

Master Thesis European Studies

- University of Twente –

**“The Living Conditions of Asylum Seekers in
North Rhine-Westphalia, Germany, During the
Migrant Crisis in 2015/2016”**

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Table of Contents

I. Introduction.....	1
a. Research Question	
II. Theory.....	5
a. Introduction	
b. Policy Implementation	
c. Schools of Thought in Policy Implementation	
d. Policy Evaluation	
e. Preliminary Conclusion	
III. Research Methodology.....	13
a. Design	
b. Method	
i. Data Collection	
ii. Data Analysis	
1. Operationalisation	
c. Limitations	
d. Summary	
IV. Asylum Policies on Living Conditions.....	20
a. In the European Union	
b. In Germany	
c. In North-Rhine Westphalia	
V. Analysis.....	30
a. Practical Living Conditions of Asylum Seekers in North-Rhine Westphalia in Comparison with the Corresponding Policies	
i. Housing	
1. Housing Conditions of Asylum Seekers in North Rhine-Westphalia	
2. Comparison Between the Reality and the Policies on Housing	
ii. Health	
1. Health Conditions of Asylum Seekers in North Rhine-Westphalia	
2. Comparison Between the Reality and the Policies on Health	
iii. Education for Minors	
1. Education Possibilities for Minor Asylum Seekers in North Rhine- Westphalia	

2. Comparison Between the Reality and the Policies on Education of
Minor Asylum Seekers

iv. Education and Work Possibilities for Adults

1. The Reality of Education and Work Possibilities for Adult Asylum
Seekers in North Rhine-Westphalia

2. Comparison Between the Reality and the Policies on Work and
Education Possibilities for Adult Asylum Seekers

b. Preliminary Conclusion

VI. Conclusion.....	49
VII. Literature.....	52
VIII. Appendix.....	59
a. Appendix 1: Interview Questions	
b. Appendix 2: Interview Partners	
c. Appendix 3: Operationalisation Table	

Rising political tensions, poverty and war have led to an increase of people fleeing from their home countries in the years 2015 and 2016. The effect has also been felt in Europe and especially in Germany as the number of asylum seekers and refugees skyrocketed. The result was that all of the sudden, the communities in Germany had to provide for a high number of asylum seekers. This thesis will try to analyse if and in how far the living conditions these asylum seekers faced upon their arrival were up to par with the policies on living conditions set by the European Union, the German state and the federal state. The state of North Rhine-Westphalia will serve as the example. To achieve this, interviews with representatives of the communities and a non-governmental organization were taken to compare the reality of housing conditions, health conditions and education possibilities with the policy standards. The result is that the situation is a work in progress in all three aspects, whereas not all policies, particularly not in the area of education, were fulfilled, but the communities, especially with the help of volunteers, tried to take slow steps into the direction of fulfillment.

I. Introduction

Over the last decades Germany has developed into a country of immigrants. This has been stated by numerous German politicians, however, this fact and, more importantly, its implications are also still debated among the German population. Nevertheless, it cannot be denied that immigration into Germany has increased steadily over the last years as statistical data back provide detailed information on this fact. More precisely, 15.9 million people with a migration background lived in Germany in 2012, which is about 12 *per cent* of the entire population. Out of this group, most migrants immigrated from Turkey, Poland, the Russian Federation and Italy (Bundesamt für Migration und Flüchtlinge, 2013). Part of this group are asylum seekers and refugees, whose number is also increasing considerably due to more and more social unrest as well as civil wars in many regions of this world. After a great decline in the number of asylum applications during the 1990s up until 2006 (30,000 applications), the number of applications has already increased up to 160,000 in 2014. Countries of origin are Syria, Serbia and Eritrea, which together make up almost half of all asylum applications (Bundesamt für Migration und Flüchtlinge, 2014). During the years 2015 and 2016, the number of asylum seekers has increased dramatically once more due to many wars and humanitarian crises all over the world. This has had a severe effect on the whole of Europe and therefore also on Germany. The numbers and statistics from the Federal Bureau for Migration and Refugees of asylum applications for 2015 show this more precisely. In that year, 476.649 people applied for asylum in Germany, which is the highest number since the establishment of this federal office. With about 158.000 people, Syria is by far the most common country of origin. The number was topped in 2016 when 745.545 asylum applications reached the federal office, it, however needs to be taken into account that this number includes many applications that could not be processed in 2015. The trends for 2015 and 2016 are nevertheless obvious (Bundesamt für Migration und Flüchtlinge, 2016).

These data just give an insight into the importance of immigration and asylum politics for Germany. Asylum, asylum policies and their implications cover a very wider range of aspects and therefore has been and still is debated at many levels, for example at the European level. Over the last decades the European Union has tried to develop a Common European Asylum System to “have a joint approach to guarantee high standards of protection for refugees” (Directorate General Migration and Home Affairs, 2015). However, the national level and especially the regional level of governance are also of importance when it comes to

asylum as they have to implement the standards. The topics range from general decisions on legitimate reasons for asylum, who is responsible to deal with the application, what happens with asylum seekers who have been rejected, what rights do asylum seekers have during the process of application and much more. It therefore offers many possibilities for researchers to examine. In this paper the focus will be on the living conditions of asylum seekers in a specific region, more precisely in North Rhine-Westphalia, and the related challenges.

The region North Rhine-Westphalia is the most populous region in all of Germany with about 18 million inhabitants living on 34,000 square kilometers (Information und Technik NRW, 2016). Furthermore, it is one of the most diverse regions in Germany when it comes to people from different nationalities and backgrounds and not only recently, but for many decades. Nevertheless, North Rhine-Westphalia is also one of the poorer regions of Germany as a whole, because of an enormous amount of debt (Information und Technik NRW, 2015). These facts make this region interesting when looking at asylum and the living conditions they face upon arrival. Further, over the last years, there have been news and discussions about the housing conditions with regard to them not being on par with standards and human rights. An example of this is a recent situation in a housing facility in the city of Burbach in which employees of a security company, which was supposed to secure the building, assaulted inhabitants repeatedly (Zeit, 2014). On top of that there are reports by non-governmental organisations, stating of inhuman conditions in housing facilities for asylum seekers in North Rhine-Westphalia, such as a complete lack of privacy and, due to overcrowding, a lack of space and facilities (Flüchtlingsrat NRW, 2013). Research in this field is further interesting when taking the refugee situation in 2015/2016, which corresponds with the time in which this research is conducted, in the whole of Europe into account as a steep increase in refugee and asylum seeker numbers is almost unprecedented and poses a remarkable challenge for all levels of government.

This topic of living conditions is an interesting field of research as it has a direct influence on people, not only on the asylum seekers themselves, but also on the people living in the communities as it impacts the life within the cities, sometimes more, sometimes less. Furthermore, it includes different levels of decision-making, such as the European Union and the Member States as they decide on regulations of housing, but also the regions and communities, because they have to implement these decisions at the local level, which, for example, means finding and providing housing for asylum applicants. This is again especially

true when looking at the large number of asylum applications during the period of 2015/2016 in Germany.

The fact that the asylum applications have skyrocketed in the described period of time is also what makes this research relevant. There have been long-term studies dealing with living conditions and the possible effects it has on people, many of them related to work by non-governmental organisations. There are further studies that deal with policy implication with regard to asylum. However, as the period of 2015/2016 is unique in its amount of asylum applications and the adherent tasks of providing housing, health and education, there is a lack of research with regard to a period of time that is exceptional.

a. Research Question

Based on that, the research question for this thesis will be as follows.

To what extent are the living conditions for asylum seekers in North Rhine-Westphalia in 2015/2016 compliant with European and German standards?

This will be divided into a number of sub-questions.

1. What are the standards of living for asylum seekers set by the European Union and Germany, including regulations, treaties and judgments by the courts?
2. What is the current status of living conditions for asylum seekers in North Rhine-Westphalia?
3. To what extent is there a divergence between the standards and reality?

The sub-questions all serve to answer the research question in the following way. The first one aims at providing an overview of the state of regulation with regards to living conditions of asylum seekers, which means what policy makers have introduced to be the status quo. The second question aims at providing information regarding the praxis of living conditions in the area of North Rhine-Westphalia. These therefore form the basis for the last sub-questions, which is supposed to compare the regulation and the praxis and decide if there are divergences or not. This will then eventually lead to an answer to the main question.

The paper will be structured as follows: after the introduction, there will be a literature review that provides the basis for this research, more precisely about the possible discrepancies between policy and reality and potential inconsistencies. Afterwards, there will be an introduction of the methods used to gather and analyse data, including a conceptualisation of the main terms. Subsequently, there will be a section that summarizes the European, German and North Rhine-Westphalian policies that govern the living conditions of asylum seekers to provide information for the analysis. The data that was gathered will then be analysed to answer the sub-question in order to be able to come to a conclusion on the main research question. At the end, there will be an overview of the results and look at possible implications that can be drawn from those results.

II. Theory

a. Introduction

In the following section, there will be a summary of the literature on policy that serves as a basis for answering the research question if and how much European and German standards of living conditions for asylum seekers diverge from the reality in North Rhine-Westphalia. The topic of this research basically asks if and in how far a policy is adhered to in reality and therefore the focus will be on scientific literature that gives insight into the implementation and evaluation of policy. Firstly, there will be an introduction into the topic of policy implementation. Secondly, there will be a summary of the two main schools of thought when it comes to policy implementation, which are the bottom-up approach and the top-down approach. Afterwards, there will be information on hybrid forms of these ideas that have been formed by scientists and researchers. Further, part of this sub-chapter will explain the policy evaluation as part of the policy implementation process. To conclude, there will be information on how these theories apply to this research and help setting up the methodological background and answer the research question.

b. Policy Implementation

Before going into more detail, this sub-chapter will give an overview of what policy implementation is and why it is relevant for the scope of this research. Very generally, the definition of policy is a “set of ideas or a plan of what to do in particular situations that has been agreed to officially by a group of people, a business organization, a government, or a political party” (Cambridge University Press, 2014). For this paper, the definition only has to include the government, albeit not only the central government, but different levels. Policy implementation is one part of the analysis of policy that researchers have been studying for decades. When looking for a definition, it can be said that policy implementation encompasses “actions by public and private individuals (or groups) that are directed at the achievement of objectives set forth in prior policy decisions” (van Meter & van Horn, 1975). In short, it deals with the real life application of, in this case, policies. It should also be noticed that policy implementation is distinguished from the process of creating a policy while being part of the policy cycle.

Part of policy implementation is the evaluation of the results of the policy. This is relevant to this research as the aim is to look at the policies regarding living conditions and see what their impact in the real life situations in the communities is and what feedback can be derived from that.

c. Schools of Thought in Policy Implementation

There is extensive literature that deals with the topic of policy implementation. In an article from 1995, R. E. Matland describes two main schools of thought within this topic, which are the top-down and the bottom-up approaches. In short, the supporters of the top-down theory see the policy designers as the protagonists, whereas in the bottom-up approach, the target groups and service deliverers are the most important when it comes to policy implementation (Matland, 1995). Another difference between these two schools lies in the definition of the successful implementation of a policy. Whereas scientists following the top-down approach measure success only by specific results stated in the policy, the defenders of the bottom-up school already see a success if the policy leads to positive effects in relation to the idea of the policy makers (Palumbo, Maynard-Moody & Wright, 1984). Scientists have also aimed at combining these two approaches in order to further develop the field (Matland, 1995) and find modern and hybrid versions. In the following discussion, there will be a short overview of these two ideas to form a basis for the proposed research.

