



Federal Office
for Migration
and Refugees



Migration, Integration, Asylum

Political Developments in Germany 2016

Annual Policy Report by the German National Contact Point for the
European Migration Network (EMN)



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Summary

The 2016 Policy Report of the German National Contact Point for the European Migration Network (EMN) provides an overview of the most important political and legislative developments and structures in the areas of migration, integration, and asylum in the Federal Republic of Germany in the year 2016. In addition, the report refers to measures taken by the Federal Republic of Germany or which concern Germany in the framework of the European harmonisation of migration and asylum policies, e. g. measures to implement the European Agenda on Migration, the Global Approach to Migration and Mobility, the EU Strategy towards the Eradication of Trafficking in Human Beings, or to further develop the Common European Asylum System (CEAS). As in 2015, dealing with a persistently high number of asylum seekers was the main issue. However, during 2016, the political, social and administrative focus shifted gradually from organising the newcomers' reception and registration and accelerating asylum procedures towards the allocation of asylum seekers to individual municipalities, towards integration and towards the return of those persons whose asylum applications were rejected.

In 2016, several amendments to residence, asylum and integration law entered into force:

- Data Sharing Improvement Act (entry into force: 05 February 2016),
- Act on the Introduction of Fast-Track Asylum Procedures (Asylum Package II) (entry into force: 17 March 2016),
- Act on the Faster Expulsion of Criminal Foreigners and Extended Reasons for Refusing Refugee Recognition to Criminal Asylum Seekers (entry into force: 17 March 2016),
- Integration Act and its accompanying Ordinance (large shares of which entered into force on 6 August 2016).

Several draft laws were pending at the end of 2016 and the beginning of 2017, but no vote had been taken yet at the time of writing of this report in March 2017.

- Draft of a Third Amendment to the Asylum Seekers' Benefits Act
- Draft of an Act to Improve the Enforcement of the Obligation to Leave the Country
- Draft of an Act to Implement European Directives on Labour Migration
- Draft of an Amendment to the Residence Act (Family Reunification for People who benefit from Subsidiary Protection)

The 'Act on the Classification of the People's Democratic Republic of Algeria, the Kingdom of Morocco and the Republic of Tunisia as Safe Countries of Origin' was adopted by the Bundestag on 13 May 2016. The Bundesrat rejected the bill on 10 March 2017 (Deutscher Bundestag 2017).

The European Migration Network

The European Migration Network (EMN) was launched by the European Commission in 2003 on behalf of the European Council in order to satisfy the need of a regular exchange of reliable information in the field of migration and asylum at the European level. Since 2008, Council Decision 2008/381/EC forms the legal basis of the EMN and National Contact Points have been established in the EU Member States (with the exception of Denmark, which has observer status) plus Norway.

The EMN's role is to meet the information needs of European Union institutions, Member States' authorities and institutions as well as the wider public by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in these areas. The National Contact Point for Germany is located at the Federal Office for Migration and Refugees in Nuremberg. Its main task is to implement the annual work programme of the EMN. This includes the drafting of the annual policy report "Migration, Integration, Asylum" and of up to four topic specific studies, as well as answering Ad-Hoc Queries launched by other National Contact Points or the European Commission. The German National Contact Point also carries out visibility activities and networking in several forums, e. g. through the organisation of conferences or the participation in conferences in Germany and abroad. Furthermore, the National Contact Points in each country set up national networks consisting of organisations, institutions and individuals working in the field of migration and asylum.

In general, the National Contact Points do not conduct primary research but collect, analyse and present existing data. Exceptions might occur when existing data and information are not sufficient. EMN studies are elaborated in accordance with uniform specifications valid for all EU Member States plus Norway in order to achieve comparable EU-wide results. Furthermore, the EMN has produced a Glossary, which ensures the application of comparable terms and definitions in all national reports and is available on the national and international EMN websites.

Upon completion of national reports, the European Commission drafts a Synthesis Report with the support of a service provider. This report summarises the most significant

results of the individual national reports. In addition, topic-based policy briefs, so-called EMN Informs, are produced in order to present and compare selected topics in a concise manner. The EMN Bulletin, which is published quarterly, informs about current developments in the EU and the Member States. With the work programme of 2014, the Return Expert Group (REG) was created to address issues around voluntary return, reintegration and forced return.

All EMN publications are available on the website of the European Commission Directorate-General for Migration and Home Affairs. The national studies of the German National Contact Point as well as the synthesis reports, Informs and the Glossary are also available on the national website: <http://www.emn-germany.de/>

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1 Introduction

Structure and content

The 2016 Policy Report provides an overview of the most important political discussions as well as political and legislative developments in the areas of migration, integration, and asylum in the Federal Republic of Germany in the year 2016. Nevertheless, it does not purport to be exhaustive. The rules concerning the mobility of EU citizens within the EU and changes to these rules do not form part of the present report. The report was written by the German National Contact Point for the European Migration Network (EMN) at the Federal Office for Migration and Refugees (BAMF) in Nuremberg and is intended to provide the institutions of the EU and the authorities and institutions of the Member States with the information they require in order to support policy-making in the European Union. The findings gathered for the EMN are public. The results of the national policy reports will be included in a comparative synthesis report – the ‘Annual Policy Report’ – prepared and released by the European Commission. In addition, the European Commission (which co-ordinates and co-finances the work of the EMN) also publishes its own EMN Informs on specific topics that build on the policy reports of the Member States and provide a comparison of the national results.

This 13th EMN policy report is based on the reports from previous years, even though several structural changes were made this year. A new Chapter on “Integration and anti-discrimination efforts” (Chapter 6) was introduced to describe developments in this area, which have so far been included in the Chapter on “Legal Migration”.

Chapter 1 provides an overview of the structure of the political system, existing institutions, changes in these structures, and general political developments in 2016. Chapter 2 outlines relevant political and legislative developments, as well as important political debates on migration, integration, and asylum. Chapters 3 to 9 focus on specific political and legal measures in certain areas of immigration and asylum policy, while Chapter 10 takes a look at the interaction between migration and development.

Methodology

The 2016 Policy Report is based on numerous sources of data and information. The information provided is based on information from German federal authorities as well as factual information from the relevant organisational units of

the Federal Office for Migration and Refugees. Information on political debates and the status of legal developments is drawn primarily from printed publications and minutes of plenary meetings of the Bundestag and Bundesrat, statutory instrument and law gazettes, and official statements from ministries, authorities, and political parties made to the press or in public programmes as well as from publications by the Federal Office for Migration and Refugees and the National Contact Point for the European Migration Network. Relevant statements or publications from non-governmental or international organisations, as well as relevant news coverage from national media were also included. All external sources are explicitly cited.

Most figures and statistics were provided by the Federal Office for Migration and Refugees, the Federal Statistical Office (StBA), the Federal Employment Agency (BA) and the Central Register of Foreigners (AZR). Since the editing of the 2016 EMN Policy Report was finished by March 2017, some data on migration for 2016 were not yet available at the time the report was written. In such cases, the report uses the most recent available data.

Events and measures were chosen and weighted based on how relevant the facts and developments could be to the work of policy-makers, both on a national and European level. Specifically, it was necessary to limit the number of issues addressed in the section on important political and legislative debates on migration, integration, and asylum (Chapter 2.2).¹

Terms and definitions

The terminology used in this report is largely based on the Glossary of the EMN (EMN/COM 2014). Terms referring specifically to the legal situation in Germany are regularly explained in the text or in footnotes. Background information from previous EMN policy reports is referenced accordingly.

¹ We wish to thank Laura Kotzur, Phuong-Ha Nguyen, Lara Klein-kauf and Kristin Schulz for their research and editing assistance during their internship at the Research Centre of the Federal Office for Migration and Refugees.

1.1 General structure of the political system and institutions for migration, integration and asylum

In the Federal Republic of Germany, legislative and executive authority is divided between the Federal Government and the 16 Länder. The executive branch operates on three principles: the chancellor principle, the collegiate principle, and the departmental principle. Under the chancellor principle, the chancellor sets policy guidelines and manages the affairs of the Federal Government. Under the collegiate (or cabinet) principle, however, issues of general political importance must be decided by a majority of ministers. Finally, the departmental principle gives the ministers responsibility for and the authority to run their departments.

Below is a brief outline of the roles of the top actors in asylum, immigration, and integration policy (for an overview see Fehsenfeld et al. 2008; Schneider 2012a).

The Federal Ministry of the Interior (BMI) has primary responsibility. In addition to drafting legislation, it addresses European harmonisation and supervises the Federal Office for Migration and Refugees and the Federal Police (BPOL) as the central operational authorities in the areas of asylum, integration and return policies.

Another important venue for policy-making is the Permanent Conference of Ministers and Senators for the Interior of the Länder (IMK), in which the Federal Minister of the Interior participates in an advisory role. The conference usually takes place twice a year, and its unanimous decisions serve as policy recommendations with strong binding effects that are often taken into consideration in the legislation and administrative practice of the Länder and the Federal Government.

The Federal Ministry of Labour and Social Affairs (BMAS) works with the Federal Ministry of the Interior on the basics of the employment of migrants and their integration into the labour market according to their profession. The Federal Employment Agency, which runs a nationwide network of employment agencies and branches, is supervised by the BMAS.

Issues of labour migration and the integration of migrants into the labour market are also addressed by the Conference of Ministers and/or Senators for Labour and Social Affairs (ASMK) which, similar to the IMK, helps the Länder to work together to coordinate their interests in labour and social policy.

Since 2016, the Federal Ministry for Economic Cooperation and Development (BMZ) has been expanding its efforts in the area of voluntary return and reintegration of foreign

nationals. While, until then, the BMZ focused on return support for qualified workers, it is now cooperating more closely with the Federal Ministry of the Interior and running programmes to support return and reintegration.

The diplomatic missions abroad supervised by the Foreign Office (AA) are responsible for passport and visa issues, which means that they are the first point of contact for those foreign nationals who need a visa to enter Germany.

The Federal Government Commissioner for Migration, Refugees and Integration is appointed by the Federal Government. Since 2005, the office of the Commissioner has been a Minister of State under the purview of the Federal Chancellery. The Commissioner's task is in particular, to support the Federal Government in developing its integration policy (Section 93 no. 1 of the Residence Act)², and s/he shall be involved in relevant law-making projects (Section 94 subs. 1 of the Residence Act). In addition, s/he is responsible for further developing the necessary conditions for the most harmonious co-existence possible between and Germans and between different groups of foreigners" (Section 93 subs. 2 of the Residence Act).

Similar to the IMK and ASMK, the Ministers and Senators of the Länder responsible for integration regularly meet to discuss and coordinate political projects on integration (IntMK). The Federal Government Commissioner for Repatriation Issues and National Minorities, whose office was created in 1988, operates under the Federal Ministry of the Interior. S/he is responsible for coordinating all measures relating to ethnic German repatriates. The Commissioner is the central contact for national minorities and serves as a contact for ethnic Germans who still live in the countries of origin of the repatriates. Furthermore, the Commissioner co-ordinates assistance measures and co-chairs the existing government committees for issues of German minorities (BMI 2017a).

The Federal Office for Migration and Refugees is a superior federal authority among the subordinate authorities of the Federal Ministry of the Interior and performs numerous tasks in the field of migration, integration, and asylum. Its employees examine the applicants' right to asylum, which is enshrined in the German constitution, at its arrival centres, branch offices and decision centres, and conduct all asylum procedures in Germany, including the Dublin procedure to determine responsibility in the asylum procedure. They determine the applicants' right to asylum, their refugee status under the Geneva Convention relating to the Status of Refugees and the requirements for subsidiary protection under the Qualification Directive and for national bans on

2 Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory, BGBl. I p. 162.

deportation.³ If protection is deemed unnecessary, the Federal Office for Migration and Refugees also issues the deportation warning and order. In addition to conducting the asylum procedure, it coordinates the humanitarian reception programmes and procedures of the Federal Government and the Länder, as well as Germany's participation in the UNHCR and EU resettlement and relocation programmes (see Chapter 4.3). The Federal Office for Migration and Refugees is also responsible for developing and implementing the national integration programme and for the registry of the German Islam Conference (see Chapter 6), for conducting applied and policy-related migration research, for co-ordinating an integrated return management procedure and promoting voluntary return and reintegration (see Chapter 7), for running the Central Register of Foreigners, for recognising research institutes under the EU Researchers Directive, for conducting the acceptance procedure for Jewish immigrants (see Chapter 3.4), for coordinating the authorities responsible for labour immigration, and for taking measures against threats to public safety under immigration, asylum, and nationality laws. In addition, it has been running the Advice Centre on Radicalisation since 2012 which offers advice to persons who "observe the Islamist radicalisation of a relative or acquaintance" (BAMF 2017a).

