens become an accepted part of society in civic terms’ (p.2). In 2004 the Council of the European Union recommended ‘common basic principles’ of immigrant integration. This concept enhances the labor market integration by way of better knowledge of the host-society language together with respect for the ‘basic values of the EU’ (Joppke, 2007). Tests for newcomers and obligatory civic integration courses were adopted from the Netherlands, Austria, Denmark, France, United Kingdom and Germany. These courses last between 12 and 24 months and aimed uneducated migrants from developing and advanced developing countries. The focus of those is primarily on the language gain and after it on the history and culture of the host-country and on the everyday life. (Joppke, 2007) The European civic integration





policies are based on a movement from voluntary to mandatory courses and greater punishment for infringement. Moreover, those include restrictions of the entry of certain types of immigrants and also the focus on developing and advanced developing countries.

Since 1990 Germany has provided language courses to potential ethnic immigrants in their countries of origin to train them for a 'status test'. This test has to be passed before being allowed to immigrate to Germany. The previous 'Aussiedler' policy of Germany offered some measures such as language instructions to assist the progress of integration of such Aussiedler after their arrival. However, this was not open to other immigrant groups like guest workers. (Joppke, 2007) The replacement of such courses are the new integration courses introduced in the Immigration Act of 2004 with the focus on language acquisition for non-EU and non-ethnic immigrants. Ethnic and non-ethnic immigrants are admitted in the same program of 600 hours of German language instruction and 30 hours of civics instruction. (Joppke, 2007) After some discussions about penalties and costs the government decided to introduce positive sanctions, id est if the immigrants participate successfully in the integration courses, the residence requirement for naturalization will be lowered from eight to seven years (Joppke, 2007). Furthermore, they set negative penalties as well such as the cutting of social benefits in the case of no participation. Non-compliance can also lead to non-renewal of a temporary or a refusal of a permanent residence permit. Thus, the attendance of civic integration courses and the passing of standardized language tests are requirements for naturalization. (Joppke, 2007) Civic integration requires different characteristics aforementioned such as knowledge of the language as well as knowledge of the culture and history of the host-country but also the everyday life. To get these attributes asylum seekers need to go through different processes which are in detail described as follows.

## **2.2 Different types of refugee statuses**

*'Article 16a of the Basic Law grants victims of political persecution an individual right of asylum. The fundamental right of asylum thus has high priority and expresses Germany's willingness to fulfill its historical and humanitarian obligation to admit refugees.'* (Migration and Integration, n.d.)



Terms		
A refugee is any person seeking refuge from his/her habitual place of residence.		
Situation	Terminology	Status
 Arrival	Asylum seekers	
 Asylum application submitted to BAMF*	Asylum applicant	Permission to stay
 Asylum application rejected	Tolerated person	No residence permit/ Obligation to leave the country
 Asylum application approved	Person entitled to asylum	Residence permit

\* Federal Office for Migration and Refugees

(Federal Ministry of Labour and Social Affairs, 2015)

The Asylum Procedure Act defines the admission procedure for asylum seekers.

An *asylum applicant/seeker* is a person who is seeking for asylum. Such a person is authorized from the border authority to enter the Federal Republic of Germany or the one without a residence permit are passed on to the nearest reception center of the relevant state. The asylum procedure is conducted by a Federal Agency, the Federal Office for Migration and Refugees. For accommodation and social support of asylum seekers are the Federal States in charge. If the asylum application is approved, the applicant granted **asylum status**. (Migration and Integration, n.d.)

Those granted the **refugee status** gain a temporary residence permit and are given the same status as Germans within the social insurance system. They are authorized to child benefits, child-raising benefits, social welfare, language courses and integration allowances as well as other forms of integration assistance. (Migration and Integration, n.d.) A refugee is someone according to the Geneva Convention who has a reasoned fear of persecution because of his/her ethnicity, religion, nationality, political opinion or the belonging to a particular social group. The protection is not offered from the original country and the refugee is not able to go back to his/her original country because of the fear of persecution. A refugee has the right to safety (section 3 (1) AsylVfG). (Schmickler, 2015)

If asylum seekers' application is rejected, they are obliged to leave the country.

Another type of status is **quotas refugee** who are from crisis regions and are received within international humanitarian aid campaigns. Section 23 of the Residence Act provides that for specific groups of foreigners a residence permit is issued. The highest Federal State authorities and the Federal Ministry of the Interior order these residence permits either for humanitarian reasons or international law, or to defend the political interests of the Federal Republic of Germany. The order can refer to both persons who are

already in Germany or those who are coming to Germany. Temporary protection is given by a decision at the EU level according to Section 24 of the Residence Act. (Schmickler, 2015)

People who are not accepted as a refugee or receives the asylum status may receive a temporary **subsidiary protection** status (section 4 (1) AsylVfG). This status is granted if the person fears armed conflict, torture or death penalty in the original country. Then the Federal Office for Migration and Refugees checks during the asylum procedure whether there are reasons for a deportation ban because of possible breaches of the European Convention for the Protection of Human Rights and Fundamental Freedoms (section 60 (5) AufenthG). After a confirmation, the people gain residence permit for one year. A work permit is necessary to have access to the labor market. (Schmickler, 2015)

If a person is neither accepted as a refugee nor gains asylum but is also not able to leave the country has the status of a **tolerated person** (section 60 (7) AufenthG). The person cannot be deported because he/she is not fit to travel, does not have his/her travel documents or is not able to get into the original country because of missing traffic connections. (Schmickler, 2015) Those need to have a temporary permission to stay for one year or a temporary residence status to have access to the labor market. (iGZ, 2015)

## 2.3 The diverse certifications

The registration as asylum seeker is registered via the **certificate of the notification as asylum seeker** (BüMA) and is limited according to section 63a Asylum Procedure Act (AsylG) for one month and can be extended in each case to two more weeks. Due to the timespan between the registration as asylum seeker and the official application of asylum of mostly several weeks or months, the certificate of the notification as asylum seeker also includes this time period. (iGZ, 2015) The border security, the Immigration Office, the police and the reception centers are responsible for this certification (section 63a subsection 3 AsylG). In addition to that, the local Immigration Office or the one where the person has to move to is responsible for extension. (iGZ, 2015)

Afterwards, if the official application of asylum is filed, the asylum seeker will be granted the **certificate of the permission to stay** (section 55 AsylG). It is not considered as a residence title but a certificate that is documenting the implementation of the asylum procedure. The permission to stay will be expired with the incontestable decision of the asylum application. (iGZ, 2015)

Another certificate is the **temporary suspension of deportation**. An immigrant receives such a permit if a deportation is impossible in fact or in law and no residence permit is granted. This notification is according to section 60a Residence Act (AufenthG) only for three months, but an extension up to additional three months is possible. If the asylum seekers deportation is impeded up to six months, a special residence permit according to section 23 subsection 1 AufenthG will be granted. The deportation can be suspended because

of serious illness, impossible deportation because of the circumstances in the original country, missing personal documents or a wait of a school-leaving qualification. However, the obligation to leave the country is still existent. (iGZ, 2015)

## 2.4 Different residence titles

Then the process towards this official status is complex depending on the type of refugee. Foreigners from non-European Union countries (or non-German citizens according to Art.116 GG) need to have a residence permit (section 4, 1 (1) AufenthG). The individual right of residence of the foreigner has an effect on the facts for granting the living wage services. (Deutscher Verein, 2016)

The aforementioned certifications are no official residence titles. The different residence permits of Germany are listed and explained as follows:

The decision	Residence titles and duration	Settlement permit
<b>1.) Granting of refugee status (section 3 AsylVfG)</b>  <b>1a.) And possibly additional entitlement to political asylum (Art. 16 a GG)</b>	Residence permit for 3 years	Settlement permit * is to be issued after 3 years, if the refugee status is not revoked
<b>2.) Granting the status of subsidiary protection (section 4 AsylVfG)</b>	Residence permit for 1 year  Can be extended to 2 more years	Settlement permit can be awarded after 7 years
<b>3.) Establishment of prohibition of deportation (Section 60 subs. 5 and 7 of the Residence Act)</b>	Residence permit is to be granted for at least one year	Settlement permit can be granted after 7 years

\*The settlement permit is a permanent residence title (section 9 of the Residence Act)

(BAMF, p.12, 201

After the Immigration Act had come into force in 2005, the Foreign Act was additionally ceased to be in force in 2004 and was replaced by the Residence Act (1st January 2005), that is included in the Immigration Act as the first section. The new act is dealing with the **residence permit** as time-limited (visa, residence permit) and the **settlement permit** and the **EC-long-term residence permit** as unlimited. The significant difference between the settlement permit and the EC-long-term residence permit is, that the latter one allows the person to move on to every EU member state like EU citizen for five years. (BMI, 2005)

The **residence permit** is a time-limited residence title with the following purposes listed in the Residence Act:

- education or training (Sections 16-17),
- employment or self-employment (Sections 18, 20, 21),
- for humanitarian or political reasons, or reasons based on international law (Sections 22-26, 104a, 104b),
- and for family reasons (Sections 27-36). (BMI, 2005)

The grant of the residence permit and also the renewal is bounded by the individual preconditions. However, a renewal can also be cancelled by the responsible authority, if the purpose of the residence was only temporary. Moreover, the renewal also depends on whether the person has fulfilled the obligation to participate in an integration course. If there is such an obligation, the permit will be renewed for one year until a successful completion of the course or the person has proven that he/she is integrated in the society and the social life. If the immigrant renews the residence permit on time, he/she will continue to legally live in Germany and to rejoice all the rights such as the work permit until the Immigration Office has worked on the permit application. (BMI, 2005)

The **settlement permit** (section 9 Residence Act) is one of the two types of the residence permits in Germany that is included in the Immigration Act. This is an unlimited residence title and allows the person to start an employment or self-employment. It is not bounded by any geographical restrictions and is not provided by an incidental provision except it is written in the Residence Act (BMI, 2005). The requirements to get such a permit are:

- 1) the person has to hold the residence permit for five years,
- 2) the subsistence is assured;
- 3) the person has paid at least 60 month compulsory or voluntary contributions in the statutory pension or has made provision to claim comparable benefits with insurance or pension institution or an insurance company.
- 4) no reasons of public safety and order in consideration of the gravity of infringement against the public safety and order or the danger posed by the foreigner in consideration of the duration of the residence to date and the existence of relations in the Federal territory are opposed to grant such a permit;
- 5) the person is allowed to work, if he/she is in employment;
- 6) the person holds the other permits which are necessary for the purpose of the permanent pursuit of employment;
- 7) he/she has sufficient knowledge of the German language;
- 8) the person has a basic knowledge of the social and legal system and of the living conditions in the Federal territory and

9) he/she owns enough living space for himself/herself but also for the members of the family who are living together.