The study of implementation dates back to the 1970s, when increasing concern about the effectiveness of public policy was raised among scholars and policy makers. This led to research into the topic of policy processes and evaluation methods, which was mainly based on a top-down and hierarchical approach, which means policy is taken from the top to the administrative levels for them to execute (Barrett, 2004). An early example of this top-down approach in social science is an article by the researchers Mazmanian and Sabatier from 1980. They describe policy implementation as the “carrying out of a basic policy decision, usually made in a statute” (Mazmanian & Sabatier, 1980). However, they later also acknowledge that next to statutes, executive orders or court decisions can also be a basic policy decision. According to the researchers, this decision ideally includes the problem as well as the objective and the structure for the implementation process. More strictly, it has been stated by

researchers of this school of thought that “policies normally contain both goals and the means for achieving them” (Pressman & Wildavsky, 1984). Mazmanian and Sabatier also mention three main factors that determine the success of implementing a policy, which are the tractability of the problem, the extent to which the statute structures the implementation as well as non-statutory variables, such as political support and changes in socio-economic and technological conditions affecting the public opinion on the matter (Mazmanian & Sabatier, 1989). The main critique of this approach is that fact that it only focuses on the statute framers while disregarding the local service deliverers (Matland, 1995). Based on this critique, the second main approach to policy implementation has been developed.

The second approach has been labelled the bottom-up approach. In this case, the focus is on the target population and the service providers to analyse the success of the implementation of a policy. Some researchers state that in this approach, there are two important levels, the macro- and the micro-implementation levels. The macro-implementation level includes centrally-located actors that construct a government program which is acted upon by the micro-implementation level, which are the local organisations. These local organisations have to apply the policy to the corresponding micro-level institutional settings. According to these researchers, a policy implementation can therefore only be successful if the policy can be adapted to the local conditions. Generally, this approach is seen as more realistic, however, not without flaws. One criticism stems from the fact that power in a democratic system comes from the actors voted upon by the people and the local service deliverers are not part of this. Secondly, it has been criticized that the emphasis on local autonomy is too great (Matland, 1995).

Based on these two approaches and the corresponding critical points, researchers have also tried to combine them to form a coherent theory of implementation. Furthermore, a branch of research has developed that aims at describing under which conditions a given model is more appropriate, rather than combining them. One example of these so-called contingency theories is presented by Matland, which suggests that there is no one approach suitable for all policies, it rather needs to be assessed in how far there is ambiguity and conflict within each policy, which leads to different outcomes in terms of implementation (Matland, 1995).

As a basis for a revised and modern bottom-up approach, Peter and Linda deLeon (2002) try to first find their own definition for policy implementation. They use a definition set up by Mazmanian and Sabatier, stating that “Implementation is the carrying out of a basic policy decision, usually incorporated in a statute but which can also take the form of important executive orders or court decisions. Ideally, that decision identifies the problem(s) to be addressed, stipulates the objective(s) to be pursued, and, in a variety of ways “structures” the implementation process. The process normally runs through a number of stages beginning with passage of the basic statute, followed by policy output (decisions) of the implementing agencies, the compliance of target groups with those decisions, the actual impacts of agency decisions, and, finally, important revisions (or attempted revisions) in the basic statute.” (Mazmanian & Sabatier, 1983). As this definition tries to include every aspect, it becomes somehow impractical to work with in terms of operationalization. A simpler definition simply states that policy implementation is “what happens between policy expectations and (perceived) policy results” (deLeon & deLeon, 2002). As a basic assumption, the researchers also agree that evaluation is an important part of policy implementation as they are practically interlocking. However, they also argue that it can be inherently difficult to assess policy implications because the variables can be hard to identify (deLeon & deLeon, 2002).

The general idea behind the approach by deLeon is that people to whom the policy applies are more likely to conform to the content of the policy if they were informed or agreed to it beforehand. According to the researchers this takes into account the existing democratic processes in a more coherent way than other approaches. They compare this idea of participation to the field of public administration in which it has been prevalent all along. Based on this, the researchers advocate this new, bottom-up, democratic and participatory approach as what should be used as a norm unless there are some distinctive reasons not to (de Leon & deLeon, 2002).

. One example of these new kinds of approaches deals with the topic of education, more precisely an education reform towards more accountability for schools and teachers and the corresponding policies in the United States. The researchers Coburn, Hill and Spillane took a look at the Common Core State Standards for American Schools and investigated the effect the debate around that has on policy implementation theory. The researchers explain the timeline of implementation research in instruction policies that correspond with the above

mentioned streams in policy implementation research. It started out with the top-down approach to policy implementation, which, in the case of education, means more rigorous learning standards that could be measured and compared. As success was limited or mixed, the research community developed into a theory that resembles the bottom-up approach, mainly focusing on accountability. According to the scientists, the focus in the early 2000s then turned to combining these two approaches as has also been observed by other researchers. In the field of education they call this a combination of alignment and accountability. The researchers state that one of the most important tools given for scientists at this point is the variability between areas, in the case of their research the different US states, and the corresponding possibility to compare (Coburn, Hill & Spillane, 2016).

The inclusion of both schools of thought has also been argued by the Hupe, Nangia and Hill, who state that the top-down approach would not entirely be dismissed as it provides a good ground for studying single policy processes as compared to variations in policy output. However, this only works as long as the multi-dimensional character of this single policy process is also taken into account. They argue that sometimes in policy implementation and evaluation comparative quantitative methods are not feasible and the top-down approach of a single policy is necessary. However, according to the researchers it is antiquated in today's research to simply go after the formula of success and failure. To provide a solution, they, after studying inclusive education policies in Great Britain, conclude that implementation must be seen as part of the continuing process of policy making (Hupe, Nangia & Hill, 2014).

d. Policy Evaluation

As already mentioned, the evaluation of policy is an integral part of the policy implementation process. In the following, there will be information about what policy evaluation means, how it fits into the framework of policy implementation and give examples from social sciences. This is important for the research as it will basically be simplified a form of policy evaluation with the result of determining existing and missing aspects of the policy in its real life application. Generally, policy evaluation has different methods and variations depending on what kind of policy it deals with. As this paper focuses on public policy, the emphasis will be on that as well.

Researcher P. Nielsen names three main aims of policy implementation theory, which are “describing and/or guiding the process of translating research into practice (process models); understanding and/or explaining what influences implementation outcomes (determinant frameworks, classic theories, implementation theories); and evaluating implementation (evaluation frameworks)” (Nielsen, 2015). As already stated, the focus will now be on the last mentioned aspect, the evaluation. This, he describes as “specify aspects of implementation that could be evaluated to determine implementation success” (Nielsen, 2015). He states that a framework of implementation outcomes is necessary to evaluate implementation (Nielsen, 2015). This has previously been developed by the researchers Procter *et al*, who propose to use eight implementation outcomes, which are acceptability, adoption, appropriateness, costs, feasibility, fidelity, penetration and sustainability (Procter *et al*, 2011). The different focuses are of importance for the methods necessary for a successful evaluation. There are, for example, studies that evaluate health care programmes with a focus on the economic evaluation. Economic evaluation means the research will study health care and health care resources considering costs and benefits. The aim then determines the methods used, which, in this case, includes a cost-benefit analysis as well as an analysis of comparative possibilities (Drummond, *et al.*, 2015).

The Commission of the European Union has dealt with this topic as well and has sponsored a guide for policy evaluation of socio-economic policies that will be summarized in the following. The guide states that evaluation is an integral part of the policy cycle, even more widely; it is an integral part of the democratic process (Tavistock Institute, 2003). There are different forms of evaluation that go along with the policy cycle. There is the so-called ex-ante policy evaluation that happens during the design and formulation phase of the policy. However, the focus of this research will be on the ex-post evaluation that happens during and after the policy implementation. The reason for this is that this thesis deals with a set of policies that are already in place. This also ties in with one of the formulated goals of policy evaluation, which is identifying significant results and outcomes in order to make contributions to policy areas. To achieve this contribution, different purposes of evaluation have been identified which serve purposes for different stakeholders. The general approach is to “learn through systematic enquiry how to better design, implement and deliver public programmes and policies” (Tavistock Institute, 2003). However, that can be broken down into different purposes. For one, there is the aim of giving a justification for a certain policy and its allocated resources. Further, the purpose of evaluation is accountability to demonstrate in how

far a policy has achieved the formulated objectives. The third reason to evaluate policies and programs is related to implementation as it aims at improving the performance and effectiveness. The guide further mentions that the purpose of policy evaluation can also solely lie in increasing knowledge of a certain policy and the measures used to ensure its functionality. Lastly, evaluation aims at strengthening the institutions and actors related to the policy (Tavistock Institute, 2003). When it comes to the scope of this research, the aim is a combination of some of the afore mentioned aspects. The main purpose is knowledge production as it is a theoretic research as there is no direct effect on policy making. However, as the research question directly asks for which aspects of a policy are fulfilled and which are not, there are also results that fall into the category of implementation as they may serve as feedback for the working of the policy in order to improve it.

As with implementation in general, there is a differentiation between bottom-up and top down approaches when it comes to evaluation. These translate into different methods used for evaluation. According to the guide provided by the Commission, the top-down approach is more related to quantitative evaluations, whereas the bottom-up approach translates into qualitative analysis. However, it is also argued that the distinction is not as clear-cut as it may seem and that it is easily blurred as is the case for many evaluations of policies related to the European Union. As explained in the chapter on the methodology applied for this thesis, this is the case for this research as well due to the fact that qualitative data will be gathered and analysed (Tavistock Institute, 2003).

e. Preliminary Conclusion

The implications from these scientific articles for this research are the following. They serve as background for the question of policy implementation, which means the help to determine in how far the policies regarding living conditions of asylum seekers are complied to. This is for the most part in line with the top-down approach as the idea is to check the different variables against each other. However, it seems to be useful to also take into account the ideas brought in by the researchers considering a more bottom-up approach or a hybrid version. This is the idea that the outcome of a policy can be determined not only based on if it has factually been fulfilled, but also if there is a positive outcome from the point of compliance. In other words, successful policy also includes if steps in the direction of fulfilment based on

the idea of the policy makers have been taken. This leads to a wider framework in the analysis of the question about the extent of discrepancies between policy and reality.

Another aspect should be addressed when taking a look at how policy implementation and evaluation are relevant for the scope of this paper. For the most part, the process of evaluation deals with policies that have been put into place to fix a problem under stable circumstances. This is not the case when looking at the policies regarding living conditions of asylum seekers. As described in the following chapters, most of the levels of government discussed in this research have already been official for a number of years, sometimes slightly revised. However, the study of policy implementation and evaluation is nevertheless relevant in this regard as the circumstances have changed. As mentioned in the research question, this thesis will take a look at the years 2015 and 2016. These two years are, as explained in the introduction, exceptional due to the high amount of asylum applications and the resulting high demand for housing, health services and education for asylum seekers. Due to this, the impact of the policies has to be seen in a new scope and therefore warrant a policy evaluation due to changed circumstances.

III. Research Methodology

This section will provide information on the research design, how data was gathered and analysed as well as the operationalization of the ideas used in this research. Furthermore, there will be a section on the limitations of this design and how they have been addressed.

a. Design

To help answer the research question, there are three sub-questions, namely what the standards are, what the current living conditions are and to what extent divergences are present. To be able to answer these questions, the research design will be discussed in the following.