The some 570 foreigners authorities in the 16 Länder are responsible for practically all procedures relating to residence and passports under the Residence Act, for implementing other immigration regulations, including decisions about deportation and its organisation, and for examining any bans on deportation outside the authority of the Federal Office for Migration and Refugees. The foreigners authorities from Germany's major cities meet twice a year to exchange experiences.

The Federal Police is the Federation's police force and, as such, is supervised by the Federal Ministry of the Interior. It secures the borders of the German federal territory (border protection) in order to prevent and stop unlawful entry and to fight people smuggling. Border security refers to policing the borders, conducting checks on cross-border traffic, including examining travel documents and authorising entry, conducting investigations along the border, and averting dangers affecting border security in an area up to

30 km inside land and 50 km inside sea borders. The duties of the Federal Police emanate from the Federal Police Act and other statutory provisions, such as those set forth by the Residence Act (Section 71 subs. 3 of the Residence Act) or the Asylum Act (Section 18 of the Asylum Act). The duties of the Federal Police with regard to the right of residence include refusing entry to and removing foreigners at or near the border, revoking visas in certain cases and carrying out the measures that go hand in hand with visa revocation. The Federal Police is also responsible for coordinating the escorted removal via air of third-country nationals residing illegally in the federal territory. In doing so, it closely cooperates with other authorities, specifically the foreigners authorities.

Among its many other administrative duties on behalf of the Federal Government, the Federal Office of Administration (BVA) is responsible for the entry and reception procedures for ethnic German repatriates. It also runs a central register portal, which provides roughly 570 foreigners authorities and more than 170 diplomatic missions abroad with a selection of the data in the Schengen Information System (SIS)⁴ and all eligible authorities with access to the Visa Information System (VIS), and runs, on behalf of the Federal Office for Migration and Refugees, the records in the Central Register of Foreigners (AZR), which consist of a general database and the Visa File.

1.2 General structure of the legal system for migration, integration and asylum

Legislative authority is also divided between the federal level and the Länder. In general, the Länder have the right to pass laws in all areas not explicitly under federal competence. While some policy areas are subject exclusively to federal law, the majority fall under concurrent legislation with the Länder. This means that the 16 Länder may only pass legislation where the federal level has not asserted its authority already (Article 70-74 of the Basic Law). In practice, most issues eligible for concurrent legislation have already been regulated by federal law, including migration issues such as nationality, freedom of movement, immigration and emigration, passports, registration and identity documents as well as right of residence and permanent settlement for foreign nationals. Likewise, all overarching legislation on asylum and expellees has been adopted at nationwide level. The only major policy areas in terms of migration that are almost exclusively under the jurisdiction of the Länder are education, research, and policing, with the expulsion of foreign

3 Foreign nationals receive subsidiary protection when they would face a real risk of death or torture, or other inhuman or degrading treatment in their country of origin, or when an armed conflict would place them in significant danger (Section 4 of the Asylum Act). Deportation may be ruled out due to the European Convention on Human Rights or if deportation to the country of destination would result in a substantial concrete danger to his or her life and limb or liberty. This danger may take the form of a serious illness which cannot or not adequately be treated in the destination state and which would significantly worsen upon the deportation being carried out (Section 60 of the Residence Act).

4 The German Federal Criminal Police (BKA) acts as national central agency for the SIS (SIRENE; similar offices have been established in all Member States). It is responsible for the national and international exchange of information in connection with SIS searches (BKA 2017)

nationals required to depart and transfers under the Dublin procedure being organised together with the Federal Police and the Federal Office for Migration and Refugees.⁵ In addition, the Länder are responsible for the accommodation of asylum seekers and for the provision of cash benefits and in-kind assistance.

At the level of the Länder, authority on asylum and immigration issues is usually vested in the Ministries of Interior, while integration issues may be covered by different ministries (for example the ministries of social or family affairs or the ministries of justice). Baden-Württemberg, Bavaria, Berlin and North Rhine-Westphalia have passed their own legislation on integration.⁶ Even if there are no other Land-level laws on immigration, asylum, and integration, the Länder effectively help to shape in particular the enforcement, i.e. the administrative implementation, of the law by the foreigners authorities through decrees and administrative regulations. They also shape federal law via the German Bundesrat, which consists of representatives from the 16 Länder and has extensive rights of involvement and veto power.

When passing laws, the German Bundesrat has a similar role to the upper houses or senates in other parliamentary democracies. While the German Bundesrat debates all bills passed by the German Bundestag, its approval is only required for laws that specifically affect relations between the Federal Government and the Länder (so-called consent bills). In all other instances (so-called objection bills), bills rejected by the German Bundesrat can still be passed by a qualified majority in the German Bundestag. Since practically all political action in the area of migration and asylum directly affects the Länder in one way or another and burdens them with administrative tasks, such bills usually have to pass the German Bundesrat.

Law and statutory instruments

German immigration law is based on international law, European Union law, and German constitutional and statutory law.

Article 16a paragraph 1 of the Basic Law grants the right to asylum to victims of political persecution. Applications for

asylum are examined during the asylum procedure as set forth in the Asylum Act (until October 2015: Asylum Procedure Act).

The provisions of the Asylum Act and the Residence Act grant foreign nationals facing political persecution refugee status in accordance with the Convention relating to the Status of Refugees of 28 July 1951. The German Residence Act also regulates the issuance of residence titles to persons eligible for asylum or subsidiary protection, to persons who are granted refugee status and to persons whose deportation is inadmissible (Section 25 subs. 1 and 2 as well as subs. 3 in conjunction with Section 60 subs. 5 and 7 of the Residence Act).

The Asylum Seekers' Benefits Act (AsylbLG) forms the legal basis for providing benefits to asylum seekers during the asylum procedure and to other foreign nationals whose residence is not permanent.

The Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory (Residence Act) forms the core legal basis for the entry, residence and economic activity of third-country nationals. It also defines the minimum legislative framework for state efforts to promote integration, mainly through language and orientation courses. However, the Schengen Border Code (Regulation [EC] number 562/2006) governs the initial entry and subsequent short-term stay of third-country nationals in Germany.

The primary legal basis for the administration of government databases on foreign nationals is the Act on the Central Register of Foreigners (AZRG).

On 18 August 2006, the General Act on Equal Treatment (AGG) entered into force. It provides a comprehensive legal framework to protect citizens against discrimination not only by the state (as set out in the Basic Law), but also by private agents. The purpose of the Act is to prevent or to stop discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual orientation.

The General Administrative Regulation to the Residence Act (AVwVAufenthG) took effect in October 2009 with the primary goal of standardising administrative practices in the application of the Residence Act throughout the federal territory and to guarantee minimum standards.

The acquisition of German citizenship is governed by the Nationality Act (StAG), which includes the conditions under which immigrants can be naturalised, the conditions under which children born in Germany to foreign nationals receive German citizenship, and the extent to which multiple citizenship is possible.

⁵ Issues concerning residence are also addressed by a number of joint Federal Government and Federal Länder working groups (for deportations see Chapter 7).

⁶ On 13 December 2016, the Bavarian cabinet adopted the Bavarian integration law (BayIntG), which made Bavaria the fourth Land with a state integration law. In Baden-Württemberg, the "Act on Participation and Integration" entered into force on 5 December 2015. The "Act to Regulate Participation and Integration in Berlin" was enacted in Berlin on 28 December 2010. The "Act to Promote Social Participation and Integration" was enacted in North Rhine-Westphalia on 14 February 2012.

Below the federal level, a series of statutory instruments have been enacted to specify the legal framework for the residence, employment and integration of foreign nationals, as well as for benefits for asylum seekers and the procedures for handling them:

The Ordinance Governing Residence (AufenthV) clarifies issues relating to entry and residence in the federal territory, fees, and procedural rules for issuing residence titles.

The Employment Regulation (BeschV) governs the procedures for the employment of foreigners whose access to the labour market is not regulated by law.

The Ordinance on Integration Courses (IntV) details the implementation of integration courses under the Residence Act, including terms of attendance, data transmission, fees, the basic structure of the courses, course duration, and course content. It also governs the admission procedures for public and private course providers.

The Ordinance on Determining Responsibilities in the Area of Asylum (AsylZBV) contains provisions on the competencies and responsibilities of the key operational authorities in the asylum procedure. It also takes into account important legal acts of the European Union, such as the Dublin Regulation or the EUODAC Regulation.

The Ordinance on Naturalisation Tests (EinbTestV) governs the testing procedure for naturalisation.

2 Political, legal and institutional developments

2.1 General political developments

In 2016, parliamentary elections at the Länder level took place in Baden-Württemberg, Saxony-Anhalt, Rhineland-Palatinate and Mecklenburg-Western Pomerania; in Berlin, the House of Representatives was newly elected.

Land elections in Baden-Württemberg

Alliance 90/The Greens (Bündnis 90/Die Grünen) won the parliamentary elections in Baden-Württemberg on 13 March 2016 with 30.3 % of the vote. The Christian Democratic Union of Germany (CDU) lost considerably and dropped to 27 % of the vote, the Social Democratic Party of Germany (SPD) got 12.7 %. The Alternative for Germany (AfD) ranked third (15.1 % of the vote) and entered the Land parliament (Landtag) for the first time in history. The Free Democratic Party (FDP) got 8.3 % of the vote, whereas The Left (DIE LINKE) only gained 2.9 % and once again failed to pass the 5 % threshold (Statistisches Landesamt Baden-Württemberg 2016). Winfried Kretschmann (Alliance 90/The Greens) was re-elected as Minister-President and agreed on a coalition with the CDU. The Ministry for Integration, which had been established in 2011, was dissolved and its tasks were transferred to the Ministry for Social Affairs and Integration headed by Manfred Lucha (Alliance 90/The Greens). Thomas Strobl (CDU) was appointed Deputy Minister-President and Minister of the Interior, Digitalisation and Migration.

The coalition agreement set out that, at the upcoming vote in the Bundesrat, Baden-Württemberg would vote in favour of classifying the Maghreb states Tunisia, Algeria and Morocco as safe countries of origin (Bündnis 90/Die Grünen/CDU 2016: 65; see Chapter 2.2). In addition, the agreement foresees an “effective return management” including the removal of obstacles to deportation (ibid.). The coalition partners also agreed that the so-called pocket money granted to asylum seekers in the reception centres for their personal expenses should no longer be provided in cash, but in the form of a “benefits card”, which will be charged monthly and which can only be used in a specific geographic area (Bündnis 90/Die Grünen/CDU 2016: 64). Moreover, the coalition agreement says that the Act on Participation and Integration

is to be developed further into a Land Integration Act (Bündnis 90/Die Grünen/CDU 2016: 128).

Land elections in Rhineland-Palatinate

On 13 March 2016, Land elections took place in Rhineland-Palatinate. With 36.2 % of the vote, the SPD once again became the strongest party in parliament, followed by the CDU (31.8 %). The AfD became the third-strongest parliamentary group (12.6 % of the vote) in its first-ever Land elections in Rhineland-Palatinate, while the FDP gained 6.2 % and Alliance 90/The Greens 5.3 % of the vote (Statistisches Landesamt Rheinland-Pfalz 2016). Minister-President Malu Dreyer (SPD) was re-elected, and the SPD agreed on a coalition with the FDP and Alliance 90/The Greens. Anne Spiegel (Alliance 90/The Greens) was appointed head of the Ministry for Family affairs, Women, Youth, Integration and Consumer Protection within which the Land Commissioner for Migration and Integration operates.

Among other things, the coalition agreement includes a commitment to a “chain of integration” in Rhineland-Palatinate. The aim is to offer refugees a “seamless support structure” to facilitate their labour market integration. Existing offers and structures by different bodies (in particular regular instruments of the Land and the Federal Employment Agency) are to be closely linked with each other (SPD/FDP/Bündnis 90/Die Grünen 2016: 63). In addition, the Land Government plans to support the nationwide introduction of an electronic healthcare card for refugees, promote psychosocial support for traumatised asylum seekers and expand ambulant care offers as well as host family care and shared accommodation offers for unaccompanied minors (SPD/FDP/Bündnis 90/Die Grünen 2016: 78). Voluntary returns are to take precedence over forced returns, as they are regarded as “more humane, less costly and more efficient” (SPD/FDP/Bündnis 90/Die Grünen 2016: 79).