The factors 7 and 8 are proven by a successful fulfillment of an integration course but do not have been taken into account in order to avoid hardship.

Some exceptions of the requirements are given as well:

- 1.) The person is excluded of those preconditions if he/she is physically, mentally or emotionally ill or handicapped and cannot fulfill those conditions.
- 2.) The pre-named conditions shall be disregarded if the foreigner is able to communicate verbally in the German language at a basic level and has not been entitled to take part in an integration course in accordance with section 44 (3), no. 2 or does not have the obligation to take part in such a course in accordance with section 44a (2), no. 3.
- 3.) The prerequisites of sentence 1 no. 2 and 3 shall be disregarded if the person is not able to comply them due to the reasons stated in sentence 3.
- 4.) In the case of a married couple, it is sufficient if one of them is fulfilling sub-section 2, sentence 1 no.3, 5 and 6.
- 5.) If the foreigner is undergoing a vocational training or is in education and this results in an accepted vocational or academic qualification, the requirement pursuant sub-section 2, sentence 1 no. 3 is waived.

The periods of granting a residence permit, which are requested in order to qualify for granting the settlement permit, shall be taken into account by the following time periods: The first one is the duration of former holdings of a residence permit or settlement permit. The foreigner had a settlement permit at the leaving moment of the country, deducting the time of intermediate stays outside of the country which led to expiry of the settlement permit; four years shall be taken into account. The second one is a maximum of six month for every residence outside the Federal territory which does not have resulted in an expiry of the residence permit. The last one is half of the time of a lawful residence for the purpose of study or vocational training in the federal territory. (Residence Act, 2015)

The resident status '**EC long-term residence permit**' is created at European Union level (pursuant to Art. 2(b) of Directive 2003/109/EC). This is determined in the German Residence Act in section 9a as well. The permit is equivalent to the settlement permit, in the absence of any contrary provisions in this act.

- 1.) The first condition includes the possession of a residence title for five years.
- 2.) The foreigner is able to ensure his/her subsistence and also of his/her dependants whom the person is required to support by a fixed and regular income.
- 3.) The person has a sufficient knowledge of the German language.
- 4.) he/she obtains basic knowledge of the legal and social system and of the living conditions in the federal territory.

5.) no reasons of public safety and order in consideration of the gravity of infringement against the public safety and order or the danger posed by the foreigner in consideration of the duration of the residence to date and the existence of relations in the Federal territory are opposed to grant such a permit;

6.) he/she owns enough living space for himself/herself but also for the members of the family who are living together.

Exceptions of those conditions are:

1.) Sub-Section 2 is not applicable if the person holds a residence title in accordance with Part 5 which has not been displayed on the basis of Section 23 (2) or holds a comparable legal status in another Member State of the EU. The person has applied for obtaining a refugee status or subsidiary or international protection in a Member State of the EU pursuant to Council directive 2004/83/EC.

2.) The persons applied for recognition as being eligible for international protection or temporary protection in accordance with Section 24 and a decision is depending on the application.

3.) The person holds a legal status in another Member State of the EU that complies to that describe in Section 1 (2) no.2.

4.) Moreover, the person can be a citizen of the country with a residence permit in accordance with educational purposes like section 16 and 17

5.) or for another reason, especially based on the residence permit in accordance with the Section 18, where the time limitation of the acceptance of the Employment Agency is based on a maximum employment duration in accordance with Section 42 (1),

6.) or if the extension of the residence permit has been excluded in accordance with Section 8 (2).

7.) Furthermore, if the residence permit helps to create a family or helps to keep it together or living together as a family with a foreigner who is living in Germany because of a temporary purpose and in case of a removal of the living community, no right of residence would be created. (Residence Act, 2015)

To sum up, all those requirements can hinder or facilitate the civic integration process. This depends on the foreigner himself/herself. It will be discussed and analyzed in the analysis part.

## **2.5 Work permit**

Civic integration includes also the integration into employment which is the focus of the thesis as well. In Germany there are many restrictions, structures and mechanisms for the immigrants to have access into the labor market. Amongst others they have to live in Germany for at least three months to work in a shortage occupation, but first of all they have

to fulfill a lot of other conditions to gain *access to employment* to receive a **work permit** from the Employment Agency:

- 1.) They need a residence title that entitles them to pursue an employment insofar as this is laid down in the Residence Act or the residence title expressly permits pursuit of an employment. Additionally, the foreigner is allowed to work if they have a document confirming permission to stay in the federal territory or confirming suspension of deportation for the duration of the employment. (Residence Act, 2015)



(Residence title, 2016)

- 2.) Moreover, a contract of employment, if applicable, translated certificates of the education and, if given, of the qualifications.
- 3.) Furthermore, if so, the proof of the acceptance of a foreign degree is needed.
- 4.) The refugees are also not allowed to work if they are still living in one of the specific accommodations for refugees, where they are living after arriving in the country. (iGZ, 2015)
- 5.) Without any further restrictions, after 15 months the refugees can work in a temporary-employment agency, where they can work in every job if their qualifications are accepted and if they went through the whole process of integration in Germany (iGZ, 2015).

The acceptance of the employment is proven by no negative impact on the labor market and no Germans or similar employees have priority to work. Moreover, the working conditions have to be the same as for German employees with similar jobs. After one year the refugees are able to gain ‘subordinated’ work permit, if the Employment Agency cannot prove any negative consequences for German working conditions, other EU Member States citizens or other third state citizens with the allowance of unlimited access to the labor market. People with subsidiary protection are only able to gain the ‘subordinated’ work

permit in the first three years. Accepted refugees are obtaining unlimited and unrestricted work permit. (EMN, n.d.)

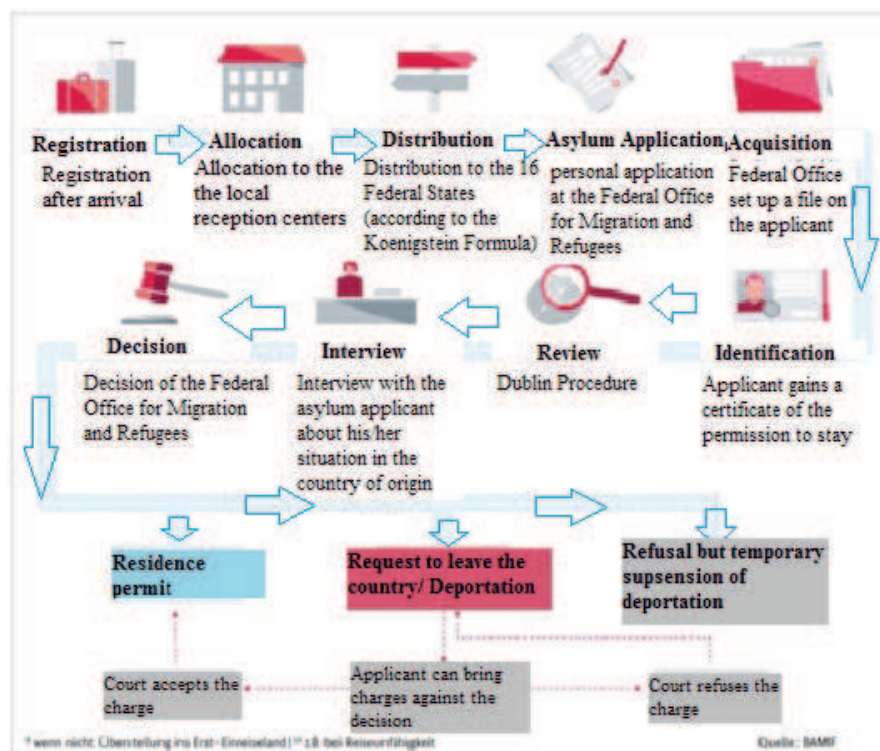
The involved stakeholders have to confirm whether the refugee is entering a correct employment relationship after getting such permission. The employer determines and constructs the conditions of work before and has also to hold on the determined preconditions regarding the content, the time and duration and the conduct of work. The time of working and the amount of wage has to be set. The characteristics of a right employment relationship are the following:

- The report of a marginal employment at the office of mini-jobs at the employer,
- agreement of the vacation entitlement,
- the remuneration according to the rate,
- the entitlement of continued pay in case of illness,
- the cooperation with other employees in the operating procedure,
- the employer estimates the work economically and the employer also provides the work equipment. (Deutscher Verein, 2016)

Also, many laws to regulate the process of the asylum faster exist, such as ‘*Asylverfahrensbeschleunigungsgesetz*’ or the ‘*Asylverfahrensbeschleunigungsverordnung*’. Those laws of the government and the Federal States aim, at tightening the regulations of asylum, at fastening the procedures, and also at facilitating the building of the accommodations to facilitate the civic integration. Moreover, the people who are allowed to live a longer period in Germany shall be integrated better, for example, by a faster access to integration courses (iGZ, 2015). The federal government decided to classify some countries as ‘safe countries’. People there neither face political persecution nor inhuman or degrading treatment or punishment based on the general political conditions (section 29a AsylVfG). ‘**Safe countries**’ are the members of the European Union and also Albania, Bosnia and Herzegovina, Ghana, Kosovo, Macedonia, Montenegro, Senegal and Serbia (section 9a AsylsG, Anlage II) (AsylG-Einzelnorm, 2015). Due to this categorization, it is easier to work with the applications of asylum seekers. Those, who would like to immigrate into Germany for economical reasons, but not because of political persecution or war, can be deported faster. (iGZ, 2015) This assumption exists until the person has proven that he/she is pursued.