The design of this research is descriptive for the most part. The first sub-question asks for a description of the standards set by the European Union and Germany. The second question is descriptive as well, as it aims at examining the status of living conditions in North Rhine-Westphalia. These two concepts will then be compared to conclude if there is a discrepancy and if yes, what that discrepancy is. Therefore, this sub-question can also be considered as descriptive. Lastly, the analysis will include what possible reasons there are for any discrepancies, which is descriptive as well as explanatory.

b. Method

In the next part of this chapter, there will be a look at how data that is necessary to answer the research questions is gathered and analysed, including the operationalization of the term living conditions.

i. Data Collection

The basis for collecting data is a combination of desk research as well as expert interviews. The desk research aims at providing data to answer the first research question, that is more

precisely, the standards for the living conditions of asylum seekers set by the European Union and Germany, which, in this case are policies from different levels of government, the European level, the state level and the sub-state level. Sources for this are the official policy documents by the European Union, the German state and by the federal government of the state of North Rhine-Westphalia. This is necessary to determine, at a later stage, if these standards are adhered to. The main document when looking at the European Union level that was used is the Council Directive 2003/3/EC. The reason is that this is the document that specifically deals with the aspects found in this paper to be related to living conditions, which are housing and material reception conditions, health and education for the Member States of the European Union (Council of Ministers, 2003). When looking at the nation state level, there are two documents that include the necessary data to answer the first research question. These are the *Asylbewerberleistungsgesetz* (law on the benefits for asylum applicants) and the *Asylverfahrensgesetz* (law on the asylum process). These two official papers form the legal basis for living conditions of asylum seekers in Germany. The last government level is the federal level. In the case of this thesis, this is North Rhine-Westphalia. The unique aspect of North Rhine-Westphalia is that it has no legally binding policies when it comes to living conditions as compared to other federal states. However, there are a number of recommendations laid down by a project group by the federal government (Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen, 2013). These will be used for the scope of this paper.

The second question is addressed via expert interviews, which are also twofold in nature. On the one hand, there are eight interviews with representatives, for the most part civil servants, of cities in North Rhine-Westphalia as they are responsible for the living conditions. On the other hand, there is an expert interview with a representative of a non-governmental organisation whose employees that specifically deal with asylum seekers. Due to the nature of gathering the data that is used in this research, it can be said that it is qualitative. As already mentioned, the interviews for both sets can be classified as expert interviews. They are held in person if possible, otherwise they are conducted via telephone. It should further be noted that the interviews are held in German. They consist of a set of open-ended questions, which will be presented in the appendix (Appendix 1). The interviews are recorded and afterwards transcribed to be able to then use them for the analysis. The reason for taking interviews with open-ended questions instead of other methods of data collection is the fact that it is open to direct input from the interviewer. It is possible to direct the interview to get the necessary

information, focus on certain points and ask follow-up questions. These advantages would not be given when using other research methods.

It is also important to take a look at how the interview partners are chosen. The main aim with the first set of interviews was to have a wide variety of interview partners. This includes having a regional diversity within North Rhine-Westphalia, but also having a diversity when it comes to the size of the cities. However, due to the fact that the availability of interview partners plays a large role, the selection method has to be considered as being on the basis of possibility while taking into account the afore-mentioned aspects. All in all, there are 396 communal entities in North Rhine-Westphalia, differing in population size (Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen, 2016). A set of eight interviews with representatives of these entities is therefore not a large proportion, however, as the number of asylum seekers that is assigned to every city is based on population size, the experiences for the cities is presumably rather similar, which makes it possible to work with a lower number of interview partners. More precisely, the interview partners were representatives from the cities of Rheine, Gronau, Essen, Emsdetten, Steinfurt, Beckum, Rheda-Wiedenbrück and one that preferred not to be named. The smallest city in the sample is Emsdetten with a population of about 35,000 people and the biggest is Essen with more than 570,000 people, which makes it the fourth biggest city in North Rhine-Westphalia (Information und Technik Nordrhein-Westfalen, 2015b). The regional scope ranges from Rheine being in the northern part, to Gronau at the Dutch border and Rheda-Wiedenbrück and Beckum being located on the Eastern part of the state. Essen is the city that is the southernmost within the sample (Appendix 2).

When choosing a partner for the expert interview of a non-governmental organization, the focus is on the regional scope of this organization as well as the focus on the topic of asylum and refugees. In practice this means that the interview partner was selected because the organization is prevalent in the whole of North Rhine-Westphalia to be able to provide an overview. Furthermore, it was important that the organization has employees who specifically deal with asylum seekers and refugees in their everyday work, so that the interview partner can offer in-depth information. The German Caritas Foundation met this qualification and was therefore approached for the interview. Caritas is the biggest Catholic charity foundation in Germany and is part of the official free welfare organisations. Among many other things, the organisation deals with supporting refugees and asylum seekers (Caritas, 2016).

ii. Data Analysis

Another aspect that needs to be considered is how the collected data is analysed, which is specifically relevant in order to answer the second and third sub-research question, which ask for the praxis and a comparison between the standards set by the different levels of governance and the reality. To achieve this, the collected data, in this case the interview transcripts, is coded using the method of descriptive coding to be then compared to the standards set out in regulation by the European Union and the German state. When it comes to the coding, it is done twice in order to avoid bias and mistakes. The general aim of coding is to organize data, more accurately to receive attributes and assign distinguishable and feasible categories and connections from the raw, qualitative, in this case language-based, data. Descriptive coding, more precisely, takes a summary of the topic of the quote from the interview and can then be categorized. When it comes to the categories, the operationalization of the main concept of this thesis, which is living conditions, comes into play. This will be presented in the next sub-chapter. Further, there is an operationalization table presented in the appendix that explains the pre-determined concepts used during the coding process. Also, this step includes the translation of the data from German to English. The quotes were used in the language the interviews were taken in, in this case German, put into categories and the end-result is translated into English.

1. Operationalisation

In this research, there are pre-set categories used for coding and these how these are derived will be explained in the following. To be able to work with the central concept of this research, living conditions and be able to code the data accordingly, it needs to be determined what the term living conditions entails exactly and this will be explained in the following. The basis for this conceptualisation is on the one hand the European Union Directive 2003/9/EC and the related German policies and my own understanding and common sense of the term on the other hand. Additionally, I will present academic research that backs up this definition. Based on that, there will be a table with information on how the concepts will be divided into variables and how these are measured.

For the purpose of this thesis, the term includes housing conditions, healthcare and working and education possibilities. As these are still rather broad terms, the next section will deal with these terms in more detail. Housing conditions or accommodation entails several aspects, the first of which are furnishing plus the cleanliness and size of the housing provided for the asylum seekers as well as privacy and possibility of family life within the facility. On top of that, it includes the possibility to receive financial or actual support when it comes to food and other personal necessities to live an adequate life. Another issue is related to the environment of the facility, which means the access to public transport and facilities necessary for everyday life. Lastly, it includes the safety of the asylum seeker. The term healthcare includes the access to necessary facilities to provide healthcare as well as the financial support. Education contains the possibility to receive education for minors as well as further education, such as language courses, for adults. This term also does not only include the actual possibility to attend education facilities, but also support when it comes to the items necessary for it. The final aspect is the possibility to work for adult asylum seekers.

This operationalization of living conditions with regard to asylum seekers is corroborated by a number of scientific articles, which state the importance of the particular aspects for the asylum seeker. The significance of decent housing conditions, for example, has been examined in a number of scientific papers, such as an article by Silove *et al.* from 1997, who studied the effect of certain stress factors on asylum seekers, who have been subject to traumatic events before they come to their destination country, which was Australia in the case of the research. One of these aspects that can cause further stress and therefore anxiety and other psychological disorders are the housing conditions the asylum applicants face upon their arrival (Silove *et al.*, 1997). The impact of housing conditions is also especially relevant for more vulnerable groups of people, such as accompanied and unaccompanied minors. This has been studied by a group of scientist in Norway and the results published in an article from Seeberg *et al.* in 2009. The article concludes that decent housing and special considerations for children that seek asylum, such as places to play inside and outside as well as access to toys are of major importance for the children's development (Seeberg *et al.*, 2009).

The matter of health when it comes to asylum seekers, which includes the possibility to receive health care and its importance has also been backed up by scientific research, especially in the field of medicine and psychology. One example is an article from Great

Britain from 2001, written by A. Burnett and M. Peel. They essentially find out that asylum seekers have, for the most part, similar health issues as the general population, however, it is often the case that health issues have not been dealt with before leaving their home country. Furthermore, asylum seekers often suffer from depression or anxiety due to their experience in their home countries or during their travel. Another problem is the experience of isolation after arrival in the host country. Further, the article states the need to take into account the special needs of women as well as children (Burnett & Peel, 2001). These findings are supported by other researchers in other European countries, such as in the Netherlands by a group of scientists such as A.A.M. Gerritsen *et al.* They focus on mental health issues, such as post-traumatic stress disorder (PTSD). They found out that, among asylum seekers and refugees from Afghanistan, Iran and Somalia, PTSD is a wide-spread problem as are general physical health problems (Gerritsen, *et al.*, 2006). These examples of research show the importance of healthcare for asylum seekers and therefore it is included in the conceptualization of this paper.

The last point of the conceptualization of the term living conditions is related to education and work possibilities. The importance of these aspects can be seen when discerning that they feed into integration in addition to the possibility of self-sustainment of the asylum seekers in the host country. This stance is supported by a case study from 2010 which shows that among most asylum seekers the education of children is valued highly as it provides the possibility for a “better life” afterwards. The importance is regarded by the other side, in this case the teacher’s unions that were interviewed during the case study, which also state that “school is a portal towards integration” (Bourgonje, 2010). For the same reasons, the possibility of being educated as well as of work is an integral part of good living conditions.

This conceptualization will serve as a basis for the term living conditions. It further aims at providing a background for the analysis of this paper, which looks at possible discrepancies between the standards set out in the policies and the reality. To give an overview, there will be an operationalisation table presented in the appendix (see Appendix 3).

c. Limitations

One of the main limitations is related to how the interview partners were chosen. It was not possible to select them randomly, however, a more suitable strategy has been chosen in this regard. As already mentioned, the interview partners of the communities in North Rhine-Westphalia were chosen based on if they agreed to the interview instead of being chosen randomly or based on a selection method. The reason for this method was on the one hand the fact that finding interview partners is difficult due to the fact that most of the civil servants working with asylum seekers are overburdened because of the great number of asylum applications. On the other hand, the strategy of choosing interview partners instead of randomly selecting has the advantage that it was possible to be diverse when it comes to size, location, etc. of the communities as explained in the section on operationalization.

Another aspect that needs to be considered is bias within the answers of the interview partners. As the respondents are civil servants working for the communities in North Rhine-Westphalia, they may want to present facts in a more positive way or hide possible negative facts. To counter this, the questions will be open-ended so as to not point the interview partners in certain directions. Furthermore, the inclusion of an interview with a representative of a non-governmental organisation helps to set the answers into perspective.

d. Summary

To sum up, the three research questions will methodologically be answered as follows. The question what the current policies on living conditions for asylum seekers are, will be answered by summarizing policy documents from three levels of government, the European level, the nation state level and the federal state level. To be able to give answers to the second research question about the reality of living conditions in North Rhine-Westphalia, this thesis will make use of expert interviews with representatives of communities and of a non-governmental organization. These interviews will be coded based on the operationalization. The third research question will then compare the findings from the other two sub-question to arrive at the conclusion if and in how far the reality is compliant with the policies.

IV. Asylum Policies on Living Conditions

The following section will provide information on the state of asylum and asylum policies in the three relevant layers of government, namely the European Union, the Member State, which is Germany in this case and the region, North Rhine-Westphalia. There will be some general input on the development of the asylum policies, however, the focus will be on developments in the field of living conditions as defined in the previous chapters.

a. in the European Union

The right to asylum is stated in the Charter of Fundamental Rights of the European Union, which states that "the right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty on European Union and the Treaty on the Functioning of the European Union" (European Union, 2010). According to the Geneva Convention a refugee is someone who is subject to "a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion" (United Nations High Commissioner for Refugees, 1951). This shows that already quite early in the development of the European Union and its predecessors, there was need for discussion and cooperation in the field of immigration and asylum within the territory of the European Union. Since the 1990s, the overall goal is the creation of a Common European Asylum System. During the first phase of this process, beginning in 1999 and ending in 2005, the adoption of common minimum standards for many aspects related to asylum, such as reception conditions or family reunification policies, was attempted. One of these documents is the Council Directive 2003/9/EC of 27 January 2003, which deals with minimum living and housing conditions for asylum seekers and is therefore very important for the scope of this paper. It will be elaborated on in more detail later. After the first phase, the progress was reflected on in a Green Paper, which eventually led to the Policy Plan on Asylum in July 2008. One point within this policy plan also dealt with reception conditions and it was stated that too much discretion is granted to the Member States, standing in the way of harmonisation. This also led to problematic secondary movement within the European Union. To solve this problem, several amendments were proposed, focusing on providing human

housing conditions and the respect of fundamental rights in this area (Commission of the European Communities, 2008).