Land elections in Saxony-Anhalt

The incumbent CDU was returned to office with 29.8 % of the vote at the Land elections in Saxony-Anhalt on 13 March 2016. The AfD got 24.3 % of the vote at its first attempt and

became the second-largest group in the Land parliament. The Left (DIE LINKE) won 16.3 % and the SPD 10.6 % of the vote. While Alliance 90/The Greens (Bündnis 90/Die Grünen) just about cleared the 5 % threshold with 5.2 % of the vote, the FDP remained narrowly below it (Statistisches Landesamt Sachsen-Anhalt 2016). The incumbent CDU/SPD coalition was expanded by Alliance 90/The Greens and Rainer Haselhoff (CDU) was re-elected Minister-President. Petra Grimm-Benne (SPD) heads the Ministry for Labour, Social Affairs and Integration.

Among other things, the coalition agreement foresees the adoption of an Integration and Participation Act (CDU/SPD/Bündnis 90/Die Grünen 2016: 14). Moreover, emigration from Saxony-Anhalt is to be stopped by a “targeted and managed” immigration policy, a competence centre for the “labour market integration of asylum seekers” is to be established, regional integration centres are to be launched and a mobile advisory centre against wage dumping and exploitation is to be promoted (CDU/SPD/Bündnis 90/Die Grünen 2016: 16). Voluntary return programmes for third-country nationals whose deportation can be enforced should be strengthened, whereas special reception centres for asylum seekers with a small prospect to remain are rejected “in principle” (CDU/SPD/Bündnis 90/Die Grünen 2016: 13 et seq.).

Land elections in Mecklenburg-Western Pomerania

Elections to the Land parliament in Mecklenburg-Western Pomerania took place on 4 September 2016. Despite major losses, the SPD was returned as the strongest party in parliament (30.6 % of the vote). The AfD (20.8 %) beat the CDU (19 %). The Left (DIE LINKE) got 13.2 % of the vote, while Alliance 90/The Greens and the FDP failed to overcome the 5 % threshold. So did the National Democratic Party (NPD), which lost its last remaining seats in a Land parliament (Die Landeswahlleiterin Mecklenburg-Vorpommern 2016). Erwin Sellering (SPD) remained Minister-President and heads a SPD/CDU coalition. Stefanie Drese (SPD) was appointed Minister for Social Affairs, Integration and Equality.

The coalition agreement says that deportations should take place as quickly as possible if the legislation on deportation adopted over the course of 2016 allow for it (SPD/CDU 2016: 68). The number of well-qualified nursery school teachers is to be increased in order to ensure a “good integration of children with a migration background” (SPD/CDU 2016: 68). Moreover, additional teachers are to be employed in order to ensure that refugee children can go to school (SPD/CDU 2016: 68). The land police is to increase its efforts to gain “women and men with a migration background as police officers” (SPD/CDU 2016: 65).

Elections to the House of Representatives in Berlin

On 18 September 2016, the new House of Representatives in Berlin was elected. Despite significant losses, the SPD once again became the strongest party (21.6 % of the vote). The CDU got 17.6 %, The Left (DIE LINKE) 15.6 % and Alliance 90/The Greens 15.2 % of the vote. The AfD entered the House of Representatives as well with a share of 14.2 % of the vote. The FDP returned to the House with 6.7 % of the vote (Die Landeswahlleiterin für Berlin 2016). SPD, Alliance 90/The Greens and The Left agreed on a coalition. Michael Müller (SPD) was returned as Mayor. Dilek Kolat (SPD) was appointed Senator for Labour Affairs, Integration and Women.

The coalition agreement says that the Land Government will argue against the two-year suspension of family reunification for beneficiaries of subsidiary protection, which entered into force in March 2016, and promote family reunification beyond the core family (SPD/DIE LINKE/Bündnis 90/Die Grünen 2016: 114). In addition, the coalition parties support decentralised housing of refugees (SPD/DIE LINKE/Bündnis 90/Die Grünen 2016: 24). “Direct deportations from schools, youth institutions and hospitals or the separation of families during deportations and removals to regions which are, for humanitarian reasons, unacceptable as removal destinations will be abolished” (SPD/DIE LINKE/Bündnis 90/Die Grünen 2016: 113). Moreover, the government wants to promote the abolishment of detention for deportees at the federal level (SPD/DIE LINKE/Bündnis 90/Die Grünen 2016: 114).

An initiative for the abolishment of the obligatory choice of nationality and the acceptance of multiple nationalities is to be supported at the federal level (see Chapter 3.5). Moreover, the coalition parties emphasise that they will “counteract any form of exclusion and racism” (SPD/DIE LINKE/Bündnis 90/Die Grünen 2016: 8). Intercultural openness is to be promoted across all areas of administration (SPD/DIE LINKE/Bündnis 90/Die Grünen 2016: 116).

2.2 Overview of the main political developments and debates on migration, integration and asylum

Asylum migration remained at the centre of the migration policy debate in 2016. Over the course of the year, the political, societal and administrative focus shifted gradually towards the integration of recognised refugees into society at the local level and voluntary and forced returns of those persons whose asylum applications had been rejected.

At the start of 2016, the migration policy debate was shaped by the incidents during the new-year celebrations

of 2015/16 in Cologne and other German cities, where hundreds of women had experienced sexual assaults (Jansen 2016). Among the suspects were foreign as well as German nationals; among the non-German suspects there were numerous refugees (Kölner Stadtanzeiger 2017; Jansen 2016). These events triggered a number of legal initiatives, including the Act on the Faster Expulsion of Criminal Foreigners and Extended Reasons for Refusing Refugee Recognition to Criminal Asylum Seekers, which entered into force on 17 March 2016 (see Chapter 7.2.2). The Bill on the Classification of the People's Democratic Republic of Algeria, the Kingdom of Morocco and the Republic of Tunisia as Safe Countries of Origin was drafted in the context of these events as well, as many suspects and offenders came from these countries. The bill was adopted by the Bundestag on 13 May 2016 and passed on to the Bundesrat for approval. The Bundesrat first postponed the vote and then rejected the bill on 10 March 2017 (Deutscher Bundestag 2017).

As in the second half of 2015, the continuing high number of arriving asylum seekers remained at the centre of attention of the migration policy debate in the beginning of 2016. Some asylum seekers were still being housed in emergency accommodation over the course of 2016 (Wittrock/Elmer 2016). Furthermore, the high number of asylum applications had caused a backlog of unprocessed asylum applications at the Federal Office for Migration and Refugees, which had to be processed in addition to the applications of the new arrivals in 2016 (see Chapter 4.1.2.1). The entry into force of the Data Sharing Improvement Act on 5 February 2016 has made the registration of asylum seekers and the exchange of information between authorities more efficient (see Chapter 4.1.2.3). The Act on the Introduction of Fast-Track Asylum Procedures (Asylum Package II) (entry into force: 17 March 2016) brought about a number of changes, among them the possibility to introduce fast-track procedures in special reception centres and restrictions to family reunification for certain beneficiaries of subsidiary protection (see Chapter 3.2.2; Chapter 4.1.2.2; Chapter 7.2.2). The adoption of the Act was preceded by controversial discussions both within the government coalition and broader society (Spiegel Online 2016; Schuler 2016). Especially the restriction on family reunification was widely criticised by civil society groups and by the opposition (see Chapter 3.2.2).

Apart from legal changes, the general direction of asylum policy was subject to intensive discussions at the beginning of 2016 and during the elections in two Länder in March 2016 (see Chapter 2.1). The positions reached from proposals to determine an upper limit for the admission of asylum seekers and to prevent further entries through building transit zones at border crossings to upholding the existing rules and finding a European solution while maintaining the Schengen system without internal border controls (cf. Munzinger 2016). The "tangible and lasting" reduction in

the number of arriving refugees became a priority of the government, which sought to increase cooperation especially with Turkey to this end (Bundesregierung 2016f). On 18 March 2016, the Heads of State and Government of the EU Member States and the Turkish Prime Minister signed an agreement (EU-Turkey Agreement) which provides for the return to Turkey of all third-country nationals who irregularly entered the EU from Turkey and are not in need of protection, and for the admission of Syrian refugees from Turkey in the EU Member States (see Chapter 4.3.3). The agreement was criticised strongly by the opposition and by parts of German and European civil society (Deutsches Institut für Menschenrechte (DIM) 2016e; Elkenberg/Kießler 2016; Deutschlandfunk 2017). In February and March 2016, the border crossings along the Balkan route were successively closed by the neighbouring States. Parts of the government welcomed this, whereas the chancellor stressed the importance of a European solution over the unilateral closing of borders (CDU/CSU 2016a; Zeit Online 2016). Together with the EU-Turkey Agreement, the closure of the Balkan route led to a substantial decrease in the number of new arrivals from March 2016.

Other than the focus on more restrictive measures and on the reduction of arrivals, the integration of refugees was an important issue in the migration policy debate. Numerous integration measures were taken up and consolidated at the Federal, Land and local level (see Chapter 6.2.2) and civil society provided broadly based and increasingly professional support for asylum seekers and refugees in 2016. The entry into force of the Integration Act on 6 August 2016 accounted for important changes in integration policy. The Integration Act provided for improvements for asylum seekers with a good prospect to remain and for persons whose deportation has been suspended, but also for further obligations and possibilities of sanctions. The provisions of the Integration Act and especially the differentiation according to the prospect to remain were subject to controversial debates (see Chapter 4.1.2.2; Chapter 6.2.1; Chapter 8.2).

In autumn 2016, return policy increasingly became a central point of discussion within the migration policy debate, for example through the conclusion of an agreement with Afghanistan aimed at easing both forced and voluntary return procedures and as a result of which several collective deportations have taken place since December 2016. This was criticised by representatives of the opposition, by welfare associations and by volunteers working with refugees who have repeatedly pointed out that Afghanistan is not a safe country for forced returns (see Chapter 7.3).

The focus on return was reinforced through the attack on a Christmas market in Berlin on 19 December 2016, where the attacker drove a lorry into the crowd, killing 12 victims and injuring another 48. According to the Federal Minister

of the Interior Thomas de Maizière, the preceding failed attempts to deport the person who later committed the attack were the reason to prepare a bill to improve the enforcement of the obligation to leave the country. The bill was adopted by the Federal Cabinet on 22 February 2017. Among other things, it foresees the examination of personal data from the smart phones of asylum seekers without their consent and the option to oblige them to remain in reception centres for a prolonged period of time.

The public and political debate following the attack can be seen in the context of individual attacks, assaults and other crimes perpetrated by or attributed to asylum seekers which sparked a broad and controversial debate on the extent of criminality within this group. Numerous studies and experts repeatedly pointed out that there is no evidence of refugees being more prone to crimes in comparison to other social groups with similar status (e. g. social origins, sex) in the host community and if residence offences, which by definition can only be committed by third-country nationals, are excluded (Kretschmann 2017: 5; BKA 2016a; see also *Süddeutsche Zeitung* 2017). In addition, it was pointed out that refugees themselves represent the vast majority of victims of crimes committed by refugees, as many crimes happen in reception centres and comprise offences such as theft (Klingst/Venohr 2017).

In 2016, the country also experienced a high degree of rejection and attacks on asylum seekers by a part of the population. In the area of politically motivated crime, the Federal Criminal Police Office (BKA) registered 2,545 crimes against refugees in 2016 alone, from insults to grievous bodily harm, arson or attempted murder (Deutscher Bundestag 2017a: 50 et seq.). During the same period, 983 crimes against asylum shelters and 217 crimes against support organisations or voluntary helpers took place (Deutscher Bundestag 2017: 8 et seq.), reaching from criminal damage, coercion or threats to bodily harm and arson (Deutscher Bundestag 2017: 140 et seq.).

Since the beginning of 2016, the Federal Criminal Police Office collects data on politically motivated crime against politicians. There have been 755 incidents of nationalist crimes against politicians in 2016, to a non-negligible extent due to (violent) opposition against the German refugee policy (2016: 755 cases; FAZ 2017).

Albeit less prominent, 2016 has also seen a number of initiatives and proposals in the area of legal migration. From January 2016 onwards, the conditions for obtaining a residence permit for the purpose of employment have been eased for nationals from the western Balkan states, a measure aimed at creating alternative pathways to migrate legally (see Chapter 3.1.2). In autumn 2016, the SPD parliamentary group in the Bundestag presented a proposal for an immigration

act which envisages the management of immigration by a points system, similar to the Canadian model (SPD Bundestagsfraktion 2016). The CDU, on the other hand, decided at the party convention in December 2016 to support a re-introduction of the obligation for persons with double nationality to opt for one nationality (see Chapter 3.5.2). This brought about a broader political debate on double citizenship which continues into 2017.