## 2.6 The German asylum procedure



**Illustration 2:** German Asylum Procedure (Bundesregierung, 2016)

The procedure starts with the notification of the asylum seeker in the federal territory for example at the border security agency, the Immigration Office, the agency of security or at the reception center in the country (see step one in the illustration 2). After this step the asylum seekers are distributed to the different Federal States by the EASY system. This is a system to allocate the immigrants to the initial reception facility that will be responsible for them (step 2). Afterwards, the asylum seekers are numerically divided into the individual Federal States depending on the capacity currently available (section 45 Asylum Procedure Act (AsylVfG))(BAMF, 2014). The home countries are also taken into account because not all branch offices of the Federal Office deal with all countries of origin. The correct rate is calculated by the ‘Koenigstein Formula’. The calculation of the formula is annually conducted by the federal government and state agency. The formula for the individual financial year is based on the tax revenues and the number of citizens of the year before (step 3) (BAMF-EASY, 2016). In 2015 the distribution quota of North Rhine-Westphalia was 21,2%. This is the highest quota for all 16 Federal States.

The next step is to apply to asylum at the responsible branch office of the Federal Office. The Federal Office invites the person to an appointment and informs the refugee about their rights and duties during the asylum procedure. The information is also handed to the person in the mother tongue. The Federal Office creates an electronic file and captures the personal data. The applicants’ fingerprints are taken and they are photographed if they

are older than 14 years (step 5). These methods are used to find out if the asylum seeker has been to Germany before (maybe with another name) or if another European state is responsible for the implementation of the asylum procedure. Based on the Asylum Procedure Act (AsylVfG), every application falls under International Protection (section 1 (1) No.2 AsylVfG), or the Refugee protection (section 3 (1) AsylVfG), the Subsidiary protection (section 4 (1)AsylVfG) and the Entitlement to political asylum (Art. 16a (1) GG) as aforementioned in the chapter of the different resident titles. If the person is not able to receive International Protection or the acceptance as asylum applicant, the Federal Office decides if prohibition of deportation according to section 60 AufenthG is at hand. (BAMF, 2014)

The **Dublin procedure** (2014) and also the national procedure of asylum establish which European State is responsible for confirming an asylum application. This guarantees that every asylum application in the ‘Dublin Area’ with regards to content is only examined by one Member State of the EU and also Norway, Iceland, Switzerland and Liechtenstein. This is a responsibility process that takes place before the actual asylum procedure. The applicant is interviewed in person in order to determine which Member State is competent. If a Member State constitutes that an asylum application shall be conducted in a different Member State, it orders a transfer request to the target Member State. If such a transfer which is implemented by the Immigration Office and the federal police force, takes place, the refugee can appeal to court against such a decision. (BAMF, 2014)

The underaged immigrants without any accompanied responsible are taken to the authoritative local youth welfare office. The court appoints a legal guardian.

After the examination the asylum seeker has an interview with the Federal Office of Migration and Refugees where the person has to explain his/ her situation in the original country. He/she has to put forward the facts and circumstances of a possible persecution or fear of a serious harm (section 25 AsylVfG ). This interview is not public. The asylum seeker, the legal representative (guardian, lawyer) and the case worker are involved as well as a translator. If the asylum applicant wants to be accompanied by a ‘trusted’ person, a legal representative or a representative of the UNHCR, he/she is allowed to do so. (BAMF, 2014)

At the beginning of the interview the case worker asks some personal questions about the living conditions. The asylum seeker is obliged to answer everything in a credible account and to present all evidences one is able to obtain. The duration of such an interview depends on the individual case. The interview and all the data are written down and the applicant is receiving one as well. (Interview 3, 2016)

The **decision of the asylum procedure** (depending on the individual case) is carried out in written form as a decision of the Federal Office and the justification of it will be presented to all involved parties. If there are more inquiries necessary before the decision,

the case worker is able to order more information via the Federal Office's Asylum and Migration Information Center which includes a broad database (MILo) or the European Asylum Support Office (EASO). The case worker can review the documents, facts and evidences with the help of technical and physical documents examination, contacts at the Federal Foreign Office, liaison officers, medical or expert reports and text and language analyses.(BAMF, 2014)

Possible decision outcomes and consequences of the decision in terms of the national residence law are:

<b>The decision</b>	<b>Residence titles and duration</b>	<b>Settlement permit</b>
<b>1.) Granting of refugee status (section 3 AsylVfG)</b>  <b>1a.) And possibly additional entitlement to political asylum (Art. 16 a GG)</b>	Residence permit for 3 years	Settlement permit * is to be issued after 3 years, if the refugee status is not revoked
<b>2.) Granting the status of subsidiary protection (section 4 AsylVfG)</b>	Residence permit for 1 year  Can be extended to 2 more years	Settlement permit can be awarded after 7 years
<b>3.) Establishment of prohibition of deportation (Section 60 (5) and (7) of the Residence Act)</b>	Residence permit is to be granted for at least one year	Settlement permit can be granted after 7 years

\*The settlement permit is a permanent residence title (section 9 of the Residence Act)  
(BAMF, p.12, 2014)

If none of those types are applicable to the applicant, he/she obtains a rejection notice with the device to leave the country and a deportation order. The person is obligated to move out of the country. (BAMF, 2014)

Additionally, if the asylum seeker is not confident with the decision of the Federal Office, they are allowed to appeal to a court against it. The person has got information of the types of appeal before and also of the respective deadlines in the appeals notice. In the moment where the court decides that the person needs protection, the existence of the first order is irrelevant and the Federal Office is obligated to obtain a positive decision. If the complaint is rejected and all kinds of protection are refused, the person is still obligated to leave the country and will be deported if he/she does not leave voluntarily. Moreover, if the deportation is not feasible, the Immigration Office is able to give temporary suspension of deportation or a residence permit. (BAMF, 2014)

If an asylum seeker arrives by plane, a special ‘airport procedure’ is applied. In this case the procedure takes place in front of the Federal Police (still in the transit area) and they decide if the person is allowed to enter the country. They include factors such as whether the person has genuine identification documents, or they have arrived from a safe original country. In the case of a rejection of the asylum application as ‘manifestly unfounded’, the access to the country is refused. The applicant has to stay in the transit area of the airport. The asylum seeker could hand in an emergency appeal against this rejection to the administrative court. In case of a positive decision the applicant is allowed to enter the country (Germany), if it is negative, the person will be deported to his/her country of origin. (BAMF, 2014)

## **2.7 Conditions to enter the German labor market**

In the last few years the German asylum politics have also gotten involved in the debate about giving refugees access to the labor market. Asylum seekers could not work in Germany until almost five years after their arrival because it was prohibited, but on November 6, 2014 the government reduced the work prohibition to three months. In 2014 the average waiting time of a decision of the Federal Office was 7,1 months (for Afghanistan it was even 16,5 months). (Thärnhardt, 2015)

The time of the **control of subordination** was reduced to 15 months. The Employment Agency is checking if another German citizen, EU-citizen or someone who is equal is also available for the job. This priority proof is also one of the barriers of the procedure to get a work permit, because it slows down the whole process of integration of refugees. Trade associations and humanitarian organizations claim to abolish such a control and the prohibition of working. (Thärnhardt, 2015)

The Immigration Act has disestablished the two separate application processes of the past (the residence and work permit procedures). The person is not obliged to go to the Immigration Office and to the Employment Agency. The asylum applicants only have to contact the Immigration Office for granting the work permit, if approved before by the Federal Office (BMI, 2005). The foreigners authorities and the employment administration are internally handling the application procedures so that the foreigners does not have to contact the Employment Agency. It is referred to as ‘one-stop government’ (BMI, 2005). An asylum seeker is theoretically allowed to work temporary or in a shortage occupation after three months of staying in Germany (verified by certification of notification as asylum seekers) (section 10 Foreigners Act). This is not the case if the person received a work prohibition before. However, due to the proof of priority or the other conditions (aforementioned in the chapter of the work permit), it is hard to enter the labor market or even not possible before receiving the official residence title that includes the work permit

(Interview 1, 2016). The holders of a settlement permit are normally allowed to work. (BMI, 2005)

Since 2015, the Union constructed networks in every Federal State that could link the target groups with the authorities and the employers. In some regions the Immigration Offices and the Employment Agency were part of such networks. Afterwards, the Employment Agency introduced 2014 a pilot project that registered the professional skills of the asylum applicants to arrange a better and faster access to the labor market. It was a cooperation with the Federal Office for Migration and Refugees and local agencies. However, first this project was omitted by the Federal Minister of the Interior Hans-Peter Friedrich. After the change of the government President Schmidt decided to introduce the project again as an experiment. (Thränhardt, 2015)

## **2.8 The new Integration Law**

The Federal government has passed a new Integration Law on May 25, 2016, that was created by the Federal Ministry of Labor and Social Affairs and the Federal Ministry of the Interior. This law fosters the integration into the labor and vocational training market through

- improved regulations for supporting vocational training
- legal security regarding the residence permit during and after the vocational training,
- suspending of the priority proof for three years, dependent on the situation of the labor market of the Federal States to offer the access to temporary employment
- and a facilitating access into the German labor market by arrangements for the integration of refugees. (BMAS, 2016)

Those, who put a lot of effort in the language courses and in the access into the labor market integration they will have the opportunities to have a good life in Germany. The new rules are abolishing bureaucratic barriers, which are not necessary, and are improving a faster integration into society. Integration into the labor market is one of the most important obstacles to integration. Due to that, the Integration Law shall offer arrangements that facilitate the access into the labor market and also create legal certainty for employers. 100,000 arranged work opportunities for refugees support the entering of the labor market. Before the approval/disapproval of the application, it is possible to facilitate the access to the labor market for refugees and they are able to gain experiences. Moreover, reasonable and nonprofit jobs will be provided close to the reception center without need of an official employment relationship. (BMAS, 2016)

The law shall also afford the support of vocational training of particular foreigners by assistance during the training, the grant for vocational training and the money for the training. It is not offered for all asylum seekers. The involved stakeholders are selecting the people. The residence permit of the trainee with a temporary residence permit status is

regulated during the educational or operative education. This is valid until the end of the education. If the trainee gets a job after the vocational training, the temporary permit will be extended for two more years. If the person does not get a job opportunity, they will still have an extended permit for six months to search for a job in Germany. The government wants to extend the offers for asylum applicants with the perspective to stay and create these more efficient and transparent. The unity of lessons of the integration courses are extended from 60 to 100 lessons and the waiting period for the formation of such a course shall be reduced from three months to six weeks. The different providers of the courses (such as VHS) have to announce publicly the course offers and possible free places.