As a result, the Council Directive on reception conditions from 2003 has been revised and the new version came into effect in July 2015. In the following part, there will be a closer look on this directive and its implications. It has to be taken into account that the Directive provides minimum conditions, which means that Member States are able to introduce more favourable conditions if they wish to. There are different articles that are directly related to living conditions, such as the freedom of movement, housing conditions, health care, material support, etc. and these will be presented in more detail in the following to be able to assess in how far these are complied with in reality in the later parts.

The general conditions on reception conditions, which are laid down in the second chapter of the directive, include information on subjects related to freedom of movement. Generally, the asylum applicant is supposed to be allowed to move freely within the territory of the Member State in which it applied for asylum or within a certain territory assigned to them. However, the host state is allowed to decide on the residence due to public interest, public order or the fast processing and monitoring of the application. Furthermore, the state authorities are not allowed to detain an applicant just because of its applications. Detention is only possible under certain circumstances, such as the verification of identity or when there is a risk of the applicant fleeing while the reasons for the application are assessed. Generally, the period of detention is supposed to be as short as possible and the host state should provide special detention facilities, not regular prisons if possible (Council of Ministers, 2003).

Another aspect that is discussed in the Directive 2003/9/EC is the material reception conditions. Generally, the Member State has to ensure material reception conditions that secure an adequate standard of living where the health and sustenance of the asylum seeker are secured. If the applicant has enough resources of their own, the state may require them to cover the cost themselves. The specific situation of people with special needs, which the Directive defines as vulnerable persons, such as unaccompanied minors, disabled people, pregnant, the elderly, single parents or people who have been subject to any form of violence, has to be taken into account when it comes to the material reception conditions. In practice the material support may be provided directly by financial allowances or through the form of vouchers. The specific amount is to be determined by the State, however, it has to be in

accordance with the principles set out in the Directive, which means that it has to allow an adequate standard of living for the asylum applicant. Another aspect related to living conditions is health care. Article 15 of the Directive deals with this topic and asks for necessary healthcare for asylum applicants, however this health care only has to include emergency care and a basic treatment of illnesses. If the asylum seeker has special needs as stated above, he or she is also supposed to get the necessary treatment (Council of Ministers, 2003).

When taking a closer look at the articles related to housing, the Directive also mentions a number of standards that have to be met. The Member State has several possibilities for housing the asylum applicant, for example, regular premises set up for the purpose of housing asylum seekers during the period of examination, accommodation centers or private houses, or flats and hotels that are suitable for housing. The housing has to offer certain standards to be suitable for the purpose, for example the protection of family life. Furthermore, the facilities must offer the applicants the possibility to communicate with certain contact persons, such as their relatives, legal support and representatives of non-governmental organisations or the United Nations. These representatives also have to have access to the facilities. Furthermore, asylum seekers have to be secure and the state needs to be able to prevent assault or any form of violence against them. This also includes that the staff working in these facilities has to be appropriately trained and has to work confidentially. However, there may be exception to these rules, such as the situation that the specific needs of an asylum applicant have not been assessed yet, that certain conditions cannot be met in a specific geographical region or that housing is temporarily exhausted (Council of Ministers, 2003).

When taking a look at the provisions regarding education and work, the Directive states that minors are supposed to receive education under similar conditions as citizens, either in the detention centers or in regular schools. It has to start not later than three months after the application has been lodged and the child has to have the possibility to receive support in case of language difficulties. The applicant has to have the possibility to receive secondary education as well, even if he or she has reached the age of majority. When it comes to vocational training, the state has to give this opportunity regardless of the applicants access to the labour market. The directive also provides rules on the prospect of employment for asylum seekers. As a general rule, asylum applicants can start looking for employment after a

specific amount of time set by the Member State. However, Member States may allow citizens of the European Union and other third-country nationals to be prioritized due to labour market policies (Council of Ministers, 2003).

These are the provisions the Directive from 2003 sets up to secure living conditions for individuals who seek asylum within the territory of the European Union. As already mentioned, the Commission decided to revise this Directive in order to improve the life of asylum seekers. The most important changes regard the detention of asylum seekers to ensure that fundamental rights are fully complied with. Furthermore, the new version sets up new rules on assessment of if an asylum applicant has special needs. Another change is that the new version states a specific time after which the asylum applicant needs to have access to the labour market, which is nine months (Council of Ministers, 2013).

b. in Germany

In Germany, the asylum system and especially living conditions are based on a number of documents. The most important ones for this research are the *Asylbewerberleistungsgesetz* (Law on the Benefits for Asylum Applicants) and the *Asylverfahrensgesetz* (Law on the Asylum Process). These are documents by the German state and therefore applicable for the state as a whole. It needs to be taken into account, however, that Germany is a federal state and that generally the *Länder* (provinces in Germany) and the cities and communities are responsible for the accommodation of asylum seekers. This will be discussed in the next part, as this part will focus on the regulations for Germany in general.

To give a short introduction into the situation in Germany, there will be some information on how asylum seekers are distributed within Germany. When a migrant, who is seeking asylum in Germany, enters German soil, they will first be directed to a reception center specifically dedicated to hosting asylum seekers for the first couple of days. Afterwards, they will be distributed within Germany and sent to different federal first reception centers according to an IT-system called “EASY” (*Erstverteilung von Asylbegehrenden*, translated: First Distribution of Asylum Seekers), which is managed by the German state (Bundesamt für Migration und Flüchtlinge, 2015a). When arriving there, the asylum seeker formally has the possibility to apply for asylum. The distribution is based on

different aspects, such as current capacity, etc. Furthermore, not every first reception center handles applications from all countries of origin, which is taken into account. Another aspect, on which the system is based, is the so-called Königsberger Key, which regulates which of the 16 *Länder* has to accommodate how many asylum seekers. This is based on tax income as well as population figures and is updated every year (Bundesministerium der Justiz und Verbraucherschutz, 1992). As a general overview, Bavaria and North Rhine-Westphalia normally get the highest percentage of asylum seekers with about 15-20 *per-cent*, whereas *Länder* such as Saarland and Bremen take about one *per-cent* (Bundesamt für Migration und Flüchtlinge, 2015b).

As already mentioned, the living conditions are mainly regulated by two documents, the *Asylbewerberleistungsgesetz* and the *Asylverfahrensgesetz*. The first one deals with the benefits asylum seekers receive in Germany. Generally, the regulation has been decided on in 1993 by the two chambers of the German government, the *Bundestag* and *Bundesrat* and has since then been updated and revised, the latest March 2015. The document is relevant for asylum seekers and their families as well as migrants whose asylum application has been rejected, but who have not yet left the country. In the following, there will be information on what exactly the document offers asylum seekers in terms of living conditions based on the previously mentioned definition of the term.

Generally, asylum seekers have to live in first reception centers up until at least six weeks have passed, but mostly three months. These centers are in the responsibility of the federal states. Afterwards, asylum seekers either live in regular reception centers or normal flats, which are managed by the communities (Bundesministerium der Justiz und Verbraucherschutz, 1992). When looking at paragraph 3 of the *Asylbewerberleistungsgesetz*, it is stated that asylum applicants living in a reception center are to receive necessities in the areas of food, accommodation, heating, clothing, items necessary to maintain health and hygiene as well as items that are needed to maintain a household, which can be lent. These things are provided as non-cash benefits when living in a reception center. If clothing cannot be provided, the reception center can hand it out in the form of vouchers. In addition to that, the asylum seeker is eligible to receive cash benefits each month, the amount depending on the family situation. For a single person this amounts to 140 Euro, for two partners in a single household, the amount is 126 Euro. The money for minors depends on their age; whereas children up to the age of six receive a cash benefit of 82 Euro, children between six and 14 get

90 Euro and teenagers between 15 and 18 receive 83 Euro (Bundesministerium der Justiz und Verbraucherschutz, 1993).

If the asylum seeker is not settled in a reception center, the benefits are different. In this situation, most necessities are to be provided in the form of cash benefits, which obviously changes the amount of money every applicant receives every month. An adult receives 212 Euro, or 190 Euro if he or she lives with a partner in the same household. With the same age differentiation as mentioned before (0-5, 6-14 and 15-18), minors receive 154 Euro, 194 Euro or 190 Euro respectively. Exceptions are the accommodation itself, heating and household items, which are provided for in non-cash benefits or cash benefits outside of the afore-mentioned amounts. The specific sums are corrected for every year. Another aspect regulated by the bill in paragraph 7, is namely the fact that asylum applicants have to use their existing wealth and income before being eligible for the mentioned benefits (Bundesministerium der Justiz und Verbraucherschutz, 1993).

When looking at the second aspect of living conditions, namely healthcare, the *Asylbewerberleistungsgesetz* also sets standards. Paragraph 4 states that asylum seekers have the right to receive treatment for urgent health issues and pain. This also includes medication and other first aid necessities. Pregnant women have to receive special medical attention. Further, asylum seekers have to be able to receive preventive medical screening as well as necessary vaccinations (Bundesministerium der Justiz und Verbraucherschutz, 1993). The responsibility to provide and ensure the afore-mentioned aspects lies with the communities and their particular authorities (Bundesministerium der Justiz und Verbraucherschutz, 1993).

The main aspects of work and education are regulated in the *Asylverfahrensgesetz* from 1992, last amended in December 2014 as well as the *Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet* (Law on the Stay, Employment and Integration of Migrants in the Federal Territory) from 2004. For the most part the first bill regulates the process of applying for asylum, however, it also mentions some aspects related to education and work chances. The second bill deals with all topics surrounding employment for all migrants in Germany. Generally, asylum seekers are not allowed to work while their applications are being processed. An exception is a regulation stated in paragraph 5 of the *Asylbewerberleistungsgesetz*, which states that asylum seekers can be asked to work to maintain the reception centers for an allowance of 1.05 Euro

(Bundesministerium der Justiz und Verbraucherschutz, 1993). After three months it is possible to find regular work if the Federal Employment Agency allows it (Bundesministerium der Justiz und Verbraucherschutz, 1992). The waiting period is only a very recent change as before the end of 2014 asylum applicants had to wait nine months before being allowed to look for work. Another aspect that needs to be taken into account is the so-called proof of precedence that has to be checked before an asylum applicant can take a certain job. This entails that it needs to be made clear that no other German citizen or citizen of the European Union applies for this job. If they do, they have precedence over the asylum seeker (Bundesministerium der Justiz und Verbraucherschutz, 2004a).

The German State has further decided that foreigners living in Germany can or must, depending on their status, attend a so-called integration-course. It is based on the *Verordnung über die Durchführung von Integrationskursen für Ausländer und Spätaussiedler (Integrationskursverordnung - IntV)* from 2004. Based on the *Asylverfahrensbeschleunigungsgesetz* (Law on the Acceleration of the Asylum Application) from 2015, some groups of asylum seekers and refugees are included in this if their chances of staying are positive (Bundeamt für Migration und Flüchtlinge, 2015c). The aim of this course is on the one hand to teach basic language skills and on the other hand to provide common knowledge of Germany, including its culture, law, history and values. The training is regulated and financed by the Federal Ministry for Migration and Refugees in cooperation with the communal agencies for migration, the communities, etc. The actual courses are held by either private or public entities and include 660 hours, where the longest part is the language course (600 hours) (Bundesministerium der Justiz und Verbraucherschutz, 2004b).