3 Legal migration and mobility

3.1 Economic migration

3.1.1 Background and general context

As in the preceding years, the German labour market did well in 2016. The Federal Employment Agency (BA) found in its analysis of skilled worker shortages for 2016 that there is no broad-based shortage of qualified labour in Germany, but that qualified workers may nevertheless be in short supply in certain professions or regions. This applies above all to several technical professions and to the healthcare sector (BA 2016a: 6). In order to meet the current regional, professional and sectoral labour demand and alleviate shortages of qualified workers the Federal Government is pursuing a strategy based on a number of so-called securing paths. These include increased education and training for the domestic workforce, increasing labour market participation of women and older people, reducing vocational and academic drop-out rates and providing those with a migration background already living in Germany with additional qualifications. However, since improved mobilisation of the domestic labour force potential is unlikely to fully cover the need for skilled labour, immigration from the EU and third countries shall continue as a supplement according to the Federal Government (BMAS 2015). In addition to the Federal Government, all Länder have adopted strategies to secure a sufficient supply of skilled workers (Humpert 2015: 25). Shortages of skilled labour might become more pressing in the medium to long term due to the demographic situation and the related decline in the labour force in Germany (Vollmer 2015: 20) in case the decline of the working-age population is not slowed down by a continuously high net migration rate (cf. BMI 2017d: 8).

Sections 16 to 21 of the Residence Act, in conjunction with the Employment Regulation and the Vocational Qualifications Assessment Law (BQFG), open up numerous paths for third-country nationals seeking employment to reside in Germany over the long term or temporarily, for example as employees. More favourable conditions as opposed to the general rules exist for graduates of German universities and vocational schools, skilled workers, highly qualified workers, researchers and self-employed who have obtained part or all of their professional qualifications abroad (for an overview of the different residence titles see Grote/Vollmer 2016: 72 et seq.). Whereas labour migration to Germany is

in principle only possible for persons holding an employment offer, a possibility for supply-oriented immigration is opened by Section 18c of the Residence Act according to which qualified workers can obtain a residence permit for up to six months for the purposes of seeking employment. Since 2015, foreigners can also apply for a residence permit for the purposes of the recognition of professional qualifications which they have acquired abroad, for a training measure and a subsequent examination (Section 17a of the Residence Act).

In 2012, the EU Blue Card was introduced by the implementation of the European Union Directive on Highly Qualified Workers. This facilitates access to the labour market for the highly qualified (EMN/BAMF 2013a: 23). The EU Blue Card has since become an instrument of legal immigration which enjoys increasing demand. While, on 31 December 2015, a total of 26,679 third-country nationals were residing in Germany on the EU Blue Card, their number rose to 32,808 on 31 December 2016 according to the Central Register of Foreigners (AZR).⁷ Overall, 53,704 persons have been granted a Blue Card EU in Germany between the introduction of this instrument in August 2012 and December 2016 (BAMF 2017b). In an EU-wide comparison, more than 85% of the aggregate number of Blue Cards were granted in Germany in 2015, not least due to the fact that other EU Member States often grant other residence titles to highly qualified immigrants (Hanganu/Heß 2016: 73). Most Blue Card EU holders in Germany (about 90 %) are skilled workers in professions where demand for qualified labour is high (Hanganu/Heß 2016: 227).

On 1 April 2012, the Vocational Qualifications Assessment Law entered into force as part of the Recognition Act.⁸ It covers more than 600 professions governed by federal law

⁷ The total number of 32,808 EU Blue Card holders does not include 4,426 third-country nationals who were last registered as EU Blue Card holders in the Central Register of Foreigners, but were no longer resident in Germany as of 31 December 2016. In addition, 14,743 persons who were initially issued with an EU Blue Card from 1 August 2012 have meanwhile been granted another residence title. 13,693 of them now enjoy a permanent right of residence; most of them (12,307) were granted a settlement permit pursuant to Section 19a subs. 6 of the Residence Act.

⁸ Assessment and Recognition of Foreign Professional Qualifications Act.

(BIBB 2017a). This Act created for the first time at the federal level a general entitlement to have professional qualifications acquired abroad compared to those in the German reference profession. Aside from the Federal Government, all Länder have now enacted laws on recognising qualifications acquired abroad for professions regulated at the Land level (teachers, early childhood educators, engineers, social workers, etc.).

As entry and employment conditions for highly qualified workers have been repeatedly eased in the last few years, according to the OECD Germany has been one of the OECD countries “with the lowest obstacles for the immigration of highly qualified workers” (OECD 2013) for some time and is, in fact, regarded as an attractive destination for highly qualified workers in a European comparison (OECD/EU 2016: 100).

In addition to creating the necessary legal framework conditions, the Federal Government is taking practical measures and offering information and advice in order to attract skilled workers. These include a central hotline on living and working in Germany run by the Federal Office for Migration and Refugees and the Federal Employment Agency, pilot projects in the framework of the “Make it in Germany” portal run by the Federal Ministry of Economics and Energy (BMWi), the Federal Ministry of Labour and Social Affairs (BMAS) and the Federal Employment Agency and regional “Study and Work” networks in the eastern Länder (Hanganu/Heß 2016: 88). The special programme “MobiPro-EU”, which was addressed to young people interested in vocational training from EU and EEA Member States, was terminated in 2016 (BA/BMAS 2016).

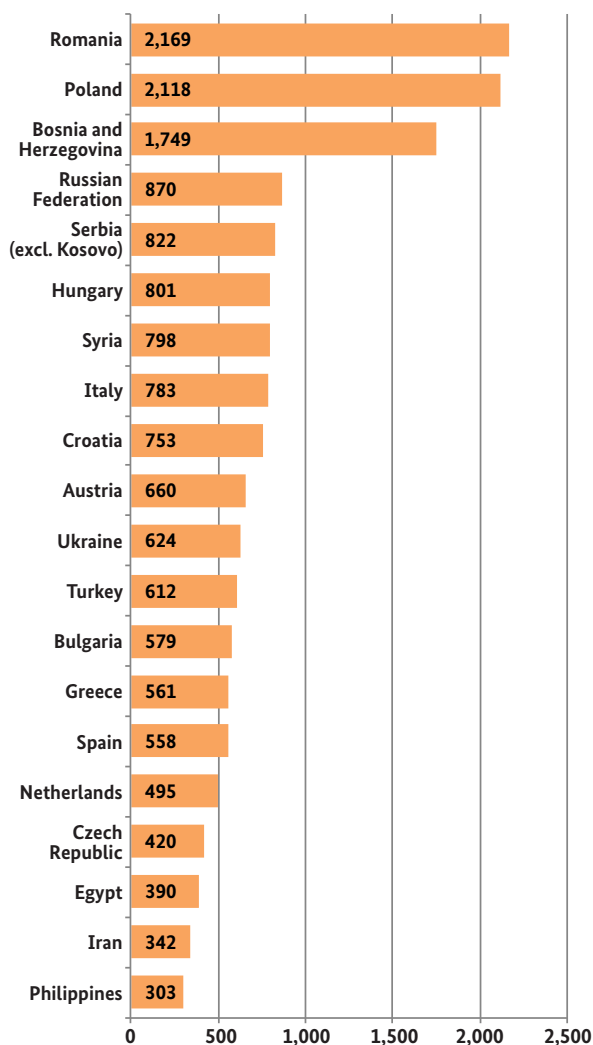
3.1.2 National developments

Recognition of professional qualifications acquired abroad

Between the entry into force of the Recognition Act on 1 April 2012 and 31 December 2015, a total of 63,486 applications for the recognition of professional qualifications acquired abroad were filed.⁹ This figure only covers professions for which the federal authorities are responsible. This means that the total number of recognition procedures conducted in Germany is considerably higher (Schmitz/Wünsche 2016). In 2015, a total of 22,404 applications under the federal Recognition Act (of which 19,389 new applications) were processed. This is an increase of about 13 % over the preceding year (19,806 recognition procedures). As in the preceding years, most applications for the recognition of professional qualifications dealt with medical and healthcare professions

(around 73 %). Out of these, 6,603 applications referred to healthcare personnel, 6,372 to doctors and another 858 to physiotherapists. About half of the cases refer to qualifications acquired in the European Union (11,046), with the list of the 20 most important countries of origin being led by Romania (2,169) and Poland (2,118) (StBA 2016a). Figure 1 gives an overview of the most important countries of education of the applicants..

Figure 1: 20 most important countries of education of assessed professional qualifications (2015)



Source: Federal Statistical Office 2016

Consultation on the recognition of professional qualifications acquired abroad

The demand for information and consultation services, which were introduced along with the Recognition Act in 2012 (EMN/BAMF 2013a: 23) is high and has risen steadily in the last few years. In addition to the online portal www.anerkennung-in-deutschland.de, a hotline on the recognition of professional qualifications was launched in April 2012 and was replaced in December 2014 by the central hotline 'Living

⁹ Figures for 2016 were not yet available at the time of writing (March 2017).

and Working in Germany”¹⁰ of the Federal Office for Migration and Refugees. The hotline provides multi-language advice to skilled workers, students and apprentices who consider coming to Germany and informs them on issues such as entry into Germany, residence, qualification opportunities, the search for work and the recognition of professional qualifications. Between 2 April 2012 and 31 December 2016, consultation was provided on 497 reference professions in a total of 57,708 calls from 173 different countries (BIBB 2017b). In 2016, a total of 14,667 consultations took place (BMBF 2016a). As in 2015, one-quarter of the callers had acquired their qualifications in Poland (7.2 %), the Russian Federation (6.8 %), Turkey (5.5 %), Romania (4.6 %) and Ukraine (4.4 %) (BIBB 2017b).

Since 2005, the ‘Integration through Qualification’ (IQ) programme has been working to improve labour-market access for migrants. This programme focuses on providing recognition and qualification consultation as well as qualification measures in the context of the Recognition Act and on improving intercultural competence, for example in job centres, local administrations or small and medium-sized enterprises (Förderprogramm IQ 2016). The initial contact points provided by the programme and funded by the Federal Ministry of Labour and Social Affairs (BMAS), the Federal Ministry of Education and Research (BMBF) and the Federal Employment Agency provide initial information to foreign nationals interested in having their professional qualifications recognised (BIBB 2017c). From 1 August 2012 to 31 December 2016, the IQ contact points have provided consultation to 103,581 people. Since many of those interested contacted the points several times, overall consulting is far higher, with a total of 165,853 consultation contacts. This is a significant increase compared to 2015 (between 1 August 2012 and 31 December 2015, 62,256 people were advised). Teachers (10.1 %) and engineers (9.6 %) made up the biggest number of recognition procedures between 2012 and 2016. Overall, about one-third of those seeking advice had acquired qualifications in Syria (16.7 %), Poland (8.8 %), the Russian Federation (8.3 %) or Ukraine (5.4 %) (BIBB 2017c).

Amendments to the Employment Regulation for western Balkan nationals

As of 1 January 2016 and until end-2020, conditions for obtaining a residence permit for the purpose of employment have been eased for nationals of Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia (Section 26 subs. 2 of the Employment Regulation). Once the Federal Employment Agency, which also conducts the priority check, gives its approval, these nationals may take up

any employment, regardless of whether they have had vocational training or can prove their knowledge of German. What is necessary, however, is that an employer in Germany has made them a concrete offer of employment (Burkert/Haase 2017: 2). In addition, the application must be filed with the relevant German diplomatic mission in the country of origin and the applicant must not have touched any benefits under the Asylum Seekers’ Benefits Act in Germany during the 24 months before the application. A transitional provision covers exemptions for people who filed an asylum application between 1 January 2015 and 24 October 2015 and left Germany without delay after 24 October 2015.

This provision was adopted in response to the large number of asylum seekers from the western Balkans and their low protection ratio; it aimed to separate asylum from economic migration (Bundesrat 2015a: 11; Eckendorff/Stock 2016: 23). In 2016, the Federal Employment Agency approved 42,546 applications from western Balkan nationals and refused 11,037. During the same period, 18,806 visa for employment purposes were issued pursuant to Section 26 subs. 2 of the Employment Regulation and 4,903 visa applications were rejected (Deutscher Bundestag 2017e: 2, 13).