The new Integration Law also determines the time limited allocation of residence for asylum seekers. It is the responsibility of the Federal States so that they are able to regulate the allocation on their own. An allocation of trouble in such areas can be avoided and the integration can succeed faster. Refugees who are getting a higher or vocational education or an insurable employment with at least 15 hours of working per week are excluded of the allocation of residence. Additionally, they have to be able to cover their normal requirements and the costs of the accommodation (for a single person). This implicates if the person gains 712 Euros per month, they will be excluded of the allocation. Moreover, it is determined that the obligation of cooperation for offered arrangements for an integration has to be guaranteed and can be claimed as well. It is regulated by law that the attendance on the integration arrangements and courses is obligatory. If a person does not attend such a course the benefits will be reduced in accordance with the Asylum Seeker Benefits Act. (BMAS, 2016)

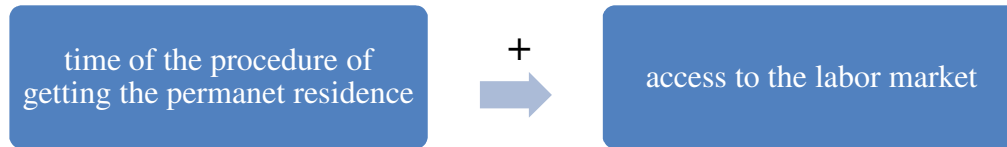
To get a permanent residence permit in Germany, asylum applicant now have to proof integration into the society. After three years, refugees are able to receive the settlement permit if they are able to speak German (C1) as an expert according to the Common European Framework of Reference for Languages (CEFR) and can assure their subsistence on their own. It is hard to reach this level. Due to this, it is a reward for asylum seekers who are very involved in the integration and language courses. After five years refugees can gain a settlement permit if they can proof that they are able to speak German (level A2) on a basic level according to the CEFR and if they fulfill other criteria and can also assure the subsistence on their own. In some cases of hardship it is not necessary to fulfill such criteria. (BMAS, 2016)

All those changes of conditions have been instructed to improve and facilitate the civic integration process.

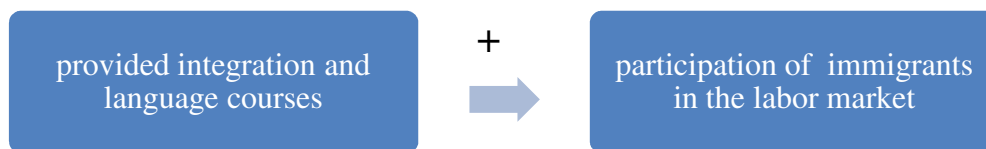
## **2.9 Hypotheses**

After the presentation of the different theories, the following hypotheses can be proposed.

1.) *A faster procedure for giving asylum seekers a residence permit will help them to integrate into the labor market.*



2.) *A process of gaining a residence permit that provides access to integration or German language courses conducts to greater participation of immigrants in the labor market.*



### **3. Research methodology**

#### **3.1 Research design**

Multiple stakeholders are compared regarding their view of the problems of the procedure to gain a residence permit. Additionally, if any of them has ideas to facilitate the bureaucratic process of integration. All interviewees are working for agencies of the Federal State North Rhine-Westphalia. Moreover, the presented regulations apply to whole Germany. Specific laws for the Federal State North Rhine-Westphalia are not existed because every act is regulated on federal level. (Interview 2, 2016)

The data of the bachelor thesis are collected by interviews with multiple stakeholders which is a qualitative type of data research and not a quantitative one. The questions were designed openly because in this case it was more important to find out what improvements of the process are necessary. New insights of the topic are given and also through what stages the asylum seekers have to go until they get a residence permit and with it the work permit. (Wildavsky, 1993) The questions help to answer the research question regarding the process of the residence permit in relation to the access to employment and to understand the bureaucratic process. Additionally, if there exist differences between the Federal States. The problems of those interviews are that the interviewee could tell the interviewer whatever he/she understood of the question. It is not specific and can take different directions, but the interviewer has to bring it in the right direction. (Martin, 2006) Moreover, during the construction of the questionnaire, it has to be taken into account that the right words and

order of questions are given and also that the questions can be answered of the interviewee. Additionally, the words are chosen precisely in order to not offend or affront the interviewee. This is not the purpose of the interview. (Martin, 2006) The questions asked can be found in the appendix.

The interviews are an employer from a local municipality of North Rhine-Westphalia, an employee of the Immigration Office and an employee of the Employment Agency. The first interviewee is also chairman of the parliamentary group Die Grünen/ Bündnis 90. Moreover, he/she is alone taking care of around 700 refugees. Taking care implicates looking after the counseling of the asylum procedure and answering questions to problems such as where the asylum seekers can find a flat. (Interview 3, 2016)

Secondly, a member of the Immigration Office in NRW is interviewed because the Office is involved in the whole process of integration and has experience with asylum seekers and refugees. The members of the Immigration Office are announcing the decisions of the asylum procedure and help the asylum seekers with the whole integration process. (Interview 2, 2016)

Furthermore, one of the Employment Agencies in NRW was interviewed because this agency is indirectly involved in the process of receiving a residence permit and also in the integration process of the labor market. They take part in the job search and check the conditions of the employment relationship. (Interview 1, 2016)

Those interviews were helpful to find out what factors are relevant for the integration of refugees in the labor market and also to compare the different perspectives of the different stakeholders.

### **3.2 Case selection and sampling**

The country which is analyzed in this case is Germany. This is chosen because of the political decisions and discussions. Many laws and bureaucratic processes exist that have to be fulfilled if the refugees want to work in Germany and take part in the civic integration (such as Immigration Act, Residence Act). In Germany there are a lot of revolts against the refugees and asylum seekers for example setting fire to accommodations of refugees or the high election of the AfD party which is known as a right oriented party. All this is happening because of the refugee crisis in Germany and because more than one million refugees and migrants have come. This was unexpected.

Moreover, the thesis will focus on North Rhine-Westphalia because it is the Federal State of Germany with the highest rate of refugees entry, in 2015 it was around 21,2% (SPD-Fraktion-NRW, 2015). In 2016 the number of applications of asylum in North Rhine-Westphalia was the highest of all the other Federal States, it was around 40,729 (Statista, 2016). North Rhine-Westphalia has five first-entry accommodations in Dortmund-Buschmühle, Dortmund-Hacheney, Bielefeld, Unna, Burbach/ Bad Berleburg and Essen.



Furthermore, it has 32 central residence accommodations. In average 1,200 refugees coming per week, but it declines as well. In January and February 2016 it was around 4,000 to 5,000 people per week. This downward movement shall be used to improve the support-structures for the new coming people. (Landesportal NRW, 2016)

Another reason to specialize on NRW was that 2014 there have been scandals about the incorrect housing of asylum seekers and also about abuses of asylum seekers by the security in one of the common accommodations. (Thränhardt, 2015)

Thus, the specialization in civic integration is very important in case of Germany. As mentioned at the beginning, Gsir (2014) defines it as ‘the inclusion of immigrants in the civic institutions of the receiving country and the way in which citizens become an accepted part of society in civic terms’ (p.2). In Germany the asylum seekers are not treated as a multicultural profit as in the Netherlands, or that an assimilation happens like in France. Germany’s policy trends are seen as segregationist. Civic integration implicates the integration of immigrants ‘as individuals who are depicted as responsible for their own integration’ and later those have to be supported by the society of the host-country (Joppke, p.7, 2007). This is an ‘obligatory character’. (Joppke, p.7, 2007)

### **3.3 Operationalization of the main concepts and data collection methods**

Many scholars argue that the integration into the labor market is important for the overall integration of refugees in terms of new social contacts and better feeling in the new environment and a faster learning of the German language, overall into the civic integration. The faster the process of gaining a residence permit the faster *the integration into the labor market*. The time of process is measured in the months of duration for the asylum seekers. The civic integration is measured in terms of offered language course and when these are offered, benefits and the work permits. Moreover, if employers want to integrate refugees into the company they have to check the documents of the applicant. If in those documents is written, that the applicant is not allowed to work, the employer is not allowed to hire him/her. (SPIEGEL ONLINE, G., 2016)

The residence permit is one of the conditions or restrictions to enter the labor market. The variable is discussed and analyzed by the Immigration Act. This shall help to find out if the residence permit can be facilitated in terms of time or requirements such as participation in an integration course. Measurements in terms of integration into the labor market are needed residence title for specific purposes or an exceptional leave to remain and if applicable a certificate of the notification as an asylum seeker (as aforementioned in chapter 2). The interviews provide information about the bureaucratic process of the residence permit and in terms of observable complications whether asylum seekers do not have those permits and how it is possible to improve the procedure to have a smooth integration.