When it comes to education for minors, who are in the process of applying for asylum, it can be said that they have the right and the obligation to receive education similar to German nationals. This general statement can be derived from different sources, ranging from international law, European Union Law, as well as the German constitutional law (Weiser B., 2013). However, schooling and education in Germany is within the competences of the *Länder*. Nevertheless, it is agreed that minors have to visit a school as soon as they apply for asylum. This concretely means that the compulsory education begins once the asylum seekers are allocated from the first reception centers to the communities.

c. in North Rhine-Westphalia

As already mentioned, the federal states are responsible for providing for the asylum seeker up to three months after their arrival while the asylum application process is started by the *Bundesamt für Migration und Flüchtlinge* (Federal Office for Migration and Refugees). Afterwards, the communities take over the responsibility. In the following, there will be an overview of the regulations in North Rhine-Westphalia and its communities. The admission of refugees and asylum seekers is regulated by the *Gesetz über die Aufnahme und Zuweisung ausländischer Flüchtlinge* (Law on the Admission and Assignment of Foreign Refugees) from 2003. This firstly states that the communities are obliged to take in and house refugees and asylum seekers that do not have to stay in the first reception centers any more, while the allocation is done by the District Council Arnsberg. This allocation, however, is only for newly arriving asylum seekers, whereas people who are launching a consecutive application or who already have spouses or parents allocated to a community are able to stay where they are or are allocated according to their family's whereabouts. The number of refugees a community is obliged to take care of is based on its number of citizens, whereas the number is decreased for cities that also have a first reception center. The federal state is further responsible for providing different amounts of financial compensation to the communities to provide for the refugees (Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen, 2003).

Contrary to most other federal states, North Rhine-Westphalia does not have a legally binding regulation on minimum housing conditions for asylum seekers and refugees. A project group by federal government proposed in 2013 dealt with this question and in their publication they decided on the following. The project group proposed to remain with the proven practice of providing standards by way of award procedure, while this is supposed to be evaluated and adapted to the actual conditions regularly. The project group feared that it may be disadvantageous for the asylum seekers to provide fixed regulations for housing as this sets up a status quo, which might be lower than what the operators might adhere to otherwise (Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen, 2013). Although the federal state does not provide legally binding minimum requirements for reception centers, some communities have adopted guidelines for themselves, such as the city of Cologne.

Nevertheless, the project group mentions a number of aspects that should be complied to, especially in newly established reception centers. Generally, the reception centers have to satisfy humanitarian requirements. These include having common rooms, which are a kitchen, dining area and the possibility for washing and drying clothing. Further, all reception centers should have bathrooms with lockable toilets. The publication also mentions rooms to take care of children and for leisure time activities. The centers have to offer rooms to accommodate people with exceptional requirements, such as families, women travelling by themselves or people with special needs. Furthermore, there need to be specific rooms for unaccompanied minors, who are taken care of by the youth welfare office. Other requirements for reception centers are rooms that can be used as a hospital ward that can also be used to isolate sick and infected people. Lastly, there should be room for refugee and asylum council. The paper further states that the facility should be operated by qualified personnel (Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen, 2013).

As already mentioned, asylum seekers and refugees have the right to visit a doctor under certain circumstances. The state of North Rhine-Westphalia plans on being the first federal state in Germany to use the so-called health card for refugees that have been allocated to the communities. This card is identical to the one used by German nationals, who are insured by the statutory health insurance. It is based on a framework agreement between a number of insurance providers and the North Rhine-Westphalian Ministry of Health. This includes the insurance companies directly settling with the communities when it comes to healthcare for asylum seekers based on the German regulations stated in the law on the benefits for asylum applicants (Ministerium für Gesundheit, Emanzipation, Pflege und Alter des Landes Nordrhein-Westfalen, 2015). This system is still in development and until now, twenty communities in North Rhine-Westphalia make use of it. The general idea behind this new system is the decrease of costs as well as the decrease of work for the authorities (Ministerium für Gesundheit, Emanzipation, Pflege und Alter des Landes Nordrhein-Westfalen, 2016). However, as communities are free to choose if they want to use the health card, the majority of them still use the system that was in place before. This includes the asylum applicants having to go to the appropriate public agency in case they feel the need to see the doctor. A civil servant then decides if the person is allowed to see a doctor based on the regulations stated in the *Asylbewerberleistungsgesetz* (Bundesministerium der Justiz und Verbraucherschutz, 1993).

The last aspect, which this thesis focuses on, is education of minors as well as education and employment possibilities for adults. The fact that asylum seekers and refugees have the right to visit a school has already been discussed, which means that the focus in the following is on the specific situation in North Rhine-Westphalia. Once the children are accommodated in the communities and their compulsory education starts, they are allocated to specific schools by the communal integration centers, which are part of the district governments (Bezirksregierung Arnsberg, 2016). According to the North Rhine-Westphalian Ministry of Education, common practice in communities that accommodate a high number of international children is to set up specific classes for asylum seekers and refugees only within the regular schools. These classes aim at providing special support for these children as they mostly do not know enough German to be able to follow the normal classes. In communities that have a lesser number of asylum applicants, the children are generally educated with the rest and receive extra classes to help with the language difficulties in smaller groups (Ministerium für Schule und Weiterbildung des Landes Nordrhein-Westfalen, 2016).

When looking at young asylum seekers, who are not part of the compulsory education in Germany anymore because they are older than 18, North Rhine-Westphalia also offers a number of possibilities. Due to a change in the regulation in 2016, certain groups of asylum seekers now do not have to wait four years, but only 15 months to be able to participate in programmes, such as an assisted apprenticeship or other preparatory measures for vocational training, which are offered by the vocational colleges (Ministerium für Schule und Weiterbildung des Landes Nordrhein-Westfalen, 2016).

V. Analysis

The section will be arranged as follows. The first part will be dedicated to summarizing the data that was gathered to answer the research question regarding the actual living conditions of asylum seekers in North Rhine-Westphalia. The focus will be on three aspects, which are housing conditions, health and education for minors and adults as set out in the methodology section. This is solely based on the interviews and the corresponding analysis of the data gathered during those. At the same time, there will be a comparison with the standards set up by the various policies that were explained in the previous section to answer the third research question. The analysis will be based on the conceptualisation and theory presented above and take into account the ideas of the different approaches to policy implementation, whereas the main focus will be on the idea of the top-down approach, which focuses on the fixed facts of whether the policy is complied with or not. However, input from the bottom-up approaches will also be taken into account in that not only the direct result is relevant, but also steps in that direction.

a. Housing

i. Housing Conditions of Asylum Seekers in North Rhine-Westphalia

According to the interview partners, the communities in North Rhine-Westphalia follow a two-fold approach when it comes to accommodating the asylum seekers that have been assigned to them. The first approach is called the decentralized approach, which means that asylum seekers are housed in apartments and houses throughout the city that either belong to the city government or are rented by them (Interviews 1-8). The second approach is the centralized approach. This means that they are accommodated in so called centers, sometimes called reception centers, which range from converted school gyms and industrial halls to tent cities (Interviews 1-8). The conditions and facilities that are inherent to these two methods of accommodating asylum seekers will be further delved into below, however, it is important to notice that, according to the interview partners, all community officials prefer the first approach (Interviews 1-8). There are various reasons for this, such as preventing ghettoization and integrating the asylum seekers into the community right away as well as the fact that it is considered more positive for the asylum seeker due to increased privacy and self-

determination (Interview 2). However, because of the great number of asylum seekers that have been allocated to the cities in North Rhine-Westphalia during the time this information was gathered, no community was able to house all of them in a decentralized way. The representative of the city of Emsdetten, for example, stated that “we tried to follow the decentralized approach for a long time and have not given up on that, but we had to resort to using a gym, because it was not possible to find housing for 100 refugees a month otherwise.” (Interview 2). This shows that some way or another, they all had to resort to setting up centralized reception centers, even if only for a short while and with the intention of eventually housing all asylum applicants in apartments and houses (Interviews 1-8).

Firstly, there will be information about the conditions in the apartments and flats, which are part of the decentralized approach. The cities themselves have set up their own standards on what is supposed to be included in a flat for an asylum seeker to be able to live there. All in all, decentralized housing is very different when comparing the cities, but also within the cities. According to most of the interview partners, the aim is to accommodate families as a priority in apartments, however, that is not always possible so some families also stay in reception centers (Interview 1). On the other hand, the communities sometimes also put a number of single people into apartments together (Interview 3). Some communities work with an average number of square meters per person, such as the city of Gronau, which states that apartments with about 50 m² are able to house four to five people (Interview 4). When it comes to facilities provided by the city for the asylum seeker, the representative of the city of Rheine, for example, states that the “flats are equipped with one bed and one cupboard per person as well as a table and cooking facilities” (Interview 6). It has further been mentioned that all physical provisions for housing in Germany, such as fire safety measures, need to be fulfilled for the city to accommodate asylum seekers in a flat or apartment and this is adhered to, according to the interviews (Interviews 2, 3). The city of Essen also has special flats for asylum seekers, which they call project housing. These are regular flats rented by the city for asylum seekers with a high likelihood to be able to stay in Germany and which have not attracted any negative attention and “conduct themselves accordingly” (Interview 3). These are small flats for single people (Interview 3). All in all, many interviewees mention that all flats that are rented by the city for the purpose of housing asylum seekers are inspected before renting so that the asylum applicant can live a humane life there (Interviews 5, 6) . However, it has also been noticed that in many cities, the residential market is overburdened,

especially for cheaper housing, which makes it difficult for the cities to find adequate accommodation (Interview 9).

When taking a look at the centralized housing for asylum seekers, the differences between the cities are even bigger. It ranges from school gyms to former hotels, tent or container cities, former industrial halls and former military barracks. These have been reworked to house large groups of asylum seekers, mostly for a shorter period of time. The centers are operated by various private firms or non-governmental organization (Interview 9). An example of private operated central housing is the tent city in Essen, which has been set up and managed by the company European Home Care (Interview 3). Many other centers throughout North Rhine-Westphalia are operated by the German Red Cross or the Johanniter foundation, which are part non-governmental organizations responsible for civil protection (Interview 3).

When looking at the facilities within these centers, there is are a lot of similarities between the communities. As most of them, under normal circumstances, are big halls, there are dividers between each unit that accommodates either one or two families or a number of single asylum seekers. These dividers are either wooden frames or made from cloth, which also determines if they are lockable or not. However, all of the divided units are open on top. Within the units, every asylum applicant has his own bed and these are mostly bunk beds (Interviews 3, 7). According to the representative from the Caritas, there are also reception centers in North Rhine-Westphalia that do not have any dividing structures within them at all (Interview 9). When it comes to cooking facilities, there are reception centers that offer a catering service, which means that food is provided (Interview 3). Other centers offer common cooking facilities that have to be shared by all the residents. The sanitary facilities, which are restrooms and showers, are also shared (Interviews 2, 4, 7). Sometimes, such as in the tent cities in Essen, they are located outside of the building, which means that the residents have to leave the buildings in order to use them (Interview 3). Other facilities that, according to the interviewers, are available for the asylum seekers are washing machines (Interview 3). Furthermore, all reception centers used to accommodate asylum applicants fulfill basic conditions, such as heating. However, as the representative of the city of Essen reported, this is partly critical in the tent cities as they are heating by a fan system, which leads to the floor and walls still remaining cold. He states that “you can imagine, in the winter, it is just not as great [...]. There is a basic coldness” (Interview 3). When further

looking at facilities provided in the centers, it has to be mentioned that some accommodations offer free wireless internet for the residents, such as in some reception centers in Emsdetten and this is supposed to be added to all accommodations in that city (Interview 2). Some cities aim at providing further amenities, such as common rooms, classrooms for children or sport facilities for the residents, but in some cases this is not feasible for the communities, as the representative of the city of Beckum mentions “we try, if possible, to provide common and classrooms” (Interview 1).