Proposal for an immigration act by the SPD parliamentary group

On 7 November 2016, the SPD parliamentary group in the Bundestag presented a proposal for an immigration act. According to this proposal, economic migration of third-country nationals is to be managed largely by a points system, similar to the Canadian model. The Bundestag should set an annual quota on the basis of labour market needs (SPD Bundestagsfraktion 2016). Economic and asylum migration should be kept strictly separate. This means that, under the proposal, asylum seekers would not be able to change track and start an immigration procedure. While this strict separation of the procedures was criticised for example by Alliance 90/The Greens, the coalition partner CDU welcomed it (Steffen 2016).

3.1.3 Developments referring to the EU

Redefinition of the Recognition Act

On 22 December 2015, the Vocational Qualifications Assessment Law was amended according to the provisions set out in the EU Professional Recognition Directive (Directive 2013/55/EU)¹¹. The amendment entered into force

¹⁰ See <http://www.make-it-in-germany.com/de/fuer-fachkraefte/ueber-das-portal/kontakt/hotline> (8 February 2017).

¹¹ Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation

on 18 January 2016, and the Recognition Acts of the Länder were amended at the same time (BMBF 2016: 14). The range of qualification documents which may be recognised was extended (Section 4 subs. 2 no. 3 and Section 9 subs. 2 no. 3 of the Vocational Qualifications Assessment Law)¹² and an entitlement to quicker access to the examination necessary during the recognition procedure was implemented; this examination now has to take within six months (Section 11 subs. 4 of the Vocational Qualifications Assessment Law). Other amendments will mainly make it easier for EU citizens to have their qualifications recognised (BMBF 2016: 5).

In addition, a nationwide evaluation centre for healthcare professions was established in January 2016 in order to ensure more uniformity of the recognition procedures at the Land level (BMBF 2016: 5).

Transposition of the EU Seasonal Workers Directive

The Bundestag adopted the Act to Implement the EU Residence Directives on Labour Migration on 9 March 2017, and on 31 March 2017 the Bundesrat approved it as well (Deutscher Bundestag 2017f: 22249; Bundesrat 2017b: 174). Among other things, this Act transposes the EU Seasonal Workers Directive (Directive 2014/36/EU)¹³, which was to be implemented by 30 September 2016. The Act to implement this Directive deals with the entry and employment of third-country nationals for up to six months (Bundesrat 2017c: 1). This requires approval by the Federal Employment Agency, which can also set the total number of approvals depending on the labour-market situation (Bundesrat 2017c: 61). The preconditions and the procedure for the issuance of the necessary work permit will be defined by a statutory instrument to be issued by the Federal Ministry of Labour and Social Affairs (Bundesrat 2017c: 21). So far, agreements between the Federal Employment Agency and the labour agencies of the countries of origin formed the basis for seasonal employment contracts for non-EU citizens (BMI/BAMF 2015: 47). However, from 1993, this only covered countries which have in the meantime become EU Member States, which means that their nationals fully enjoy the free movement of workers (see BMI/BAMF 2014: 190).

(EU) No. 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation').

12 The amended version not only lists "proof of capability" or "professional experience", but also "other proven relevant qualifications".

13 Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose employment as seasonal workers.

Implementation of the EU Directive on Intra-Corporate Transfers (Directive 2014/66/EU)

The Act to Implement the Seasonal Workers Directive (see above) also transposes the EU Directive on Intra-Corporate Transfers (Directive 2014/66/EU)¹⁴, which was to be implemented by 29 November 2016. Among other things, the Act adds to existing provisions¹⁵ and introduces the so-called ICT card, a new residence title issued for intra-corporate transfers covering more than 90 days (Bundesrat 2017c: 49 et seq.). In addition, the new provisions permit the residence of third-country nationals who stay in a different EU Member State in the framework of an intra-corporate transfer. For this purpose, a "mobile ICT card" is introduced for a residence period exceeding 90 days (Bundesrat 2017c: 2). A stay of up to 90 days is possible without a residence permit in Germany for persons holding a residence title issued for an intra-corporate transfer from another EU Member State. ICT card holders are entitled to have their spouses or civil partners join them in Germany; the spouses or civil partners will not need to prove that they have a basic knowledge of German (Bundesrat 2017c: 60). With the Act to Implement the EU Residence Directives on Labour Migration, Germany also transposes the EU Directive on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (Directive 2016/801)¹⁶, which is to be implemented by 23 May 2018 (see Chapter 3.3.3).

3.2 Family reunification

3.2.1 Background and general context

Marriage and the family enjoy special protection under the Basic Law (Article 6 of the Basic Law). The European Convention on Human Rights (Article 8) and the Universal Declaration of Human Rights (Article 16) also call for particular protection of these institutions.¹⁷ In addition, the EU Family

14 Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.

15 So far, foreigners were permitted to work in Germany in the framework of a staff exchange (Section 10 subs. 1 no. 1 of the Employment Regulation) or as managers or specialists (Section 18 of the Residence Act in conjunction with Section 4 of the Employment Regulation) (Bundesrat 2017c: 28; BMI/BAMF 2016: 60 et seq.).

16 Directive (EU) 2016/801 of the European Parliament and the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast).

17 The background and context explanations of this Chapter are largely based on Grote 2017: 3 et seq. and 32 et seq.

Reunification Directive (2003/86/EC)¹⁸, which was adopted in 2003, provides for an EU-wide framework for the family reunification of third-country nationals or nationals of the relevant Member State with third-country nationals. All national provisions concerning the family reunification of Germans or third-country nationals with other third-country nationals in Germany are set out in Sections 27 – 36 of the Residence Act. Civil partnerships receive practically equal treatment with marriages in terms of family reunification (Section 27 subs. 2 of the Residence Act). The provisions for the family reunification of EU citizens with third-country nationals are set out in the Act on the General Freedom of Movement for EU Citizens and are therefore not covered by this report. The right to family reunification refers in principle to the core family, i.e. spouses and civil partners as well as minor unmarried children who join their parents or parents who join their unaccompanied minor children. Exceptionally, other family members may migrate to Germany as well under certain conditions (Section 36 subs. 2 of the Residence Act).

Unless certain exemptions apply (for example for recognised refugees), certain preconditions must be met for family reunification (such as sufficient living space or a secure livelihood, Section 29 of the Residence Act). Since September 2007, spouses and civil partners of third-country nationals and Germans living in Germany need to prove that they are able to communicate in German at least on a basic level before they enter the country (Section 30 subs. 1 first sentence no. 2 of the Residence Act). If the immigrants want to join nationals of certain countries (e. g., Australia, Japan, the United States) or family members who are permitted to reside in Germany on the grounds of certain residence titles (e. g. an EU long-term residence permit or an EU Blue Card), they are exempt from demonstrating German language skills. Moreover, the proof of language skills may be waived if, due to individual circumstances of the case, attempting to learn basic German is impossible or unreasonable for the spouse or civil partner (Section 30 subs. 1 third sentence no. 6 of the Residence Act).

Family reunification is not permitted under certain conditions, e. g. in case of a forced marriage or civil partnership or a marriage or civil partnership of convenience or if at least one of the spouses is under 18 years old (Section 27 of the Residence Act).

3.2.2 National developments

Temporary restrictions on family reunification for persons who enjoy subsidiary protection

Since August 2015, persons who enjoy subsidiary protection have privileged access to family reunification, as do recognised asylum seekers and refugees (Section 29 subs. 2 first sentence of the Residence Act). For these groups of persons, certain preconditions, for example a secure livelihood, may be waived and must be waived in some cases (Section 29 subs. 2 first sentence of the Residence Act). However, the Act on the Introduction of Fast-Track Asylum Procedures (Asylum Package II), which entered into force on 17 March 2016, restricted family reunification for those beneficiaries of subsidiary protection who were issued with a residence permit for persons entitled to subsidiary protection after 17 March 2016. For them, family reunification will be suspended until 16 March 2018 (Section 104 subs. 13 of the Residence Act). Afterwards, the privileged access to family reunification will automatically be resumed (see EMN/BAMF 2016a: 25). The three-month period during which beneficiaries of subsidiary protection have easier access to family reunification will begin on 16 March 2018.

The two-year restriction will in principle apply to all types of family reunification (Deutscher Bundestag 2016a: 3). In specific individual cases, an exception to the two-year suspension period can be made on urgent humanitarian grounds (Section 22 first sentence of the Residence Act). This provision has so far only been considered in truly exceptional cases.

Both the suspension as such and the application of the provision for exceptional cases on urgent humanitarian grounds have remained subjects of controversial discussion. The German Association of Towns and Municipalities (Deutscher Städte- und Gemeindebund, DStGB) supported the suspension, saying that it brought major relief for the cities and provided them with the urgently needed time to take the necessary reception and integration measures (DStGB 2017: 1 et seq.).

Several law experts pointed out that neither international law nor EU law formed grounds for an individual entitlement to family reunification for persons who enjoy subsidiary protection (Hailbronner 2017: 2 et seq.). In contrast, welfare associations and the German Bar Association (Deutscher Anwaltverein, DAV; DAV 2017: 3 et seq.) criticised that, in practice, the provision resulted in “humanitarian hardship” (Diakonie 2017: 1 et seq.) and “desperation and major burdens” for those affected (AWO 2017: 1 et seq.; cf. BumF 2016a). The representative of the UN High Commissioner for Refugees to Germany criticised that, up until the beginning

¹⁸ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification. The Directive does not apply to Denmark, the UK and Ireland.

of 2017, the provision for exceptional admissions on urgent humanitarian grounds had “hardly ever been invoked” (UNHCR 2017: 1 et seq.). In autumn 2016, the opposition parties Alliance 90/The Greens and The Left presented bills and applications to withdraw the restrictions on family reunification for persons who benefit from subsidiary protection (Deutscher Bundestag 2016c; Deutscher Bundestag 2016d).

Excess work at visa departments of German diplomatic missions abroad in connection with family reunification applications in crisis regions

The increase in the number of family reunification applications filed by persons entitled to protection in Germany was a challenge to the diplomatic missions, above all in the neighbouring countries of Syria. Even though numerous measures have been taken to accelerate the procedure, the staff capacities are currently not sufficient to process all applications quickly; in fact, waiting periods for filing an application temporarily amounted to more than ten months at certain diplomatic missions. Further staff increases, infrastructure improvements and simplified procedures have been introduced in order to deal with the backlog; for example, a second visa department was opened at the General Consulate to Istanbul, where only Syrian applications are being processed. The premises of the General Consulates to Erbil, Ankara and Beirut have been expanded as well, so that more staff could process visa applications for the purpose of family reunification in particular (Deutscher Bundestag 2016e: 16). Furthermore, a Family Assistance Programme has been agreed upon together with the International Organisation for Migration (IOM) (see Chapter 3.2.3).

Shift of individual steps during the visa procedure to Germany

Since February 2016, the embassy to Beirut has sent applications for extended family reunifications to Germany for processing in the framework of a pilot project. In July 2016, a new position was created at the Foreign Office for processing these applications (Deutscher Bundestag 2016e: 19). More than 100 visa applications have been processed during the pilot project. “The decisions concerned family reunification applications filed by other family members of Syrian refugees, who may be granted a residence permit in order to prevent special hardship. Such cases require a complex, time-consuming examination of the individual circumstances. Processing such cases at the head office has made work at the embassy considerably easier. There are plans to extend the pilot project to the processing of family reunification applications filed at other locations” (Deutscher Bundestag 2016f: 10).

3.2.3 International developments

Family support programme

Since June 2016, the Foreign Office has been financing an IOM-managed Family Assistance Programme (FAP) for Syrian families who have filed or plan to file an application for family reunification in Germany at Istanbul, Gaziantep or Beirut. These three “service centres” were established because “numerous Syrian families are not well informed or prepared when they arrive for their long-awaited application filing appointment. Many applications are incomplete and lacking key documents. This results in unwelcome delays. IOM offers comprehensive support to ensure that the application documentation is complete ahead of the appointment” (IOM 2016: 2). In 2017, another centre is to be opened at Erbil (Die deutschen Auslandsvertretungen in der Türkei 2017).

3.3 Students and researchers

3.3.1 Background and general context

Students

Foreign students require a national visa prior to entering Germany. This does not apply to students from the European Union and to students from Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand, or the United States (Section 41 subs. 1 of the Ordinance Governing Residence) as well as Andorra, Brazil, El Salvador, Honduras, Monaco and San Marino (Section 41 subs. 2 of the Ordinance Governing Residence). Nationals of the countries listed above can apply to the appropriate foreigners authority for a residence permit for study purposes after having entered Germany. Foreign students from third countries must meet the requirements for being granted a residence permit for study purposes (Section 16 subs. 1 of the Residence Act). These generally include a letter of acceptance¹⁹ from an accredited German university, proof of financing for the first academic year, and proof of sufficient health insurance. The acceptance to a university typically requires proof of knowledge of the language of instruction (Mayer et al. 2012: 24 – 28).