### **3.4 Data**

Conclusions are drawn on the basis of the interviews and the study of the various given restrictions and conditions for the refugees to have access to employment. Moreover, official documents on the employment status for refugees will be used and differentiated what kind of status the refugee has. It will be compared who is allowed to work in Germany and who is not. The residence status is examined by the official documents of the asylum seekers as well where it is written what kind of residence status the refugee has and with it if they have a work permit or not. The different laws regarding the importance of the residence permit for the integration into the labor market are already introduced and analyzed in Chapter 2.

All this implicates that it will be used existing data but also collected original data in qualitative interviews

## **4 Analysis**

This part of the thesis is analyzing the given requirements and laws to receive a residence permit and also to have access to the labor market. A few improvements are suggested. The analysis is based on an existing study of Thränhardt and the conducted interviews.

### **4.1 Result of existing study**

#### **4.1.1 Asylum Seekers' Benefits**

The regime of Germany between 1980 and 1993 was not cooperative with refugees. They imposed rules for the refugees that were hindering the whole integration process and also the integration process in the labor market:

- work prohibition,
- assigned place of residence,
- restrictions of the freedom of movement (residence obligation),
- shared accommodations,
- common catering and no individual kitchen,
- reduction of the social benefits according to the Asylum-Seekers Benefits Act,
- non-cash benefits,
- restriction of the healthcare service
- and the abolishment of language development courses. (Thränhardt, 2015)

Since nowadays, the Asylum-Seekers' Benefits Act defines the basic needs of asylum seekers as follows: basic supplying of accommodation, food, healthcare and toiletries, heating, clothing as well as household consumer goods and consumables. Moreover, the asylum seekers receive pocket money for personal daily needs, benefits in case of illness, pregnancy and birth as well as additional benefits in special circumstances, depending on the

individual case. The basic provisions are offered in form of non-cash benefits. This method differs if the asylum applicant is not being housed in a reception facility. Those benefits are individually controlled by the Federal States. (Asylum-Seekers Benefits Act, 2011)

From 2000 to 2014 Germany spent in total around 2,4 billion Euros gross for the asylum seeker benefits. In 2014 it was around 1,4 million beyond accommodations and around 1 million for the accommodations; the highest spending since 2000. (Bruttoausgaben, Statista, 2016)

The common catering was not sustainable independent cooking would have been cheaper. However, not only those costs were high, the administrative costs as well. (Thränhardt, 2015)

Moreover, if the state forbids the access to the labor market for the asylum seekers they have to pay more for them, because the asylum seekers receive benefits from the state. This also applies to people with a temporary residence status. If these people are not allowed to work and have lived in Germany for a longer time, the Union has to pay for employment creation programs with funds from the European Social Fund. De facto the work probation and the employment creation programs were obtained side by side (Thränhardt, 2015).

Asylum seekers from Eritrea or Syria always prefer living in a common accommodation for asylum applicants rather than living in their home country in war or in danger. Furthermore, the German Basic Law, the EU-standards and the Geneva Convention on Refugees as applied to international law are restricting the escalation of the living conditions of the asylum applicants. The Federal Constitutional Court, the European Court of Justice for Human Rights and the EU Court of Justice in Luxembourg are protecting and interpreting the basic rights. Asylum seekers and immigrants with a residence permit status can live in Germany for a long time because of incorrectness during the asylum procedure and barriers of deportation; hence they are mostly receiving social benefits of the state. However, the change of a regime of defense to a receiving and welcoming regime is not easy, because then the practices and mentality of the administrators have to be modified. (Thränhardt, 2015)

#### **4.1.2 Advantages and Disadvantages of residence titles**

The introduction of the visa for some countries was one of the reasons that the asylum seeker amount was declining. The airlines were obliged to make sure that they only transport people who are allowed to enter the country. The responsibility of the country that is receiving the asylum seekers, first has become international because of the Schengen system and the Dublin Agreement (explained in Chapter 2.6). It was harder to enter Germany. The EU did also force a few neighbor countries (e.g. Turkey) to offer border controls and the retraction of asylum seekers. The sustainability of those agreements is significant because nowadays the asylum seekers are crossing the Mediterranean Sea by boat with a high risk of life to enter the European Union. (Thränhardt, 2015)

The residence permit as such is a positive decision of the request for asylum or the approval of the refugee status. It can be stopped or hindered in every step because of a capacity overload. If for example, in 2015 either the Immigration Office or the Federal Office for Migration and Refugees is set up to work on a specific amount of refugees or asylum seekers, but the amount is multiplied because millions of people want to immigrate in Germany. Thus, this is normal that there is a lack of personnel in the agencies and it is a barrier for the whole process. It can influence the process negatively because of a longer process due to more work. (Interview 1, 2016)

There are many arguments for the acceptance of the certification of the notification as asylum seeker as a legitimate certificate for the access to the labor market. However, if the Immigration Office is accepting it, is not clear now. Another opportunity is like Baden-Württemberg is doing it. If after three month there is still just the certification of the notification as asylum seeker, the Federal State wants to offer a certificate of exceptional leave to remain to have access to the labor market. This is aiming the same as the temporary permission to stay. Baden-Württemberg's Immigration Offices grants such certificates in the time period until gaining a temporary permission to stay. This is applied to asylum seekers who leave the accommodation of the reception center and still have not apply to asylum, therefore they are divided to the municipalities. (iGZ, 2015)

This certification is not introduced in North Rhine-Westphalia. Asylum seekers will receive the temporary residence status, if they are not able to leave Germany due to the reasons aforementioned in chapter 2.3 or are also not able to be deported. If asylum applicants arrive and apply for asylum, they will gain a temporary residence permit. During the asylum procedure, this permit is extended for six months until the process is completed. If the decision is positive, the asylum applicant will gain a residence permit. If this is negative and the immigrant is not able to leave the country directly because of illness or pregnancy, the asylum seeker will get a three-month temporary residence status. This status can be renewed for between three months and ten years. Due to the fact, that in some cases the government of the original country does not want the asylum applicants back because they applied for asylum in NRW. This is not acceptable in their country, thus, the state announces that the immigrants should stay in NRW. An exception would be if the immigrants leave Germany voluntary otherwise they will have to stay if their original country refuses the coming back (like in Ethiopia and Iran). An Iranian who is living in Germany for around 15 years with a temporary residence status is an example for such a case. The Iranian is not allowed to work because of no voluntary leaving of the country. The immigrant is sanctified with not getting a work permit. Nevertheless, the person still receives money according to the Asylum Seekers' Benefits Law. Now the immigrant obtained a residence and work permit for Germany with an application of petition because of humanitarian reasons. Another reason to receive a residence permit is the conversion to

Christianity. A few Iranians (it is always the woman) are converted to receive asylum. The administrative court decided that the people cannot go back to their original country if they are Christian. This will be too dangerous. (Interview 3, 2016)

#### **4.1.3 Improvements of the integration into the labor market**

Thrändhardt (2015) illustrates that 51% of the Germans think that Germany could take more refugees but 40% think that the load limit is reached. In total 80% are of the opinion that the state has to arrange that the refugees get a better access to the labor market in Germany. Even if the asylum seekers have the right working age and have qualifications, their possibilities, motivation and energy is not used directly; in 2013 53,6% of the asylum seekers were between 18 and 40 (Thrändhardt, 2015). In September 2014 and after some political and juridical changes and renewals the government decided to omit the prohibition of work for asylum seekers and to allow them to work after they have stayed in Germany for three months. After the three months they are allowed to work. The reduction of time for the asylum procedure shall be at the center of improvements; due to long waiting periods the refugees are forced to do nothing and do not have any future perspective that they could think about.

The application backlogs shall be reduced because the society gets the feeling that the refugees are an extreme burden for the state and it is the highest in comparison with the other European States (Thrändhardt, 2015). Reducing the time for the asylum procedure, additional staff in the responsible authorities has to be recruited and also the quality of the decisions has to be improved. 700 additional people as case officer and 620 as administrators are necessary for 2016 (Daldrup, 2016). Apart from the reduction of time it is necessary to think about a consequent perspective of integration as a principle of the reception system.

In discussion still is whether asylum applicants with a negative answer shall be offered the access to the labor market as well or not. The fear is that it could lead to wrong incentives, but other states like Sweden allow it. (Thrändhardt, 2015)

The aim of the grand coalition is to accelerate the asylum procedure so that it will only take three months and that was caught up, because the Federal States representatives pressed for it due to the fact that they are responsible with the communes according with to Asylum Seeker Benefits Act to offer accommodation and take care of the asylum seekers who have not yet got a decision of the Federal Office. Between 2013 and 2014 an abbreviation of the time period of the asylum procedure was discovered based on the prioritizing of Syrian applicants and the applicants of the West Balkan countries. However, the resulting consequence is the longer time the administrators need for the other countries' applications. Due to the fact, that the Federal Office of the Interior reduced the staff and did not recruit some more it led to a backlog of the applications. From year to year the Federal Office for Migration and Refugees has worked on less applications than new requests came in since

2008. The reason was that the Federal Office had to conduct the revocation checking of the last three years; this implies a checking of every application since 2005 whether the situation of the refugee's original country had changed or whether they committed crimes or if there were other exclusion reasons. If so, they are able to revoke the residence permit according to the sections 73 and following of the Asylum Act. (Thränhardt, 2015) If the Federal Office is not revoking the residence permit the refugees are gaining an unlimited residence permit (only 5% of the residence permits were revoked) (BAMF, 2016).