As the residents of these reception centers are still in the asylum application phase, they are supported by social workers throughout the process that counsel them on all aspects of the application. This is also the case for asylum seekers living in regular flats or houses. In many cases the cities, such as the city of Beckum, aim at having social workers with a multilingual background to facilitate communication (Interviews 1, 7). The same is true for the facility managers that are responsible for maintaining the reception centers (Interview 6). When looking at the bigger reception centers, such as in Essen, there are also private security firms hired by the communities that are responsible for the security within the accommodation. This includes ensuring safety within the centers as well as ensuring that nobody can enter the accommodation who is not supposed to be there (Interview 3).

When taking a look at what the communities do to support asylum seekers that are in need of special protection, such as families with children, pregnant women or sick and old people, it can be said that the communities try to support them in different ways. As already mentioned, the interview partners state that they aim at accommodating families in apartments as soon as possible, however, that is not always possible so many still live in the common accommodations. However, it is stated by the representative from Steinfurt “we try to provide the common accommodations as good as possible to ensure privacy and family life” (Interview 7). This was done by taking care that families do not share apartments or, as is the case in the reception centers, units with others, be it other families or singles as stated by most interview partners (Interview 3). However, these units are not always lockable (Interview 9). For families with small children, some reception centers offer child care or special rooms for children to play in. This is, for example the case in the temporary accommodation provided in Essen (Interview 3). Another issue is related to the division between genders. The cities aim is to provide a gender separation, but, according to the representative of Caritas, “the division between men and women leaves something to be desired” (Interview 9). This is also the case

when looking at a separation based on nationality. It is reported that this is partly taken into account to prevent possible disputes, but in practice it is rarely possible (Interview 9).

The afore-mentioned forms of support is the assistance officially provided by the communities, however, that is only part of the assistance that is in total provided for the asylum seekers in North Rhine-Westphalia, because many volunteers and non-governmental organization offer further support. According to the city representative from Beckum “the work is distributed between full-time employees and volunteers and that works very well” (Interview 1). Often times voluntary work is overseen by the cities; many of them have employees that work specifically in the supervision and arrangement of volunteers in order to provide a streamlined approach. This is, for example, the case in Emsdetten (Interviews 2, 5). Support from volunteers comes in very different ways. One program that has been implemented in a number of cities, such as in the city of Steinfurt is the so-called patronage program. This program brings citizens together with asylum seekers or whole families. The citizen then supports the asylum seeker in the ways possible for him or her, for example accompanying them when dealing with day-to-day tasks, learning German with them and in general helping them getting used to life in Germany. The aim is to integrate asylum seekers as soon as possible (Interview 7). This is also the goal of other voluntary work. Examples of this are German citizens organizing events or activities for and with asylum seekers, such as showing them around the city, going sightseeing or taking “a group of asylum seekers to the zoo” (Interview 4). Other assistance is given in a more practical way by, for example the churches in North Rhine-Westphalia. Many cities have charity stores for clothes, furniture and especially groceries. These are open for all citizens that can prove they are in need of help and they are open for asylum seekers as well. These stores offer often donated goods very cheaply (Interview 7).

ii. Comparison Between the Reality and the Policies on Housing

After establishing what the reality in North Rhine-Westphalia regarding housing conditions for asylum seekers is, it can now be compared to the policies to see to what extent they are implemented fully or not. Therefore, the information about asylum policies from the European Union, Germany and North Rhine-Westphalia presented in the previous section will be compared with the qualitative data presented in this section based on the top-down

approach as well as some aspects borrowed from the bottom-up approach that were presented in the theoretical part. Basically, the European Union, in its directive on material reception conditions states that the State can decide on the residence of the asylum seeker (Council of Minister, 2003). This system is used in Germany and therefore also in North Rhine-Westphalia as asylum seekers are allocated to the communities (Interviews 1-8). Within these communities, the asylum seekers are, for the most part, also allocated to specific reception centers or other accommodations. The right to look for a place to stay themselves, which is also stated in this directive, is adhered to if so wished, as stated by the representative of the city of Essen, however, as most asylum applicants do not have the necessary resources, it does not apply very often (Interview 3).

The directive also asks for an “adequate standard of living” (Council of Minister, 2003) in which health and sustenance of the asylum seeker are secured. Based on the information given during the interviews, the question of the extent to which this is adhered to is not as easily answered. As a basis, all asylum seekers in North Rhine-Westphalia have an accommodation and are provided with the necessities, such as food, clothing, etc. Therefore the sustenance of the individual is in all cases secured (Interviews 1-9). The aspect of health is more complicated to answer and will therefore be discussed in more detail in the next part of this section. The directive further mentions that the accommodations have to offer certain standards of living. This is also given when looking at the accommodations in North Rhine-Westphalia, as every reception center or other facility includes items like a bed, catering or cooking facilities, sanitary installations, heating, etc. (Interviews 1-8). One aspect mentioned in the Directive, however, is not adhered to throughout the state, which is the protection of family life. According to the interview partners all cities aim at accommodating families in single apartments, but in reality this does not always seem to be possible. There are families living in reception centers, often at least in single units, but these units are not completely closed off (Interview 9). However, it also needs to be stated that the Directive allows for exceptions to these rules in cases of high demand (Council of Ministers, 2003). The policy is therefore adhered based on the top-down approach of policy implementation and evaluation, however, when taking the main aim into account, there is a lack of protection of family life.

According to the Directive, it has to be possible for an asylum seeker to communicate with certain contact persons, such as legal advisers, non-governmental organisations, etc. (Council of Ministers, 2003). According to the interviewers, this request is fulfilled in all

cities and in all accommodations and is also encouraged. Some try to facilitate this by installing wireless internet in the reception centers for asylum seekers to be able to communicate as easy as possible (Interview 2). The Directive further mentions the need to protect the reception centers from any kind of assaults (Council of Ministers, 2003). Due to this regulation, many cities in North Rhine-Westphalia hire private security services for the reception centers. This is, for example, the case in Essen (Interview 3). However, there is obviously no special protection services in the cities in which most asylum seekers are accommodated in flats and apartments. Further professional personnel are required by the Directive to be working in the accommodation (Council of Ministers, 2003). In North Rhine-Westphalia, there are social workers accompanying asylum seekers throughout the process of their application and this is the case for inhabitants of the reception centers as well as for asylum seekers living on their own (Interview 6). It can therefore be stated that the European policy on housing conditions is fulfilled in most parts, except for the exemptions presented above.

As already mentioned in the previous section, Germany itself also has a number of policies regarding the housing conditions of asylum seekers, which are for the most part laid out in two directives, the *Asylbewerberleistungsgesetz* and the *Asylverfahrensgesetz*. According to these policies, asylum seekers have to receive an accommodation, food, clothing and items necessary to maintain a household. Based on the research, all of this is given in North Rhine-Westphalia, no matter if the asylum seeker lives in a reception center or in other kinds of housing. As stated by the interview partners, all accommodations provide these kinds of necessities (Interviews 1-9). Clothing is also provided. To this end, many communities are supported by different organisations, which operate special charity shops for clothes (Interview 7). When looking at the provision of food, there are different concepts. Some reception centers offer catering and if this is not the case, asylum seekers receive the mentioned cash benefits to provide food for themselves (Interview 3). As it is the case with clothing, there are also special charity shops for food, which gives asylum applicants the chance to buy groceries cheaply (Interview 7). It can therefore be stated that based on the theoretic approach the standards on housing set up by these two directives are fulfilled in North Rhine-Westphalia.

The federal state of North Rhine-Westphalia also gives guidelines on the housing of asylum seekers. However, it needs to be taken into account that the standards set up in the

document are not legally binding policies, but rather recommendations. Regarding the reception centers, the document states that they should have to satisfy standards so that humane living is possible (Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen, 2013). Based on the data collected, this is in some cases not completely adhered to. An example of this are the tent cities used in some cities to accommodate asylum seekers. These tent cities have the problem that sanitary facilities are outside, which means that asylum seekers have to leave the building to reach them including at night and also in bad weather. Further, the tents have a fan heating system. This heats the air, but the floor and walls remain cold if the temperatures outside are low (Interview 3).

The document further states that reception center should have certain rooms available. This includes dining rooms and common rooms. According to the research, this is given in all reception centers throughout North Rhine-Westphalia (Interview 1). Further, the reception centers should have sanitary facilities with lockable toilets as well as washing and drying machines. This is also given, according to the interview partners (Interview 9). Lastly, the accommodations are supposed to have special rooms for leisure activity and rooms for children (Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen, 2013). This is, however, not always the case. It has been stated that the communities aim at providing this, but it is not always possible. Some reception centers have special classrooms in which courses, such as language courses, are offered and in which children can do their homework, but many do not (Interview 1). One way in which the communities try to counter this is by offering leisure activities outside of the reception centers, mostly supported by local organizations, such as churches. This includes cultural events, such as sightseeing, sporting events and educational courses (Interviews 1, 2, 4, 7).

When it comes to safeguarding people that need special protection, such as unaccompanied minors, families with children, elderly people, women travelling alone or people with special needs, the document asks for specific rooms that fulfill their needs (Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen, 2013). This is also problematic in some reception centers in North Rhine-Westphalia. Particularly a separation based on gender is not given in all cases. The same is true for elderly people or people recovering from an illness, who stay under the same circumstances as everyone else in the reception centers. This means they sleep in bunk beds in units that are not completely closed off. Families stay in these units as well, however, based on the provided answers, each

family has their own unit, which means there are not two families or one family and a single person in one unit (Interview 9). However, it still stands that the communities cannot fulfill all recommendations when it comes to the protection of these asylum seekers based on the top-down approach of policy implementation.

b. Health

i. Health Conditions of Asylum Seekers in North Rhine-Westphalia

According to the interview partners, the general healthcare for all asylum seekers in North Rhine-Westphalia is given as all of them confirmed that asylum seekers are able to see doctors within the scope of what is required by the policies (Interviews 1-7). However, it is also mentioned, for example by the representative of the city of Rheine that language plays a big factor in the success of the treatments. More precisely, this means that due to the language barrier, some problems may not be treated optimally. The communities “do not have the financial resources to hire professional translators” to address this problem, so the city of Rheine works together with volunteers to provide these services (Interview 6). Another aspect mentioned by the official from Gronau is a misunderstanding of how the German healthcare system works on the side of the asylum seeker (Interview 4).

One big aspect that causes a great differentiation between the cities when it comes to health conditions is the question of whether or not the community has implemented the health card or not. So far only a few cities have implemented this new system and none of them are among the ones interviewed; however that does not mean that they still use the old system. Some use a hybrid system to prepare for the introduction of the health card, among them the cities of Rheda Wiedebrück and Gronau. This hybrid system entails asylum seekers receiving health vouchers that are valid for a quarter of a year with which they are able to see doctors. The bills for that will afterwards be transferred to the cities (Interview 4, 5). This is different from the original system in so far as asylum seekers do not have to see an official every time before being able to visit a doctor. However, the general aim, according to many officials from the cities, such as Gronau, is to implement the health card “in the foreseeable future” (Interview 4).

When taking a look at the possibility of receiving counselling for psychological problems, the situation is, however, different. According to the representative from Caritas, many asylum seekers suffer from traumatic experiences while in their home country or during their journey (Interview 9). Only one city mentions that there is the possibility for counselling by different organisations, which is the city of Beckum that states that “there are opportunities for traumatised asylum seekers offered by different organisations” (Interview 1). However, even if the possibility is given there is still a problem due to the language barrier, which sometimes prevents successful treatment, according to the city official. It should be noted that these offers are not from the community itself, but from external organisations (Interview 1).