Pursuant to Section 16 subs. 4 of the Residence Act, graduates may stay in Germany for up to 18 months in order to seek a job commensurate with their qualification. If they are successful, they may apply for a residence title for

19 Those still waiting for a letter of acceptance or having to take an entrance examination may apply for a student applicant visa, which is then turned into a residence permit for study purposes in Germany upon submission to the foreigners authority at the place of study.

employment purposes (for example titles issued pursuant to Sections 18 or 19a of the Residence Act).

Research

Since August 2007, the legal basis for the immigration of researchers from third countries has been Section 20 of the Residence Act, which implements the so-called EU Researchers Directive 2005/71/EC²⁰. In order to be eligible for a residence permit for research purposes, foreign nationals must have effectively concluded an admission agreement to conduct a research project at a research facility accredited by the Federal Office for Migration and Refugees (BAMF 2012: 91). The residence permit is not limited strictly to the research project being conducted and also permits researchers to teach (Section 20 subs. 6 of the Residence Act). Visa for a residence permit for research purposes are usually granted in a fast-track procedure. Spouses and civil partners of researchers are allowed to work (Section 27 subs. 5 of the Residence Act).

In addition to residence permits under Section 20 of the Residence Act, third-country nationals conducting research are also (and primarily) staying in Germany with residence permits under Sections 16, 18, 19 or 21 of the Residence Act (cf. Klingert/Block 2013), and, since 1 August 2012, on EU Blue Cards under Section 19a of the Residence Act (Beirat für Forschungsmigration 2013: 22).

3.3.2 National developments

Statistics

The number of foreign students enrolled at German universities has risen steadily over recent years: while 321,569 foreign students (both those who completed secondary education in Germany and those who completed it abroad) were registered at German universities for the 2014/15 Winter Semester, a total of 340,305 were registered for the 2015/16 Winter Semester, about half of which (166,382) were women (StBA 2016b: 14). According to the coalition agreement between the governing parties (CDU/CSU/SPD 2013: 29), this number is to be raised to 350,000 by 2020.

According to preliminary figures by the Central Register of Foreigners, a total of 1,022 researchers resided in Germany on the basis of Section 20 subs. 1 of the Residence Act on 31 December 2016. 274 of them entered the country in 2016.

Draft law on university tuition fees for foreign students in Baden-Württemberg

On 17 November 2016, the government of Baden-Württemberg released a draft bill according to which students from third countries should pay tuition fees of EUR 1,500 per semester in the future. This will not apply to EU citizens or to third-country nationals who completed their secondary education in Germany. The draft bill aims to raise revenues for the Land budget and for university education. Part of the proceeds is to be used directly for tuition purposes and other requirements of international students (Ministerium für Wissenschaft, Forschung und Kunst Baden-Württemberg 2016: 2, 6).

3.3.3 Developments referring to the EU

REST Directive

The so-called REST Directive (2016/801/EU)²¹ deals with the entry and residence of researchers, students, trainees and participants of the European Voluntary Service. The implementation bill of the Federal Government was adopted on 9 March 2017 by the Bundestag and on 31 March 2017 by the Bundesrat (Deutscher Bundestag 2017f: 22249; Bundesrat 2017b: 174). It will lead to amendments to and new provisions in the Residence Act (Bundesrat 2017c).

Among other things, applicants shall be entitled to a residence permit for study purposes if they meet the requirements. In addition, they shall be entitled to a residence permit for the purpose of seeking a job after graduation (Bundesrat 2017c: 29, 43). Moreover, third country nationals shall be entitled for a residence permit for up to six months for the purpose of a study-related internship without approval by the Federal Employment Agency, provided that they meet the relevant preconditions. This applies to interns who are currently pursuing university studies or have graduated from university during the past two years. The new provisions will make it easier for students and researchers residing in another EU Member State to come to Germany for temporary research or study purposes (e. g. under the ERASMUS+ programme); and for third country nationals residing in Germany to stay in another EU Member State (except the UK, Ireland and Denmark) for the same purposes (Bundesrat 2017c: 29). Moreover, spouses and civil partners shall be allowed to join mobile researchers during these short-term stays (Bundesrat 2017c: 60). Furthermore,

20 Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

21 Directive (EU) 2016/801 of the European Parliament and the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast).

there will be an additional possibility for third country nationals to obtain a residence permit for participation in the European Voluntary Service.

If students drop out of university, they will be able take up vocational training in a job where labour is scarce as defined by the Federal Employment Agency (and be granted the necessary residence permit) (Bundesrat 2017c: 43).²²

3.4 Other legal migration

3.4.1 Background and general context

In addition to migration on humanitarian grounds, for educational and economic purposes and for reasons of family reunification, Jewish immigrants from the former Soviet Union and ethnic German repatriates have legal paths for immigrating to Germany.

Jewish immigrants

Germany has been admitting Jewish immigrants and their family members from the successor states of the former Soviet Union since 1990.²³ The intention is to promote the integration of these immigrants into both Jewish communities and wider German society. Certain admission requirements, such as proof of Jewish parents or grandparents, basic German language skills (level A1 of the Common European Framework of Reference for Languages (CEFR)) and being able to be accepted into a Jewish community, are to ensure that these two goals are met (BAMF 2015a: 2). Victims of National Socialism are exempt from needing the otherwise required 'positive integration prognosis' and basic German language skills. Family members of applicants can also be admitted. The legal basis for admitting Jewish immigrants is formed by Section 23 subs. 2 in conjunction with Section 75 no. 8 of the Residence Act and the Order of the Federal Ministry of the Interior of 24 May 2007 in its amended version of 21 May 2015. The Federal Ministry of the Interior is authorised under Section 23 subs. 2 of the Residence Act to admit foreign nationals in order to safeguard special political interests in consultation with the supreme authorities of the Länder.

Since 1993, the year in which the statistical series begins, a total of 207,223 Jewish immigrants (including family members) have entered Germany under the regular procedure (data as of December 2016). An additional 8,535 persons had filed an application before the starting date of the statistics or outside the regular procedure until 10 November 1991. This means that roughly 215,800 persons have entered Germany via this procedure by 2016.

Ethnic German repatriates

Provisions for the entry of ethnic German re-settlers and repatriates²⁴ can be found in the Federal Expellees Act (BVFG)²⁵. The entry and reception procedure is conducted by the Federal Office of Administration (BVA). Applications are filed in the countries of origin, and applicants may only enter the country after having received their admission notification (BVA 2017a). Ethnic German repatriates shall automatically acquire German citizenship when they are issued a repatriates certificate (see Section 7 of the Nationality Act (StAG) in conjunction with Section 15 subs. 1 of the Federal Expellees Act). Reception hinges on the applicant's being an ethnic German (Section 6 subs. 1 of the Federal Expellees Act), which is regularly assumed for persons who have at least one (ethnic) German parent and have declared their willingness to be part of the German people, for example by providing a declaration of nationality (e. g. by certificates of birth, marriage or death) or in other ways²⁶. In addition, applicants must be able to hold a simple conversation in German (Section 6 subs. 2 of the Federal Expellees Act). Applicants from other countries (including Estonia, Latvia or Lithuania) than the former Soviet Union will also need to prove that they were subject to discrimination or consequences of past discrimination on the grounds of their being ethnic Germans (Section 4 subs. 2 of the Federal Expellees Act). Spouses, civil partners and children of ethnic German repatriates may also be accepted if they have a basic knowledge of German (level A1 CEFR) (Section 27 subs. 1 of the Federal Expellees Act).

Ethnic German repatriates are entitled to attend an integration course for free after their entry into Germany (Section 9 subs. 1 of the Federal Expellees Act). Moreover, in 2006 the Federal Office for Migration and Refugees started its programme "Identity and Integration PLUS", which is especially

22 The so-called shortage occupation list of the Federal Employment Agency is available at: <https://www3.arbeitsagentur.de/web/content/DE/BuergerinnenUndBuerger/ArbeitundBeruf/ArbeitsJobsuche/ArbeitsinDeutschland/Arbeitsmarktzulassung/Detail/index.htm?dfContentId=L6019022DSTBAI779131> (24.02.2017).

23 Cf. the decision of the Council of Ministers of the German Democratic Republic of 11 July 1990 and the decision of the Conference of Minister-Presidents of 9 January 1991.

24 Those immigrating before the end of 1992 are termed "ethnic German re-settlers", while those immigrating after 1992 are termed "ethnic German repatriates". The basis for this distinction is the German Act to Resolve the Consequences of the Second World War (KfbG).

25 Federal Expellees and Refugees Act.

26 In particular by proving knowledge of German at the level B1 CEFR or by proving that they learned German in their families.

directed at ethnic German repatriates and begins after the regular integration course (BAMF 2016a).

Since 1950, more than 4.5 million ethnic German re-settlers and repatriates and their family members have been admitted into Germany. They form one of the largest groups of immigrants in Germany, mainly due to the high influx during the 1990s. In 1990, a total of 397,073 ethnic German re-settlers and repatriates came to Germany, although the numbers dropped sharply in the following years. The lowest point so far was in 2012 at 1,817 (Worbs et al. 2013), but the numbers have increased slightly since 2013, not least due to legal amendments which made meeting the preconditions easier.

3.4.2 National developments

Jewish immigrants

In 2016, 688 Jewish immigrants from the successor states of the former Soviet Union entered Germany (2015: 378²⁷). The fights in eastern Ukraine are one reason for this increase. Overall, however, the number of Jewish immigrants from the former Soviet Union has dropped considerably since 2002.²⁸ In that year, a total of 19,262 Jews and their family members came to Germany from the former Soviet Union.

Because of the conflict in eastern Ukraine, which continued in 2016, reception conditions were eased for Jewish immigrants from the districts of Lugansk and Donetsk. They need not prove their knowledge of German (level A1 CEFR) to enter Germany, provided that they meet all other requirements. However, they will need to prove their language skills to the competent local foreigners authority within 12 months after entering Germany. The relevant order was issued by the Federal Ministry of the Interior in consultation with the Länder and took effect on 13 January 2015. Moreover, applications from Ukraine have been given priority by the Federal Office by Migration and Refugees since 2015 (Deutsche Botschaft Kiev 2017).

Ethnic German re-settlers and repatriates

In 2016, 6,588 ethnic German repatriates were registered – a year-on-year increase by 470 (2015: 6,118). 6,572 of them came from the successor states of the former Soviet Union, 9 from Poland and 7 from Romania (BVA 2017b: 3). However, the number of applications declined considerably in comparison to 2015, from 18,011 to 13,677 (BVA 2017b: 8).

Here, too, conditions for applicants from eastern Ukraine have been eased since mid-2014 (EMN/BAMF 2016a: 28 et seq.).

3.5 Nationality and naturalisation

3.5.1 Background and general context

On 1 January 2000, the provisions governing the right of German citizenship were extended by the principle of *ius soli* (right of the soil); before, German citizenship was governed by the principle of *ius sanguinis* (right of blood). Since then, children born in Germany whose parents are both foreign nationals receive German citizenship at birth if at least one parent has been legally and consistently residing in Germany for eight years and has a permanent right of residence. Until 20 December 2014, this form of obtaining citizenship was in general linked to the obligation to opt for one nationality: Pursuant to Section 29 of the Nationality Act, these children were required upon reaching adulthood and receiving a notification from the proper authority to choose between German citizenship and the foreign citizenship obtained through their parents by the age of 23. The same also applied to children born after 1 January 1990 who obtained German citizenship on request of their parents in 2000 in the framework of a transitory arrangement (Section 40b of the Nationality Act).²⁹

Pursuant to the 2014 revision of the obligation to opt, the requirement to choose one nationality does not apply anymore to ‘*ius soli*-children’ born and raised in Germany who can permanently keep their German citizenship received at birth (Section 29 subs. 1a of the Nationality Act). People are considered to be born and raised in Germany if they have lived in Germany for at least eight years (before the age of 21), have attended school for at least six years and/or have completed secondary education or vocational training in Germany. While most of those who have so far been obliged to choose one nationality may have both nationalities in the future, German law still retains the principle of avoiding multiple nationalities. In addition, foreign nationals who have been lawfully residing in Germany for several years can obtain German citizenship through naturalisation. Several conditions must be fulfilled in order to be entitled to be naturalised, including a right of residence which at least offers the prospect of a permanent residence and eight years of ordinary and legal residence in Germany (seven years for successful participants of integration courses, six years for persons with a knowledge of German at level B2 or higher), a self-secured means of subsistence (exception:

²⁷ The figure for 2015 is a bit too low due to inadequate reports by the Federal Länder (BMI/BAMF 2016: 131).