#### **4.1.4 'Promote and require'**

Moreover, the time of waiting shall be used as orientation time for the refugees with support and counseling and also to recognize the language level of the people; offering more language and integration courses could help (Thränhardt, 2015). Additionally, a profiling of all the qualifications and competences of the asylum seekers should be provided so that the level of education, the work experiences and employment perspectives are determined systematically. Being integrated into the German labor market is difficult for asylum applicants, because it often takes place through different networks. This is difficult for the immigrants who are still living in the collective accommodations provided by the state or municipality. The applicants need help and support for such networks. (Thränhardt, 2015)

Thränhardt (2015) has also the opinion that young people shall be provided a vocational training even if they did not receive the decision of the Federal Office and shall have the right to stay until the end of the education. Germany and also Europe should offer more legal ways for interested working migrants so that they do not need to choose insecure or extremely dangerous ways of escape. Moreover, if asylum applicants have access to the labor market this is better for the state, because then they have to pay less for social services to the asylum applicants and the social solidarity will be strengthened. Employment is important, because it helps to regenerate the self-esteem, it is important for the human dignity and could support the recovery of mental problems and also enables the people a financial independence. However, the right to work is not enough they should be able to work in practice. The slogan of the German social policy is "promote and require". The refugees get financial and social support from the state but shall also contribute to the economical wealth of Germany by working in Germany and by paying for their insurances (Thränhardt, 2015). If there are delays during the asylum procedure the states should secure that the asylum seekers are allowed to work because it is not their fault.

#### **4.1.5 Integration and language courses**

To be an accepted part of the society, it is necessary to speak the language. Proper communication is an essential condition to avoid mistakes regarding administrative decisions. Furthermore, language is not only important for the legal norms to receive

services of the state but also for the employment service. The labor market integration and the use of measures and instruments are only possible if all qualifications, deficits as well as competences are identified and registered. Moreover, it is necessary that the immigrant understands all agreements of the integration as well as the agreed duties, so that no one is unknowingly in breach of those conditions. (Deutscher Verein, 2016)

Integration courses especially language courses need to be extended and accessible for more refugees. Furthermore, the administrative, legal and practical barriers blockading the access to the labor market need to be reduced or in the best case totally abolished. Employment is a special factor in the integration process because through work people are able to get to know other people and also to feel better and to strengthen the self-esteem (Thränhardt, 2015). It is a hard time for the asylum applicants if they are not allowed to work because they do not have something to do the whole day. The asylum applicants do not have any perspective and are feeling useless and the society gets the feeling that the refugees are a burden for the country. If they start working, they will be motivated and feel better because they have a profession and are able to support their families back home. This offers a normal life. Additionally, the better educated the migrants are and the better their qualifications are accepted and used the better they get a good job and the more positive are their financial conditions (Thränhardt, 2015).

#### **4.1.6 Abolishment of the prohibition to work and of the priority proof**

Humanitarian organizations and trade associations require the absolute abolishment of the prohibition to work and of the check of priority. People with a temporary residence status are allowed to get vocational training grants or Germany's Federal Educational Assistance Act loans after a residence of 15 months in Germany, and if they are in a vocational training relation they can receive the residence permit for the purpose of employment. In the public view Germany needs qualified employees because of the demographical gap, in some sectors there are a lot of vacancies but in Germany there are not the right persons to compensate the gap. Due to all the upcoming problems during the procedure the authorities institutionalized the hardship regulations; the main factor to be registered as such is the integration into the labor market world. This was institutionalized to accelerate the process of asylum. However, the whole situation is confusing, because in the first three months of their arrival asylum seekers are not allowed to work. At a later point the people with a residence permit status should have found a well-paid job, because then they will be classified as integrated and can benefit from the right of remain which came into force August 1, 2015. This right includes that asylum applicants with a negative answer of the Federal Office and who have lived in Germany for eight years, with children for only six years and with young people for four years, are receiving a residence permit in the end. The factors to get it are: show the correct

identification documents, sufficient German language skills and the autonomous assurance of their subsistence (Flüchtlingsrat Berlin, 2015).

## **4.2 Results of the conducted interviews**

### **4.2.1 Different administrative offices involved**

The Federal State North Rhine-Westphalia decided to create Integration Points instead of the early projects called 'Early Intervention' in every office of the Employment Agency since September 2015 in order to support and supervise people with refugee or migration background. They were also created for the cooperation between the Employment Agency and the Jobcenter in Germany. The cooperation shall help to work together and to coordinate everything so that cut surfaces are smaller and the friction loss does not exist.

Some problems arise during the asylum procedure. The judicial situation of asylum applicants is difficult, because if they are still in the asylum procedure, they draw benefits from the Asylum Seeker Benefits Acts but if they are approved as refugees, they draw benefits from the Social Security Code II. The Employment Agency is responsible for the first group and is advising and taking care of them and the second group is supported by the Jobcenter or sometimes by the municipality if they are not working together with the Agency. (Interview 1, 2016)

Since February the personal details have been registered at the border so it is not possible to enter the country twice with a different identity or the same (Daldrup, 2016). Such an Integration Point is a good development regarding the cooperation between the different involved stakeholders, because it has always been criticized that the stakeholders do not know what the others are doing. So it is hard to work together and also it is hindering the whole process of getting a residence permit. However, the Integration Point is networking and cooperating with the other institutions like the Immigration Office or the Jobcenter to facilitate the process. This is also cooperating with municipalities or social security offices because they support and work together with the asylum seekers. (Interview 1, 2016) The Immigration Office grants the residence permits and extends them according to different sections, and for every section internally different persons are in charge (Interview 2, 2016). If they are all working together, it is easier for all involved stakeholder to help each other and maybe also to reduce the work of the other agency and to coordinate the whole work in a better way so that they are not doing everything twice or more often because of miscommunication.

Regarding the fact that a lot of stakeholders are involved in the whole asylum procedure one member of the Employment Agency thinks that this is a good solution. There are different responsibilities in the individual administration areas and those like the method of the arrival or the registration at the Federal Office for Migration and Refugees, District Councils, municipalities or the Immigration Office are all interdepartmental. The only



problem is that the individual institutions have to be connected in a better way to facilitate the process and to make it operate fluently. Much of the work is inefficient because it is completed twice by every agency or institution, and thus, the information flow is not continuous. (Interview 1, 2016) Every authority has its own area of responsibility and that is good as it is. If one stakeholder is taken out, it will not work as before. (Interview 2, 2016) Firstly, chaos will come up because no one will know what to do if it is not in their area of responsibility. So the whole process will take longer which is not an opportunity. The authorities are working as fast as they can but if they do not have enough staff it is not possible to work faster (Interview 2, 2016).

#### **4.2.2 Criteria used for granting asylum**

Granting a residence permit is the decision-making of the Federal Office for Migration and Refugees. The Federal Office decides if the refugee status is awarded. After they have made a decision they inform the local Immigration Office and they will also inform in written form the asylum seekers about the decision regarding their refugee status. (Interview 1, 2016) At the moment when the Federal Office has decided the case, the Immigration Office does not make a difference between the different nationalities. If they have a positive answer they will get a residence permit even if they are from a safe country - 'a refugee is a refugee'. (Interview 2, p.2, 2016)

The Employment Agency is only indirectly involved because of the work permit procedure which is related to the whole process. (Interview 1, 2016) As determined in the new Integration Law it is possible for asylum seekers who only have a temporary residence status to end a vocational training or higher education to stay in Germany. Moreover, if the person has the opportunity to get a job the permission will be extended for two years as well. (BMAS, 2016) This is a progress for the asylum seekers and it is also good for the German economy but it is a problem for the future perspective. If the immigrant is educated and has already worked in Germany and made experiences, he/she has good conditions to get a job in his/her home country. There are two different sides. It is good if the person stays in Germany and contributes to the welfare. But if it is only for five years and if after a good education they leave Germany, it will not be a profit. On the other hand it is good if the refugee likes to leave the country and goes back to his/her original country if it is possible at one point.

The criteria to gain a residence permit are, either to make an application for asylum or to gain a residence permit. However, the specific criteria are determined by the Federal Office for Migration and they will have to be examined during the individual interview with the asylum applicant. So it depends on the situation of the specific person, where the person is from, what happened to the one in his/her original country, whether they are politically persecuted or on other reasons or whether the country is war-torn. (Interview 1, 2016) Such

criteria are found in the residence law but only for a settlement or a permanent resident permit, not for a residence permit.

Some facts about the decisions of such an asylum application in 2016: The total protection rate of the decisions is around 61,5% that is divided in 56,1% of legal status as a refugee and 4,8% permission of subsidiary protection. 38,5% of the decisions of the Federal Office are refusals or case completions. (Entscheidungen, Statista, 2016)

During the research for the thesis it was found out that not every asylum seeker is obtaining a residence permit. In December 2015 the highest number of refugees was the Syrians with around 25,000 people. Around 10,000 people came from various countries, 4,900 people came from Iraq and 4,200 from Afghanistan. Some were from Albania and Kosovo as well. (Daldrup, 2016) Asylum seekers from Serbia, Montenegro, Bosnia-Herzegovina, Macedonia, Kosovo and Albania were refused in almost every case. Only if they could prove political persecution like some journalists could they received a residence permit (Interview 3, 2016). The Federal Office for Migration and Refugees is working on it in a fast procedure so that they can leave the country faster. Due to this fact, the number of asylum seekers from such countries is decreasing, e.g. in August 2015 around 8,300 Albanians applied for asylum but in December it was only around 1,800. Except for this kind of asylum seeker group the others have an acceptance rate of around 93,5%. Almost all of the Syrians and Iraqis are gaining a residence permit. People from Afghanistan, Iran or Eritrea are accepted by 75 to 99%. (Daldrup, 2016)

Nobody is gaining a residence permit because of economical reasons. Many immigrants arrived at the border and the Federal Office could not manage to work on the different proposals, also not the ones of the third states. Sometimes the refugees have already been in Germany for between 18 and 24 months before they have an interview with the Federal Office. At this moment they do not have the decision and are still without any perspective. (Interview 3, 2016)

As mentioned, there are no specific criteria to obtain a residence permit, this just depends on the interview and on how the refugee present themselves and their situation and they will get it for one or three years depending on the enforcing section. However, the government would like to abbreviate the permit because if the asylum seeker has the right to stay for three years he/she will also be allowed to bring his/her family to Germany. If the asylum applicant is allowed to stay for one year only, the person will have to wait for a renewal. Moreover, if young people are able to prove that they graduated or that they are studying, they have a possibility to gain asylum. If the asylum seeker can prove that and if he/she is well integrated and has stayed in the country for a longer time one also have a chance to obtain a residence permit, but there exists no language restriction for the permit. So far, there exists the so-called 'grandfather clause'. If the asylum applicants have stayed in Germany for six years without any interruption and the subsistence is assured by him-

/herself, then the applicant is able to receive a residence permit. Some ethnical groups (e.g. Kosovo) did this in previous years, but currently there are no grandfather clauses. Furthermore, asylum seekers are able to receive a residence permit or a temporary residence status according to humanitarian reasons. There is one case where a person has lived in Germany for 15 years with a temporary residence status (limited for three years normally) but was not able to work in Germany; the person had to stay in Germany for a longer time. But if asylum seekers receive a positive answer, Germany needs more places to work and accommodation to offer a sufficient life for the people. (Interview 3, 2016)

#### **4.2.3 Strength and Weaknesses of the processes**

Differences in the process of gaining a residence permit in the different Federal States are possible because the District Council is involved in the decision on the distribution of asylum seekers, but in general there should not be any differences because it depends on a Federal law and also on the Federal Office for Migration and Refugees (Interview 2, 2016). Only the treatment of the refugees in the different municipalities is probably different. The asylum seekers are registered at the border upon their arrival in Germany. After that they will be distributed according to a specific key to reception centers. After that they will be distributed again according to the Koenigstein formula to the different municipalities (in detail explained in Chapter 2.6). (Interview 1, 2016)

It is necessary to make transparent what kind of residence permit an asylum seeker has and also if they are allowed to work or not. A new electronic card was introduced to make the status obvious.