The fact that the situation for asylum seekers is difficult is also underlined when taking a look at the last aspect when it comes to health conditions for asylum seekers in North Rhine-Westphalia, which is the possibility to live a healthy lifestyle, both physically and mentally. One aspect that comes to mind when thinking about a healthy lifestyle is closely related to the housing situation. According to the employee of Caritas, asylum seekers, especially those that have experienced a traumatic experiences in their country of origin and during their journey to Germany, “are in need of a quiet and peaceful place to rest and recover” (Interview 9). However, this is definitely not always available when taking a look at the reception centers in North Rhine-Westphalia. As already mentioned, many reception centers lack privacy and therefore also peace and tranquility (Interviews 3, 9). It is further the case that asylum seekers often have to move even after they are allocated to one community. This is in the interest of the asylum seeker as they are, for the most part, moved from a reception center into their own apartment, however, it cannot be denied that this is another disturbance, as they have to get accustomed to a new situation once more (Interview 9). Related to this is the question if asylum seekers are able to have healthy meals. On the one hand, there are the accommodations in which asylum seekers are responsible to cook for themselves, in which case this situation is in their own hands in so far as the provided financial funds allow for it. On the other hand, there are reception centers that are supplied by catering services. In this case, the asylum applicants do not have a choice when it comes to healthy eating. According to the representative from Caritas, this is in so far problematic as the food offered by the catering services in the centers is often unknown to the inhabitants, “it feels foreign to them” (Interview 9) and therefore they sometimes reject it (Interview 9).

Another aspect related to being able to live a healthy lifestyle is the chance to engage in hobbies, such as physical activity. This is especially important for asylum seekers as it creates a diversion from the otherwise relatively static life. Many cities aim at providing services in this regard. The city of Beckum, for example, tries to offer sporting facilities within their reception centers, which is, however, not always possible (Interview 1). Other cities, such as Essen, Emsdetten and Rheda-Wiedenbrück, work with volunteers and organisations to provide diversions like sight-seeing or sporting events for the asylum seekers living in their communities (Interviews 2, 3, 5). The city of Emsdetten asked asylum seekers if they were willing to help in setting up new reception centers for asylum seekers. This is not paid work, but rather voluntary service, but, according to the city official, many welcomed this opportunity as a diversion from day-to-day life in which they are not allowed to work as well as a chance to give something back to the city (Interview 2).

ii. Comparison Between the Reality and the Policies on Health

In the following, there will be comparison between the reality in North Rhine-Westphalia and the policies set by the European Union, Germany and the federal state regarding the aspect of healthcare and healthy lifestyle possibilities. According to the European Union Directive, the receiving state has to offer basic healthcare for every asylum seeker that stays in the European Union (Council of Ministers, 2003). In Germany and therefore also in North Rhine-Westphalia this is the case as asylum applicants receive basic healthcare or emergency care. As mentioned, there are some problems related to this as, according to the research, a language barrier often prevents successful treatment (Interview 1). Further difficulties are related to the fact that sometimes asylum seekers do not have knowledge of how the health system in Germany works (Interview 2). In general, however, the communities in North Rhine-Westphalia can and do fulfill this part of the policy. The European Union states in their directive as well that the authorities have to ensure a standard of living guaranteeing health and sustenance of every asylum seeker, especially vulnerable people (Council of Ministers, 2003). As already mentioned when discussing the housing conditions, this is partly problematic in the reception centers in North Rhine-Westphalia as there are no special rooms to accommodate these people. According to the employee from Caritas, it also happens that people, who have to recover after a stay in the hospital, are sent

back to the reception centers, which, based on her opinion, is highly problematic for a healthy recovery (Interview 9).

Similar demands with regards to healthcare for asylum seekers, such as the necessity of emergency care, are made by the German state in their policies. One topic that has not been mentioned is the fact that Germany wants all asylum seekers to receive necessary vaccinations and preventive medical screening (Bundesministerium der Justiz und Verbraucherschutz, 1993). This is, according to Caritas, partly done in the reception centers and partly at doctors' offices. However, the same problems as with the emergency care exist here, which are language and cultural barriers (Interview 9).

North Rhine-Westphalia itself also mentions a number of things the communities have to offer when it comes to healthcare. The most important aspect in this regard is the health card that has currently started to be used in some communities. However, only a very small number has used the card, which leads to some problems regarding the provision of healthcare, as some communities still use the old system, which requires asylum seekers to see a civil servant, who then decides if the person is allowed to see a doctor (Ministerium für Gesundheit, Emanzipation, Pflege und Alter des Landes Nordrhein-Westfalen, 2016). This system is seen as difficult by non-governmental organization because civil servants, who are not trained medical personnel, have to make these kinds of decisions. In conclusion that means that in practice acute emergency care is not guaranteed in all cases (Interview 9). However, the system is changing slowly to better accommodate to the requirements (Interview 4). It should also be noted that, according to the research, there has been a lot done to improve healthcare outside of the official channels. Examples of this are doctors visiting reception centers voluntarily on their free time, which is happening in the city of Münster, for example. Other support is given by citizens and organisations, which offer to accompany asylum seekers to doctors' appointments. The aim is to overcome language barriers and also familiarize the asylum seekers with the German system (Interview 9). So all in all, there are different aspects that are fulfilled and some that are not fulfilled. However, as already mentioned, all interview partners are seeing steps into the direction of fulfillment and according to the bottom-up theory of policy implementation, this is also one way of fulfillment of a policy.

c. Education for Minors

i. Education Possibilities for Minor Asylum Seekers in North Rhine-Westphalia

According to the interview partners from all communities, children of asylum seekers who have been allocated to the cities attend schools if they are of a specified age and there is no exception to this (Interviews 1-8). This has been seconded by the representative from the NGO (Interview 9). However, this is not without problems as the representatives from the cities stated. The main difficulty is the fact that the schools are overburdened with the sudden arrival of new students as well as with the challenges these students bring. As the interviewee from Essen states: “we are meeting the capacity limit” (Interview 3). According to the representative from Beckum, there is just not enough personnel provided by the district government in general and not enough personnel that is specially trained to support children in situations like these. One of the main challenges is related to the fact that most of the children of asylum seekers do not speak German (Interview 1). According to the interview partners, this made it necessary to create special classes or courses for them, so-called catch-up classes (Interview 3). A second challenging factor is the fact that the prior education these children have had greatly varies. Most cities proceeded by first having meetings with the student and his or her parents, sometimes already in the reception centers. These meetings aimed at analyzing the level the education and language skill of the student in order to then be able to place him or her in the correct school or class (Interview 3). Based on what the city officials state, this whole system is not perfect and needs time to adjust, but at least it is guaranteed that all children attend schools.

Some cities also aim at providing pre-school coverage and day care for children of asylum seekers that have not yet reached school age. They thereby hope that will have a positive effect on integration as well as on the speed at which they learn the new language. A difficulty in this regard is, according to the representative from Emsdetten, that many asylum seekers are not used to this system and therefore do not trust it. Another aspect is related to the fact that “many, due to experiences during their journey, have trouble letting their kids go” (Interview 2). The city of Emsdetten has therefore started a program to introduce families to this concept by allowing them to visit and spend time at the facilities together for some days.

However, another problem is the fact that there are simply not enough pre-school groups to accommodate all children (Interview 2).

An aspect related to schooling is a positive learning environment for the children in their accommodations to support them in their homework and their general learning. As already explained, the situation is very different depending on where the asylum seeker is asked to live. It has already been stated that the cities aim at providing apartment-like housing for asylum seekers with children and in these cases the learning environment is dependent on the families themselves. This is, for example the case in Rheda-Wiedenbrück, Steinfurt and Gronau (Interviews 4, 5, 7). There are nevertheless many families with children of school age living in reception centers, which means living in tents, gyms and other facilities not intentionally built to accommodate people. The set-up of these reception centers has already been presented, but the focus will now be on how they function as a learning environment for children. The city officials from Beckum and Essen state that they try to include special rooms for children in their reception centers that are used for homework and learning (Interviews 1, 3). However, according to Caritas, this is not the case in all reception centers in North Rhine-Westphalia (Interview 9).

Many of the interview partners also mention the existence of support for school children provided by volunteers and different organisations. This, for example, takes the form of language classes often offered by retired teachers, such as in Essen. In other cities, such as Gronau, Steinfurt and Rheine, volunteers work directly in and with the schools to help integrate the children and to teach the new language (Interviews 3, 4, 6, 7).

ii. Comparison Between the Reality and the Policies on Education of Minor Asylum Seekers

The question now arises to what extent the reality in North Rhine-Westphalia is in accordance with the policies set up by the different levels of government. The European Union's policy paper on education for minor asylum seekers states that children of asylum seekers have to receive education under similar circumstances as regular citizens not later than three months after the application has been submitted (Council of Ministers, 2013). According to the representatives of the cities, this is in all cases guaranteed as the children of asylum seekers

attend the same schools as all other minors in Germany (Interviews 1-8). The compulsory education for them starts directly when the family is allocated to a community. The Directive further asks for support in case of language difficulties (Council of Minister, 2013). The way this is handled in North Rhine-Westphalia is rather diverse. One possibility is the establishment of special classes only for immigrants in which the focus is on learning the language to later participate in the regular classes. This is done in bigger cities, such as Essen (Interview 3). A second way in which language is taught is by having the children in regular classes, but have hours in which special personnel visits the schools to give extra tutoring (Interview 7). All in all, the compulsory education and, if necessary, special tutoring is given for all different kinds of schools. However, it has also been stated by the representatives of the cities that the schools in the region are highly overburdened due to the high number of children. This is especially true in bigger cities that have very big reception centers. To cope with this problem, some children are sent to schools that are rather far away from their accommodation to relieve some of the pressure on nearby schools. This system is obviously not perfect for the children, but the cities do not have many other options (Interview 3).

The same concept of compulsory education for underage asylum seekers is stated in German law, but, as already mentioned, the schooling system in Germany is, for the most part, under the competence of the federal states. However, the general idea is portrayed the same. Children have to be able to attend schools and this is dealt with accordingly in the communities in North Rhine-Westphalia. An interesting aspect is related to the learning environment of children living in reception centers. The non-binding sets of standards for reception centers in the federal state indicate that accommodations should have special classrooms in which children are able to learn and do homework, especially since schools in Germany mostly end around noon (Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen, 2013). However, as already briefly discussed, many reception centers in North Rhine-Westphalia do not offer this, which can make it highly problematic for children to keep up with their school work as stated by the representative of Caritas (Interview 9).

To sum up, the most important aspect that is demanded by all three levels of government is the fact that children of asylum seekers have to be able to receive an education. Based on the research this is in all cases complied with, however, improvement is necessary when it comes to language support and the learning environment.

d. Education and Work Possibilities for Adults

i. The Reality of Education and Work Possibilities for Adult Asylum Seekers in North Rhine-Westphalia

As this part has now covered education for underage asylum seekers, it is time to take a look at what the cities in North Rhine-Westphalia offer for adult asylum seekers. The most important thing for them is to learn the language to be able to have a day-to-day social life as well as to have employment chances once the asylum application phase has been successfully completed as stated by the officials. Integration courses offered by the Federal Office for Migration and Refugees and conducted locally by different organisations are one step towards this goal. They are offered in most cities for certain groups of asylum seekers. However, according to all interview partners, there are not enough places (Interviews 1-9). Due to this, all cities try to offer additional language courses, often times in cooperation with volunteers. These courses have a very wide range. Some aim at providing a very basic understanding of German, some are at a higher level. The reason why this diversity is necessary is the different backgrounds of the asylum seekers coming to Germany. According to the representative of Caritas, “while there are many that have visited a school and are trained, there are also many illiterates” (Interview 9). The providers of these courses sometimes even go into the reception centers directly (Interview 9). Nevertheless, the demand for language training is much higher than what the cities and the organization can offer. Another problem is related to the fact that integration courses and some other courses need to be paid for by the asylum seeker him- or herself, which is sometimes not possible. The city of Rheine, as well as some other cities, therefore offer the chance to do voluntary work in exchange for the possibility to take part in these courses (Interview 6).