²⁸ 2007 was the only exception.

²⁹ For a comprehensive analysis of the obligation to opt for one nationality in force until the end of 2014 and the decision-making behaviour of persons concerned, please see Worbs (2014).

the recourse to benefits in accordance with Book Two or Book Twelve of the Social Code is due to conditions beyond his or her control), as well as no criminal convictions (Section 10 subs. 1 of the Nationality Act). Naturalisation also requires a sufficient knowledge of German (level B1 CEFR). Since 1 September 2008, those applying for naturalisation must also demonstrate knowledge of the German legal and social system and living conditions in Germany by taking a national standardised naturalisation test (Section 10 subs. 1 no. 7 of the Nationality Act). Those with a German school leaving certificate are exempt from this requirement (BMI 2015: 15). Due to the principle of avoiding multiple nationalities, naturalised Germans will in general need to give up their prior nationality (Section 10 subs. 1 first sentence no. 4 of the Nationality Act), even though there are exceptions, in particular if the foreigner is unable to give up his or her previous citizenship, or if doing so would entail particularly difficult conditions (Section 12 of the Nationality Act). EU and Swiss citizens may retain their former nationality (Section 12 subs. 2 of the Nationality Act).

3.5.2 National developments

Statistics

Figure 2 shows that the number of naturalisations between the years 2000 and 2015 has fallen from 186,700 to around 107,300 – a drop by 43 %. The so-called maximised naturalisation rate calculated by the Federal Statistical Office (cf.

StBA 2016c; EMN/BAMF 2016a) has been constantly below 3 % since 2004.

Decision on periods of residence which are counted towards the residence requirements for obtaining German nationality

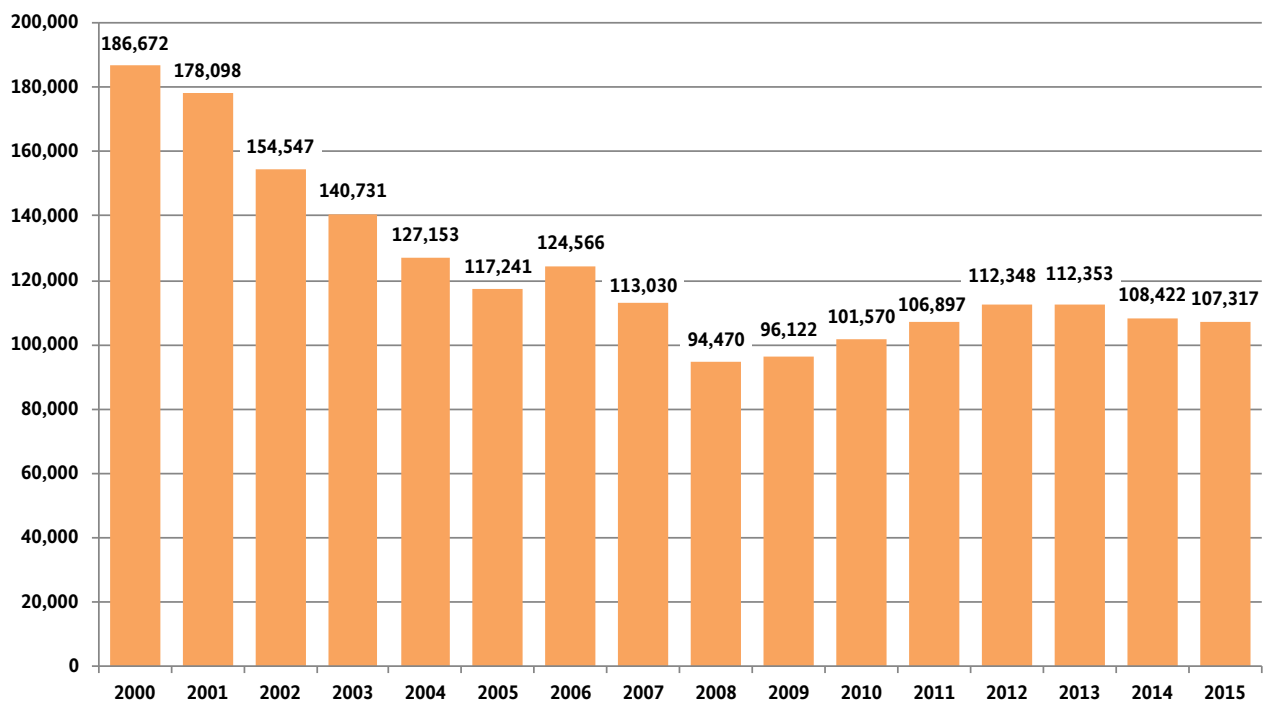
In its decision of 26 April 2016³⁰ the Federal Administrative Court dealt with the question of whether periods of residence under a temporary residence title are to be considered as regular residence within the meaning of the Nationality Act. Legal, ordinary residence for at least eight years by at least one parent is a precondition for children's acquiring German citizenship at birth (Section 4 subs. 3 no. 1 of the Nationality Act). The Court decided that ordinary residence shall be assumed even if the residence is temporary by its nature (e. g. for study purposes). The decisive question is whether the parent has, in retrospect, obtained a chance of being granted a permanent residence title (BVerwG 1 C 9.15).

Decision at the CDU party convention

In December 2016, the CDU party convention decided to support a re-introduction of the obligation to opt for one nationality (CDU Deutschland 2016a: 13 et seq.) and the loss of German nationality if a German citizen participates in attacks by terrorist organisations and hold another nationality

³⁰ BVerwG 1 C 9.15, decision of 26 April 2016.

Figure 2: Naturalisations in Germany, 2000 – 2015



Source: StBA (2015)

(CDU Deutschland 2016b: 12). In a declaration signed on 19 August 2016, the Ministers of the Interior of the CDU and the CSU had demanded more restrictive laws in the areas of security, immigration and integration, amongst them a re-evaluation of the *ius soli* rule (CDU/CSU 2016b: 7). The declaration states that the obligation to give up the prior nationality should remain a defining principle of German citizenship law (*ibid.*).

The opposition parties in the Bundestag and several members of the SPD parliamentary group loudly criticised the decision to support a re-introduction of the obligation to opt for one nationality (Deutscher Bundestag 2016g). The Federal Government declared subsequently that no amendments to the current rules on the obligation to opt are envisaged during the current legislative period, i.e. until September 2017 (Deutscher Bundestag 2017g: 7).

3.6 Management of migration and mobility

3.6.1 Border control

3.6.1.1 Background and general context

Since the stationary border controls between Germany, Poland, and the Czech Republic were dismantled in 2007 and those between Germany and Switzerland in 2008, the Federal Police (BPOL) generally only exercises border controls at German air and maritime borders.

After the abolition of controls at borders inside the Schengen area, exercising police authority is permitted by the Schengen Border Code in order to combat cross-border crime. Such controls are conducted by the Federal Police along the German federal highway system, in trains, and at seaports as random checks and based on situation reports or experiences in border control. Border protection includes prohibiting and preventing illegal entry, combating cross-border people smuggling and other cross-border crime. If a person who has illegally entered the German territory is found within a 30 km corridor along the border to EU Member States, he or she will be removed (see Chapter 7).

External borders are controlled based on the regulations of the Schengen Border Code³¹. Germany uses document scanning and verification equipment, which facilitates verification of a document's authenticity based on optical and digital features. The use of biometric procedures in border

checks, specifically when verifying the identity of travellers, will play an increasingly important role in the future (visa control, e-Passport control, automated border control systems).

3.6.1.2 National developments

Reintroduction of border controls

Due to the significant increase in the number of illegal border crossings of third-country nationals at the Schengen external borders and in the interest of public security, the Federal Minister of the Interior announced the temporary reintroduction of border controls at the German land borders with a focus on the German-Austrian border on 13 September 2015. The measures were prolonged several times in 2015 and 2016 (Rat der Europäischen Union 2017). Since December 2016, the Federal Police has been supported by a company of the Bavarian rapid reaction police (BMI 2016a: 2).

In addition, Poland conducted border controls at the German-Polish border between 4 July and 2 August 2016 against the background of the NATO summit, the World Youth Day and the Pope's visit (BMI 2016b).

As the number of irregular entries from Switzerland had increased, Switzerland and Germany agreed on an action plan to improve co-operation in the border area in October 2016. This action plan foresees joint patrols in the border area, joint searches and operations and communication structures at different levels (BMI 2016c).

In 2016, 15,735 persons were refused entry and 363 removed at the border to Austria. This is a significant increase over 2015 (4,168 refusals and 568 removals; see EMN/BAMF 2016a:35) 162 persons were refused entry and 142 removed at the Swiss border in 2016 (Deutscher Bundestag 2017h: 24).

Automated border controls

In 2016, additional automated border control lanes (EasyPASS) were opened at German airports. By the end of the year, 154 control lanes were working at the airports of Frankfurt am Main, Munich, Cologne-Bonn, Düsseldorf, Berlin-Schönefeld, Berlin-Tegel and Hamburg. EasyPASS is based on the photograph in passports and optionally in German identification cards. The EasyPASS procedure is available to citizens of the EEA Member States and Switzerland as well as to registered travellers from selected third countries, namely the United States of America and the Hong Kong Special Administrative Region of the People's Republic of China (BPOL 2016).

31 Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

Installation of a national evaluation system

Implementing the recommendations of the Schengen Evaluation for Germany, the Federal Police has developed a national supervision procedure for quality assurance.³² This includes all authorities which are responsible for border policing (Federal Customs Department, Waterway Police Hamburg and Bavarian Land Police). In this context the main border crossings are to be evaluated in regular intervals according to a nationwide standardised evaluation system.

Cooperation with third countries to secure borders

In 2016, Germany signed cooperation agreements with several countries. For example, joint declarations on migration, border police cooperation, the fight against cross-border people smuggling and the fight against terrorism were signed with Turkey in February 2016 (BMI 2016d).

As part of a training and equipment assistance programme, a total of 115 training and 18 equipment assistance measures took place in 28 countries in 2016.³³ The efforts focused on the western Balkans and North Africa. Tunisia, the Palestinian territories, Morocco, Jordan and Nigeria will benefit from the Federal Government programme on training and equipment for foreign police forces (AAH-P) in the period from 2017 until 2020. The programme focuses on police training and the procurement of related equipment, excluding instruments for the direct use of force. The goal is to enable the police in the partner countries to conduct high-standard police work. The rule of law and respect for human rights should become an integral element of their work.

3.6.1.3 Developments referring to the EU

Proposal for an entry-exit system

In 2015 the Federal Police, the Federal Office of Administration and the Federal Office for Information Security (BSI) already participated in the EU pilot project for a “smart border” system (Deutscher Bundestag 2016h: 1; BPOLP 2016). Based on the results of this pilot project with a number of EU Member States, the European Commission published a proposal for an EU Regulation on an entry-exit system on 6 April 2016. The aim is to improve the external border management of the Member States. The new system will replace the manual stamping of passports and register all

third-country nationals who enter the EU for a short stay (i.e. less than 90 days) (Europäische Kommission 2016a).

Cooperation with third countries

In the framework of the “Better Migration Management” project, which is jointly financed by the Federal Ministry for Economic Cooperation and Development and the EU Trust Fund for Africa, Germany, France, Italy and the UK will support countries which participate in the Khartoum Process (Egypt, Ethiopia, Eritrea, Djibouti, Kenya, Somalia, Sudan, South Sudan, Tunisia and Uganda) from 2016 until 2019 with the aim of improving their migration management and fighting people smuggling and human trafficking in particular (GIZ, no year). “There are activities at four levels:

1. Harmonisation of the countries’ migration policies in order to strengthen the regional cooperation in the field of migration and facilitate migration;
2. Strengthening of institutions which combat human trafficking, e. g. by improving the cooperation between investigators, public prosecutors and judges for a more efficient fight against human trafficking;
3. Support and protection for migrants, e. g. by establishing shelters and mobile teams for legal advice and psychosocial support;
4. Information and advice to migrants, for example on safe and legal migration options, possibilities to get work and potential support” (GIZ, no year).