A weakness of the process is the long time of waiting and it starts with receiving a certification of the indication as an asylum seeker and the registration at the border. There are still a lot of people who do have such a certificate but do not have an appointment for an interview at the Federal Office. This is the most important step during the whole asylum procedure even if they have been in Germany for between 6 and 12 months, or they get an appointment that will be in 2017 only. (Interview 3, 2016)

A huge problem of the process is the existence of different data collections. There is no uniform data processing system, which implies the agency for work is creating one data system, the Federal Office for Migration and Refugees is creating one, and probably the social security office in the context of the benefits permissions for the people also creates a data bank according to the Asylum Seeker Benefits Act. The Immigration Office is connected with the Federal Office, but the whole procedure would be easier if there was just one data bank for every involved stakeholder, including the data that has been collected since the registration of the asylum applicants; for example what kind of job did the immigrant have before or what kind of education did he/she have. This would be an improvement,

because if the whole data are collected and accessible for the stakeholders and the participating organizations involved in the integration process, the cooperation will be faster and easier. The Employment Agency stated that such an improvement is in process and that there is currently the confirmation of arrival, and like this the stakeholders can share the data. (Interview 1, 2016)

However, if something has to be improved, it might be good to start with the law, because the whole process is abided by the law and maybe a legislator could help to find improvements in this area. For outsiders the bureaucracy is difficult to understand and elusive, but it takes place with the decisions of the Federal Office and so it is a statutory proceeding. (Interview 2, 2016)

#### **4.2.4 Requirements like language and integration courses**

The asylum procedure has to be accelerated and improved, but nowadays some developments are demonstrated like arrangements that shall be offered to the asylum applicants such as language and integration courses as written down in the new Integration Law to have better access to the labor market, too. (Interview 1, 2016) The Immigration Office is also increasing the number of staff to improve the procedure and to shorten the process time. (Interview 2, 2016) An acceleration and improvement is really necessary in every sector even if not so many immigrants will come anymore. The asylum seekers who came to Germany via the Mediterranean thought that they could live here for at least two years to work and save money, so that they could build a house in their original country. Moreover, some immigrants also heard that Germany is one of the countries where asylum seekers have to wait for a long time for a decision of the Federal Office so they can have a good life in Germany. A reason why the whole process takes so long is also that the inspectors are investigating the cases in a very detailed way like what is happening in the country. If it is the truth what the person has told them, and they are doing language tests of their mother tongue, because sometimes the asylum applicants are telling the Office they are from a war country but in reality they are not from such a country, as they only want to receive asylum, and they also have to go to the specific Embassy to prove their original country. These tests are of course slowing down the process. (Interview 3, 2016)

Language is necessary for a good integration because it is communicating by it and in Germany people are not very open to other languages. If the immigrant is able to speak English it does not mean that the German person is able to speak English, too. It is also necessary to integrate asylum seekers more into the society.

Last year the agency offered entrance courses in accordance with section 4, 21 SGB III, to bridge the time until the asylum applicants get the residence permit and after that they can be better integrated in the vocational training or employment, so that everything goes hand in

hand. Moreover, if an asylum seeker introduces him-/herself in the production sector, the asylum seeker shall be able to understand and read the health and safety briefing. If the employee do not know them, an accident might happen just because the immigrant did not understand the regulations and signs (Interview 1, 2016). The first steps are introduced for such developments. From summer on (in August 2016) there shall be a new method which is called KOMPAS and means: competence survey, activation and language acquisition. This tries to combine the integration courses which are provided by the Federal Office for Migration and Refugees with the methods of the agency to get a uniform procedure. Right now the options of the various integration courses are not transparent (Jordan, 2016). The Employment Agency is connected with the coordinator, but it is still not clear and it is not obvious if there are enough places for the refugees and if so where these places will be, what responsible is offering what, and it is furthermore not clear how long immigrants will have to wait to get such a place. If such communications are improved, the processes will be accelerated and facilitated. (Interview 1, 2016)

The only problem with such integration or language courses is that the asylum applicants are able to attend such courses but they are not state-aided. The applicants have to pay for them on their own. If the residence permit is given officially, the refugees will receive the aid so that it is cheaper for them. However, the Immigration Office has to wait because otherwise the additional costs would be very high and not sustainable anymore. Due to this, the obligation for the integration courses is only for those who have received the residence permit, because otherwise it would be too expensive. (Interview 2, 2016) Additionally, an obligation for a language and integration course is maybe not the right way, because it is like obligating someone to get to know another culture and also to have to adopt it, and that is not possible. Of course immigrants should learn the language to feel integrated and more confident in the society and be able to communicate with other people and also to be able to find their way into the job, but would it not be better if they were doing it on their own and voluntarily? That they are not obliged to that? This would be like in school. If children are forced to do something, mostly it does not work out as it was conceived before. The refugees should be interested in attending such courses and maybe it has to be advertised more attractively or efficiently.

#### **4.2.5 Incurred Costs**

Moreover, even if every asylum seeker had access to a language or integration courses there might not be enough integration courses because of the lack of teachers and rooms. The teachers are paid by the Federal Office through an agency (like VHS or international federation) and it is not funded well (around 21€ per hour) and they had to study German. Additionally, it is hard for the teachers to handle all the different cultures of the people. Some of the refugees have to learn how to write and read the Latin letters because they might

have another alphabet and kind of writing. Sometimes the asylum applicants have to wait half a year to attend such a course and if they get a place, it is often not close to their living place. Those should be open for every asylum seeker since the moment of arrival. The adult education center is offering such courses only twice a week. The asylum applicants learn a lot there but they have to want it as well. Refugees have to be served more intensively and that is the problem for most of the employers, because they never worked together with asylum seekers before.

The asylum applicants receive Hartz-IV services if they are accepted and also the lump sum for school after they have stayed here for 15 months and services analog to the Social Security Code 12. Additionally, they can also get accommodation which is paid for by the state. Today the amount of money for a single person is around 300-380€ per month, in the past it was around 200€ per month but the Federal Constitutional Court decided that every person had to be treated equally so they adapted the amount. (Interview 3, 2016)

#### **4.2.6 Accommodation issues**

Moreover, asylum seekers are often not getting accommodation without speaking German because the landlords prefer people who speak German, because then they can negotiate and explain everything in detail. Furthermore, it is difficult to find a flat for asylum seekers with a huge family because Germans only have around one or two children and asylum seekers have around three or four that means normally they would need a bigger flat. But mostly the foreign families do not want every child to have a room of its own. Now they all live together in just one room, but they would be happy to live in a flat with two rooms at least. However, the landlords have the opinion that the flat is too small for such a big family and do not want to rent it out to them. The cultural difference is evident and only stacks the odds against asylum applicants even further. (Interview 3, 2016)

#### **4.2.7 Conditions for the access to the labor market**

It is de facto possible for asylum seekers to work in Germany before they get the residence permit but they have to wait three months, which is counted since the arrival day in Germany itself, so since the moment they receive the certification of the indication as an asylum seeker. After three months, the asylum applicant is allowed to enter the labor market, except the person has an employment ban which is predominantly for the asylum seekers who are from 'safe' countries. Reasonable judicial efforts are however made in the framework of the Asylum Package II. Such ethnic groups can only gain a work permit if they go back to their original country and then get a visa of the embassy and come back to Germany with a contract of employment. The other asylum applicants who go through the asylum procedure have to prove the priority of the person and the job that means if an employer is interested in employing a refugee and wants to employ the person, the

immigrant has to fill in the circumstances of the workplace, and of the employment relationship by description of the position, working time and tasks and some other points. The Employment agency has to examine if there is another German or European citizen, or a person who has already got a residence permit or a residence title for specific purposes and who can do the same task and is also searching for a job. If the check is positive for the asylum seeker the Employment Agency has to check the conditions of employment, whether the tariff regulations and the employment contract are correctly fulfilled. If both checks are positive, the Immigration Office is able to register it in the residence documents of the asylum applicant and the person is allowed to start working. (Interview 1, 2016)

However, since the introduction of the new Integration law this proof is abolished for three years. The check has taken a long extra time and mostly the employer found another German worker, but this worker was not really better in his/her job and the employer was not satisfied with such a solution. The access to the labor market will be easier and faster without such a check. Such a check demonstrates the society who does not comply with the situation that a lot of foreigners are coming to Germany and are 'taking away' their jobs. But such a statement is not true because Germany needs a lot of skilled workers and also assistant workers in specific sectors, because the Germans do not want to work in certain sectors so there is a lack of specialists. This would be only a benefit for the country to let the refugees enter the labor market. (Interview 1, 2016)

Moreover, some employers do not want the other option of a worker because they might have lack of motivation or lack of qualifications but still with such a proof they have to hire the German or European citizen. It would be ominous for the balance of the labor market if they are not allowed to give the work permit even if they have worker for the position because of the proof of priority (Interview 1, 2016).