In order to support asylum seekers who have a high likelihood for their asylum claim to be accepted as soon as possible, different cities have come up with various programmes for employment. The city of Beckum, for example, plans to set up a programme in cooperation with the job center for younger asylum seekers to get in contact with local companies for possible internships. The city of Gronau tries to support young adult asylum seekers, who do not have a degree to get one to have better chances at the labour market. The same concept is

applied in the city of Rheine as well (Interviews 1, 4, 6). Another interesting development is related to the fact that the cities and communities do not have the resources to pay for professional translators, according to the city official from Rheine. A solution to this that is applied in some cities is to include asylum seekers with good language skills by asking them to translate. According to the interviewee: “Asylum Seekers, who have good language skills in Arabic, German and English help us translate” (Interview 6). Some asylum seekers also have the chance to visit a vocational college (Interview 7).

ii. Comparison Between the Reality and the Policies on Work and Education Possibilities for Adult Asylum Seekers

When looking at the policies regarding work and education by the European Union, it is stated that asylum seekers have to have the possibility to look for work after a time specified by each Member State with the specification that States can allow priorities for nationals (Council of Ministers, 2003). This system is used in Germany, which states that asylum seekers may find work after three months and the afore mentioned circumstances (Bundesministerium der Justiz und Verbraucherschutz, 1992). As a tool of integration, this is by now highly supported by the communities, which sometimes even set up special programmes to support asylum seekers, often in cooperation with local businesses or organisations (Interview 5). The European Union also demands that asylum seekers, who are older than 18 have the possibility to receive secondary education, such as vocational college (Council of Ministers, 2003), which is also stated in the *Asylverfahrensgesetz* at State level (Bundesministerium der Justiz und Verbraucherschutz, 1992). This provision is also supported by the communities, according to the research, as they actively try to prepare young adults to be able to prepare for employment. According to the research, there are also programmes already set up or being set up that work in this regard, including those that provide a vocational education with lower thresholds of admittance in employment areas that lack workers in Germany, for example in the care of the elderly (Interview 9). However, this is related to the problem of language skills that will be discussed in the following..

The German state has opened up integration courses for certain groups of asylum seekers that is mostly comprised of a language course (Bundesamt für Migration und Flüchtlinge, 2015c). This course is very popular, which leads to a high demand that cannot be

fulfilled by the assigned organisations in the communities in North Rhine-Westphalia. A problem related to this is the fact that these courses have to be paid for by the asylum seeker, which is quite often not possible. These two facts lead many asylum seekers to not be able to take part in these official integration courses. According to the interviewed civil servants, the communities try to counter this problem by working with non-governmental organisations to offer other courses that are free or for which the asylum seeker can do some voluntary work (Interviews 1, 3).

To sum up it can be said that the area of education and employment for asylum seekers in North Rhine-Westphalia is still in development. This therefore also means that not all policy requirements are fulfilled, most notably when it comes to integration courses. According to the information provided by the interview partners, there are, however, many ideas on how to increase the chances for asylum seekers to actually be able to get further education and employment.

b. Preliminary Conclusion

To sum this analysis up, it can be stated that the implementation of policy regarding living conditions of asylum seekers in North Rhine-Westphalia during the high-volume phase in 2015/2016 is a work in progress. Basic conditions are met; however, there are a number of aspects that have not been fulfilled according to the different regulations by the European Union, the German state or the federal state. These are mostly related to education of minors as well as the education of adult asylum seekers. In this regard it is important to take a look back at the implementation theory to argue about the progress. When only taking the top-down approach, which has been the earliest one, into account, it has to be stated that there is failed implementation in some parts of the policy (Mazmanian & Sabatier, 1980). However, as mentioned in that section, the modernized bottom-up approach of implementation theory suggests a relatively wide approach when it comes to evaluation (deLeon, 2002). This means that not only the measurable outcome is relevant, but also the direction in which the development is pointing has to be taken into account. Based on this, it was possible to also include the parts that have not been fulfilled a hundred percent in all aspects, but that are leading into the intended direction. An example is the language courses offered by volunteers that are not comparable to the official integration courses that should be accessible for many

groups of asylum seekers, but that offer a step in the same direction, which is the integration into the German society and work force. When looking back at the third sub-question, if and in how far the reality complies with the policy, that is supposed to be answered in this chapter, the conclusion can be drawn that there is a discrepancy between what is asked for by the policies and what is the reality in North Rhine-Westphalia during the so-called migrant crisis of 2015/2016. The dilemma can best be summarized by a quote from an employee of the city of Essen, who states: “We are currently in a crisis mode.” (Interview 3).

VI. Conclusion

When looking back at the research presented in this paper, it is necessary to refer back to the research questions. The first research question aimed at summing up the standards for living conditions of asylum seekers. This paper gave a review of the regulations and policies by the European Union, which can mainly be found in a Council Directive from 2003. When it comes to the standards set by the German state, two documents, the *Asylbewerberleistungsgesetz* and the *Asylverfahrensgesetz* are the most important. The federal unit North Rhine-Westphalia also set up a number of standards, although these are not legally binding. All in all, it can be said that the policies become more and more detailed the lower the level of government, starting with the fact that asylum seekers need to be accommodated in humane living conditions, need to receive basic healthcare and education as stated by the European Union and ending with details of what kind of rooms a reception center should include, how healthcare is provided and how children are to attend schools and adults are to attend integration courses as stated by the German state and North Rhine-Westphalia.

The second and third research questions ask for the reality asylum seekers face in North Rhine-Westphalia and to what extent the reality diverges from the standards. It becomes apparent that the communities in North Rhine-Westphalia face a huge challenge with regard to the influx of asylum seekers. This is apparent when taking a look at the living conditions, which has been done in this paper and it is likely the case for other aspects of welcoming asylum seekers into Germany as well. The research shows that in a number of aspects of all three concepts that have been analysed, housing conditions, health conditions and education, the basic requirements are met. This means that all asylum seekers in Germany have a roof over their heads and other basic necessities, they receive healthcare to a certain extent and the children attend schools. However, when taking a closer look, there are many aspects that are still lacking, such as reception centers being too cold or not private, healthcare not being conducted due to language problems or not enough language and integration courses for children and adults. Therefore the only conclusion that can be drawn when trying to answer the main research question is that it is a work in progress.

This also takes us back to the theory of policy evaluation. When taking into account the idea of a top-down implementation, the statement is clear that some policies in the field of living conditions have failed to produce the stated result as presented above. As this research

methodologically used a top-down approach, such as presented by Mazmanian and Sabatier, in the evaluation of the policies, that is the logically conclusive answer to the research question then. However, it has been argued for a long time that a pure top-down approach is antiquated and does not paint a full picture of the multi-level aspects of policies so that it makes sense to include aspects from the bottom-up approach of policy implementation. The idea of this approach presented in this thesis is the fact that it does not only include the basic facts, which, in this case, would be a yes or no answer to the question as to whether or not a policy has been fulfilled, but also takes a look at whether or not steps are made in the direction of fulfillment. This research is therefore a good example of this theory as not all standards set out in the different policies are adhered to, but the direction of the measures taken by the communities is clear and all point into the direction of fulfilling the standards. This idea has also been promoted by scientists, such as the deLeons in 2002 in the later stages of the discussion surrounding policy implementation. To sum up the theoretical underpinning, it has to be agreed with the critique of the top-down approach of not including the multi-level aspects of the policy and therefore not providing a full picture of the situation. This picture can only be given when including the afore mentioned “steps into the intended direction”.

One interesting observation that has been made during the research that is also potentially interesting for further research, is the fact that a lot of the work to achieve compliance with the regulations and also a lot that reaches way beyond the bare minimum is done by volunteers and organisations that are based on voluntary work. Examples of this are the churches, sports organizations or loose organisations created solely for the purpose of supporting asylum seekers. It seems to be the case that without this outside help, the situation in the communities would be a lot worse. This support network is in many cases even organized by employees of the cities, which further supports the theory that the situation would be a lot harder to manage without volunteers. This can also be seen as a practical implication for the communities. Further supporting and coordinating these kinds of actions seems helpful on the one hand because it takes tasks away from the overburdened cities and, on the other hand, it possibly keeps the attitude towards asylum seekers and immigration in general more positive.

Another question that can be asked after this research is, if the situation is similar for all sixteen federal entities in Germany. The fact that asylum seekers are distributed based on population figures may support the idea that there are many similarities when it comes to

these challenges however, it would be interesting to look at the differences between the richer and poorer states, or between the states that are closest to the borders through which the majority of asylum seekers enter Germany and the ones that are further away. On top of that, this research only took a look at the living situation of asylum seekers whose asylum applications have already been made and who have been allocated to their destination. The requirements and the actual situation for asylum seekers, whose applications have not been made is very likely different, and therefore an interesting topic for further research.

VII. Literature

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VIII. Appendix

a. Appendix 1: Interview Questions

1. How would you describe the living situation of asylum seekers in NRW?
2. Would you say that you are able to fulfill all regulations regarding
 - a. housing?
 - b. health support?
 - c. education?
3. What are the problems you encounter?
4. How do you organize?
5. Do you receive enough financial support (how much exactly?) from the central government?
6. How much staff do you have? Is it sufficient for matters concerning asylum and refugees?
7. What are the reactions from the public?
8. Are there any other problems that need to be addressed
 - a. immediately?
 - b. in the long run?
9. In how far do you collaborate with NGOs?
10. How has the current situation changed your work/ influenced it?

b. Appendix 2: Interview Partners

Number	City	Name	Title
1	Beckum	Heinz-Jürgen Meyer	Mitarbeiter Stadt Beckum
2	Emsdetten	Manfred Wietkamp	Fachdienstleiter Bürgerservice, Ordnung und Soziale Leistungen
3	Essen	Bodo Kolling	Fachstellenleiter, Fachstelle zur Verhinderung von Wohnungslosigkeit und Sicherung der Energieversorgung, Flüchtlingsunterbringung
4	Gronau	Ahmet Sezer	Integrationsbeauftragter

5	Rheda- Wiedenbrück	Ernst-Jürgen Michaelis	Integrationsbeauftragter
6	Rheine	Martina Sendtko	Fachbereich Soziales
7	Steinfurt	Claudia Bögel-Hoyer	Mayor
8	confidential		
9	Caritas	Aiga Wegmann- Sandkamp	Mitarbeiterin Spitzenverband Münster

Table 1: Interview Partners

c. Appendix 3: Operationalisation Table

Theoretical Concept	Variables	Measurement	Question	Data Collection
Living Conditions	Housing Conditions	type of housing	What type of housing is there?	interview with civil servants and representatives of NGO
		facilities	What facilities are present? What is the arrangements?	interview with civil servants and representatives of NGO
		assistance	What kind of assistance is given?	interview with civil servants and representatives of NGO
		special needs	What possibilities do people with special needs have (unaccompanied minors, sick people, women who are travelling alone and families)?	interview with civil servants and representatives of NGO
	Health Conditions	possibility	Is the possibility given?	interview with civil servants and representatives of NGO
		accessibility	How easy/difficult is it?	interview with civil servants and representatives of NGO
		healthy lifestyle possibilities	Can one live a healthy lifestyle?	interview with civil servants and representatives of NGO
	Education (adults)	language courses	Is the possibility given?	interview with civil servants and representatives of NGO

		further support	What other support is there?	interview with civil servants and representatives of NGO
	Education (children)	possibility to attend school	Is the possibility given?	interview with civil servants and representatives of NGO
		special support (language)	What other support is there?	interview with civil servants and representatives of NGO
		learning environment	What is the learning environment in their accommodation like?	interview with civil servants and representatives of NGO

Table 2: Operationalisation