The proof of the conditions of employment are a good way to check if the employers are treating the asylum seekers as correct as the German citizens because sometimes employers might think the asylum applicants to not know how everything is going at the job applications and what conditions has to fulfilled so they might treat the asylum seekers differently and possibly worse. Such a proof should be kept.

Approved refugees have the same rights than German or European citizens. If the person draw benefits pursuant SGB II, it is possible to convey work for this person without any other special steps. (Interview 1, 2016)

#### **4.2.8 Taking care of refugees**

Furthermore, often there are not enough people who are working and supporting asylum seekers during the process of gaining a residence permit. In one case 700 asylum seekers are supervised by one person. That is a lot of work and most of the specialists do not want to have such a workload. The employee have to be reachable round the clock and for

that he/she really have to like the job and like working with immigrants. The worker has to look after the counseling of the asylum procedure and everything that is part of the asylum seeker's everyday life. Moreover, it is helpful to tell the asylum applicants how they have to act in an interview with the Federal Office for Migration and Refugees, what asylum reasons have to be enforced and to help search for a lawyer who knows the circumstances of the original country and has already dealt with such cases of the country. The residence permit is dependent on the asylum applicant's behavior and arguments with evidence during the interview. Factors that are influencing the decision are how the person was treated politically, what was the government of the original country, what demonstrations the person participated in, and if applicable, to bring newspaper articles of the time period. Asylum means that politically persecuted enjoy the right for asylum and this persecution has to be proven with evidences. If the asylum applicant receives a negative answer of the Federal Office, it is allowed to claim against the decision at the administrative court but for such an action mostly the asylum applicant needs supervision how to do so, and most important is that the claim is filed within two weeks otherwise there is no chance to get a residence permit. (Interview 3, 2016)

In other countries like Sweden or the Netherlands, the process is faster. The Netherlands were an exemplary country in the past 30 years. Everybody could attend a language course and get an accommodation and a lot of the people were accepted. Germany is the most humane country for refugees because they can stay here and are supplied with everything. (Interview 3, 2016)

To optimize the procedure of getting a residence permit and also a work permit: the prohibition to work and also the control of the subordination shall be totally abolished because both of them are a huge barrier for refugees to get access to employment. Another problem is the residence in the common accommodations. As long as the refugees live in such an accommodation they are not allowed to work officially, that implicates the time of the residence shall be reduced as well to three months, so that the refugees can get in contact with the society. It is necessary to offer a framework for the asylum seekers that they can be active and constructive and design their own future. (Ferber, 2015)

Moreover, it is important that there exists cooperation between the Immigration Office and the various employers or employer organizations because then both parties can help refugees and give them the right information.



## 5 Conclusions

The process of obtaining a residence permit for asylum seekers is improved in order to facilitate their integration into the German labor market in different areas. All in all a lot of developments are going on in Germany, but still it has to be done a lot to change the situation. Firstly, a huge problem is the lack of personnel in every involved institution but mostly in the Federal Office for Migration and Refugees. They need around 1,000 additional people in the Office to be able to work on all the applications. The logistic of the whole asylum procedure is not working out. Asylum seekers have been in Germany for around six months or longer and did not even have the interview with the Federal Office that decides if the applicant receives a residence permit or not. The staff is doing their best to fix the situation and to have a smooth integration but it is not possible without extra personnel. Moreover, it could be fixed if the asylum seekers were telling the truth about their original country because otherwise the Federal Office has to order language tests and has to contact the Embassies and this would take longer as well. Of course if the asylum seekers search for other opportunities they will just try everything to get the possibility to stay, but to lie about the origin is not correct.

Asylum seekers are allowed to work in Germany after they have stayed in the country for three months. However, this is just theoretically. Mostly it is not possible for them to find a job because of the priority proof or the language barrier. Both problems are tried to be solved. The government passed a new Integration Law on May 25, 2016 that includes the abolishment of the priority proof for three years to check if the integration into the labor market is faster without it. This shall offer arrangements to facilitate the access to the labor market, creates legal certainty for employers and supports the access to the labor market with 100,000 work opportunities in arrangement of the integration of the refugees. Until now those arrangements are just written down and have to be converted into reality. A good plan is to support the people who would like to start a vocational training in Germany even if they just got a temporary residence status and to offer them six more months to search for a job in Germany after the three years of training.

Moreover, it is necessary to establish more language courses for every asylum seeker and to allow them to start such courses directly after they have arrived in Germany. Then they are able to integrate themselves into the society faster and also to feel good in the new society. Such courses also support the integration into the labor market, a factor that improves the self-esteem and also the economical situation in Germany. A new method which is called KOMPAS will be introduced in summer according to the first interviewee and combines integration courses and the methods of the agency so that this will be a uniform procedure. Such an introduction is a further progress in the integration process. At

the moment Germany supports the asylum seekers' loans according to the Asylum Seekers' Benefits Act which includes the minimum needs like accommodation, clothes, and common food and also around 143 Euros per month for adults enabling them to fulfill their personal needs (Reimann & Kämper, 2015). If they leave the common accommodation they are eligible for benefits of around 287 to 359 Euros per month, according to the regulations of Hartz-IV. (Reimann & Kämper, 2015) Those are reasons for the asylum seekers to come to Germany. It is not an accusation, it is a fact. Another reason for asylum applicants to come to Germany is the long waiting time for a decision. The people think that it is a good opportunity to live in safety with money, and even to be able to save money for their lives in their home countries when they have to go back. That is a fact that has to be changed because Germany is not able to help all the asylum applicants, they are too many people. Moreover, it is a problem that people with a temporary residence status are able to stay in Germany for 15 years (Interview 3, 2016) because they do not want to go back or the government of their country of origin does not want them to come back. The cooperation between the original countries of the immigrants and the target countries should be improved in such cases and the extensions of the temporary residence status should be implemented only for cases where it is really necessary because of persecution or other reasons.

Some improvements suggested Thranhardt's study could be realized until 2016, for example the registration of the personal details at the border to hinder asylum seekers from entering Germany twice with a different identity or even the same because it was not fully registered before. Moreover, this is a progress that the Employment Agency has introduced the Integration Point because this Office is cooperating with the other involved stakeholders and also networking for the asylum seekers. It is a step forward.

The Federal Office for Migration and Refugees makes their decisions for the residence permit dependent on the original country. The so called 'safe' countries have a lower possibility to receive such a permit because the Office decided that they do not need the support of Germany, their countries are safer than for example Syria or Iraq. It is a good solution to try to accelerate the process of obtaining a residence permit but at another perspective it is a disadvantage for the 'safe' countries. On the other hand, the Federal Office is checking every case in detail, so if there is a person who is really in danger in the original country the one does not have to go back.

According to the conducted interviews there are no differences between the Federal States regarding the process of obtaining a residence permit because it is a federal law. The only difference they mentioned is the treatment of the asylum seekers in the Federal States, like where those have to live or what language courses are offered and things like that.

A weakness of the process is that there is no common data collection of all the involved stakeholders. Every agency and institution is creating its own data bank. It would

be easier if there were just one data system that would include everything right after the first registration of the asylum seekers, also what kind of qualifications or educational background the person has in order to facilitate the access to the labor market. One of the interviewees however mentioned that such a system is in process which would make it easier for all.

To conclude, some progresses to accelerate the process of obtaining a residence permit and to facilitate the access to the labor market have already been done. However, the government and the involved stakeholders still have to improve the logistic of the department and regulations to enhance the integration and to help the asylum seekers get a future perspective. The plans that they have been made shall be introduced into reality to make further progress.

### **5.1 Limitations of the study**

Some problems arose during the research. One of the problems was to find interview partners who were able to answer the questions. It was planned to interview one member of the Federal Office for Migration and Refugees but they did not answer the mail that has been sent (in mid of February) and after a call they mentioned that they had got a lot of requests for other bachelor thesis and they asked to wait for an answer via mail. In June the Office answered and they sent some links of their homepage with provided literature and data banks. The links were helpful but the Federal Office did not have time to answer the questionnaire. So the main stakeholder who grants the residence permit could not be interviewed. The time schedule was hard to adhere to because of the interview partners. The other two interviewees were helpful and answered the questions with all their know-how though one of them has worked in the department for one year only. All in all, most of the answers of the interviewees were unanimous. Moreover, a further problem was the different terminology of the various scientific articles that sometime led to trouble to differentiate what exactly was meant by the scholar. The last interviewee who was actually a substitute in the Federal Office was a real good informer; the person is always close to the course of action because the one is directly working with the asylum seekers. The interviewee could tell me a lot about the everyday problems and gave examples about some special cases that led to a better understanding of the situation of the refugees. It was a practical insight into the theoretical world.

Recommendations for future research are: to start directly at the beginning of the semester, to think about the topic and how it will be possible to conduct the research. The time schedule has to be in mind during the whole process.

Furthermore, open question of this topic: Why has Germany those different residence certificates and permits, if Sweden, for example, grants only one permit and it

works as well? Why is it necessary to have those different residence permits and also certifications that are only temporary?

It is not easy to do research on a topic that implicates changes almost every month. A topic that is funded and discussed more often in the past would be easier to research on. It is a very complex topic with all the different residence statuses and permits and it is confusing as well which residence permit includes conditions and grants opportunities for civic integration. The topic implies changes in acts that have to be carefully considered because not all references were upgraded. This confuses and makes research more complicated.

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## **Statutory Declaration**

I declare on oath that I completed this work on my own and that information which has been directly or indirectly taken from other sources has been noted as such. Neither this, nor a similar work, has been published or presented to an examination committee.

Goch, June 29th, 2016

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Anna Kisters