Among other things, equipment is provided and reception centres are built (Deutscher Bundestag 2016i: 2). In 2016, first talks on activities in this context were held with Djibouti, Kenya, Ethiopia, Somalia and Sudan (GIZ, no year). The opposition and the public criticised the cooperation with the governments of Eritrea and Sudan in particular (Tagesschau 2016; Deutscher Bundestag 2016j: 1). GIZ, which implements the project jointly with other partners (such as IOM), emphasises that the rights of and protection for migrants are at the focus of the implementation (GIZ, no year).

In addition, the federal and Land police authorities participate in EU and UN-led police missions in third countries, for example the EU Border Assistance Mission in Libya (EUBAM) (EAD 2016a: 2; see also Deutscher Bundestag 2017i).

³² This chapter is largely based on material provided by the Federal Police for this report.

³³ This chapter is largely based on material provided by the Federal Police for this report.

3.6.2 European Border and Coast Guard Agency (Frontex)³⁴

3.6.2.1 Background and general context

Taking into account national competencies, the European Border and Coast Guard Agency (Frontex) coordinates the operational cooperation of the EU Member States at the external borders of the EU, supports the Member States as a “service provider” for training national border police officers for the purpose of harmonisation, produces risk analyses and provides the Member States with technical and operational support, specifically through joint operations or other services (“EUROSUR” information network, research and development, studies/recommended courses of action, etc.). Since 2013, the agency’s independent Fundamental Rights Officer and the Consultation Forum on Fundamental Rights have been tasked with ensuring that fundamental rights are preserved in all FRONTEX activities (reporting, monitoring, and operation evaluations which produce recommended courses of action for operations and training or, if necessary, consequences such as the suspension or termination of joint operations).

3.6.2.2 Developments referring to the EU

European Border and Coast Guard Agency

As the number of asylum seekers jumped in 2015 and the EU’s ability to respond to this development was limited, a German-French initiative for a reform of the legal basis of Frontex was launched in December 2015. This led to Regulation 2016/1624 of 14 September 2016 on the European Border and Coast Guard³⁵. Not only was Frontex renamed, the Regulation also expanded its range of tasks considerably. Important changes are as follows:

- Inclusion of coast guarding tasks
- Intervention Mechanism, for which 1,500 rapid reaction staff (of which 225 from Germany) and an emergency equipment pool are available
- Assessment of vulnerability by monitoring and evaluating the Member States’ resources for external border protection
- Expansion of risk analysis

- Intensified cooperation with third countries
- Expansion of joint forced return operations (see Chapter 7.3) and
- Sending liaison officers to the Member States.

The Frontex resources are to be increased steadily; for example, its staff is to be raised from about 460 in 2016 to over 1,000 by 2020.

Involvement in Frontex operations

In 2016, Germany sent Federal Police officers to participate in Frontex-coordinated operations for a total of approximately 43,000 working days. Overall, 924 police officers were deployed in Frontex measures. The focus was on so-called ‘hot spot measures’ in Greece and Italy. Overall, 826 officers, two boats (since March 2016) and a police helicopter suitable for marine use (the latter for two months) were deployed to the Aegean islands of Lesbos, Chios, Samos, Leros and Kos as well as to the Italian external Schengen borders (southern Italy). As the deployment days jumped, the Federal Police was supported by the Länder police forces and the Federal Customs Department. The increased deployment was due to the jump in migration attempts via the eastern and central Mediterranean. The Federal Police also participated in Frontex-led deployments in nine other European countries. Deployments along the external EU land and air borders were roughly unchanged from the previous year, and deployments along the Balkan Route were reduced. The Federal Police sent 63 officers to support the border police in Greece, Italy and Slovenia on the basis of bilateral agreements. Overall, the Federal Police deployed a total of 987 officers to twelve countries on the basis of bilateral and Frontex-coordinated measures in 2016.

³⁴ Chapter 3.6.2 is largely based on material provided by the Federal Police for this report.

³⁵ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC.

4 International protection and asylum

4.1 National asylum system

4.1.1 Background and general context

Asylum for those suffering from political persecution is enshrined in the German constitution (Art. 16a of the Basic Law) and is granted to anyone who, upon return to his or her country of origin, would be subject to grave human rights violations due to his or her 'race', political convictions, religious affiliation or membership of a certain social group (BAMF 2016b: 17). Besides asylum, there are three other types of protection: refugee status under the Geneva Convention relating to the Status of Refugees (Section 3 of the Asylum Act in conjunction with the Geneva Convention), subsidiary protection (Section 4 of the Asylum Act)³⁶ and national bans on deportation (Section 60 subs. 5 or 7 of the Residence Act). The Federal Office for Migration and Refugees decides on whether or not to approve asylum applications.

Before the Federal Office processes an asylum application, it examines whether Germany is responsible according to the criteria set out in the Dublin III Regulation ((EU) 604/2013)³⁷. If another Member State is responsible, a request to take charge or take back is addressed to it. If the other Member State regards this request as justified, it shall agree to it within the response period (BAMF 2017c: 24). If the transfer of the applicant does not take place within six months, the responsibility will be transferred to Germany, unless there are particular reasons to extend or postpone the transfer

period (such as appeals which have a suspensory effect) (BAMF 2017c: 24).

If applicants are granted protection status, they will be issued with a residence permit for one to three years, depending on the type of protection. This permit may be extended or exchanged against a permanent residence permit afterwards. The first three types of protection include an unlimited permission to work. Persons for whom a deportation ban was issued may work, but only with the approval of the foreigners authority.

A permission to stay in Germany may also be granted to asylum seekers abroad or in Germany for reasons of international law or for humanitarian or political reasons (Sections 22 - 25 of the Residence Act).

The Länder are responsible for accommodating the asylum applicants and providing money and services in kind for their subsistence. In order to ensure a fair distribution of asylum seekers to the Länder, the quota of the individual Länder is determined on the basis of their number of inhabitants and tax revenues ('Königstein key'). The Länder have created reception centres, to which individual branch offices and/or arrival centres of the Federal Office of Migration and Refugees are assigned. This is where the asylum application is filed. Most Länder have transferred the responsibility for longer-term accommodation to the local communities, which either provide shared accommodation or decentralised accommodation in flats.

The basic benefits for asylum seekers are spelled out in the Asylum Seekers' Benefits Act (AsylbLG), which was last amended by the Integration Act³⁸. It includes "an obligation to participate in integration measures for refugees with benefit implication (Deutscher Bundestag 2016l: 2; see Chapter 4.1.2.2). Furthermore, benefit restrictions were implemented in the Asylum Seekers' Benefits Act for beneficiaries with a permission to remain pending the asylum decision pursuant to the Asylum Act or in case of a subsequent or second application (Section 1 subs. 1 no. 1 and 7 of the Asylum Seekers' Benefits Act) if specific obligations to cooperate concerning the Federal Office for Migration and Refugees are not met (Deutscher Bundestag 2016l: 24).

³⁶ Subsidiary protection is granted if a person "has shown substantial grounds for believing that he would face a real risk of suffering serious harm in his country of origin" (Section 4 subs. 1 of the Asylum Act). Serious harm consists of death penalty or execution, torture or inhuman or degrading treatment or punishment, or serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict. A threat of serious harm within the meaning of Section 4 subs. 1 of the Asylum Act may emanate from the state, from quasi-state agents or from non-state agents (Section 3c of the Asylum Act in conjunction with Section 4 subs. 3 first sentence of the Asylum Act)" (BMI/BAMF 2016: 86).

³⁷ Regulation (EU) no. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person

³⁸ BGBl. 2016 part I No. 39: 1939.

Moreover, asylum applicants and persons whose deportation has been suspended will get access to the labour market after three months (down from nine and twelve months), provided that the local foreigners authority and the Federal Employment Agency have given their approval or if a statutory instrument provides that they may take up employment without approval by the Federal Employment Agency.³⁹ Persons whose deportation has been suspended may start to work right away if the intended job does not require approval by the Federal Employment Agency. Third-country nationals do not have access to the labour market during the period for which they are obliged to live at a reception centre (independent of the length of this period). The same applies to persons whose deportation has been suspended if they have created the obstacle to deportation themselves or violated their obligations to help in removing the obstacle to deportation.

4.1.2 National developments

4.1.2.1 Statistics

Development in the number of asylum applications

Between 1953 and end-2016, more than 5 million people have applied for asylum in Germany, with about 4 million applying since 1990. The number of newly arrived asylum

seekers reached a historical high in 2015, at 890,000. Due to this jump, it was not always possible to accept the asylum application soon after the first registration as asylum seeker. As a result, the number of formal asylum applications was considerably lower than that of newly arrived asylum seekers in 2015 (476,649 asylum applications in total). In 2016, the number of newly arrived asylum seekers declined considerably in year-on-year terms and came in at c. 280,000.⁴⁰ Those persons who entered Germany in 2015, but were unable to file an asylum application at once did so in 2016. This meant that, in 2016, a total of 745,545 first-time and subsequent applications were submitted. This is an increase of 56.4 % in comparison to the previous year (see Table 1).

In 2016, the Federal Office for Migration and Refugees received 722,370 first-time asylum applications, i.e. 280,471 more than in 2015 (+63.5 %). The number of asylum applicants increased for the ninth year in a row. As Table 1 shows, applications from all main countries of origin increased, with the exception of Albania (-38,952 first-time applications; -72.4 %). In absolute terms, increases were strongest for Syria (+107,593 first-time applications; +67.8 %), Afghanistan (+95,630 first-time applications; +304.7 %), Iraq (+66,332 first-time applications; +222.7 %), and Iran (+21,032 first-time applications; +389.9 %), with the percentage increase highest for Iran, Afghanistan, and Iraq.

39 The waiting period was reduced to three months by the “Act on the Classification of Further Countries as Safe Countries of Origin and on Facilitating Labour Market Access for Asylum Applicants and Foreigners whose Deportation has been Suspended”, which entered into force on 6 November 2014. See BGBl. 2014 Part I No. 49: 1649.

40 In the preceding years, the EASY figures (taken from the IT system for the allocation of asylum applicants) were used for this part of the Policy Report. However, as the EASY system does not store personal data, erroneous and double registrations are possible. The EASY statistics will therefore be replaced by the asylum seekers' statistics, which are based on valid personal data, from January 2017. The EASY statistics will not be released in the future any more.

Table 1: First-time asylum applications in 2015 and 2016, main countries of origin

	2015		2016		First-time applications for asylum, changes to the previous year in %	First-time applications for asylum, changes to the previous year, absolute figures
	First-time applications for asylum	Total applications for asylum	First-time applications for asylum	Total applications for asylum		
Total	441,899	476,649	722,370	745,545	63.5%	280,471
Syria	158,657	162,510	266,250	268,866	67.8%	107,593
Afghanistan	31,382	31,902	127,012	127,892	304.7%	95,630
Iraq	29,784	31,379	96,116	97,162	222.7%	66,332
Iran, Islamic Republic of	5,394	5,732	26,426	26,872	389.9%	21,032
Eritrea	10,876	10,990	18,854	19,103	73.4%	7,978
Albania	53,805	54,762	14,853	17,236	-72.4%	-38,952
Unclear	11,721	12,166	14,659	14,922	25.1%	2,938
Pakistan	8,199	8,472	14,484	15,528	76.7%	6,285
Nigeria	5,207	5,302	12,709	12,916	144.1%	7,502
Russian Federation	5,257	6,200	10,985	12,234	109.0%	5,728

Source: Federal office for Migration and Refugees. The order is based on the 10 countries of origin with the highest figures in 2016

The main countries of origin of asylum applicants in 2016 were Syria, Afghanistan, Iraq, Iran, Eritrea, Albania, Pakistan, and Nigeria.

The overall protection rate increased⁴¹ from 49.8 % to 62.4 % in comparison to the preceding year. In 2016, 256,136 persons were either eligible for asylum under Article 16a of the Basic Law or recognised as refugees under the Geneva Convention relating to the status of refugees (2015: 137,136). Subsidiary protection was granted to 153,700 persons (2015: 1,707), and national deportation bans were established in 24,084 cases (2015: 2,072).

The countries of origin with the highest protection rate amongst asylum applicants in 2016 were Syria (98.0 %), Eritrea (92.2 %) and Iraq (70.2 %). However, in 2016 more Syrian applicants were only granted subsidiary protection than in 2015. In 2016, 56.4 % of all Syrian asylum applicants were recognised as refugees and 41.2 % were granted subsidiary protection. In 2015, the percentages were 95.8 % and 0.1 %, respectively. The rise in numbers of subsidiary protection status granted led to an increase in appeals against the decision of the Federal Office for Migration and Refugees. In 2016, an appeal was lodged in 37.7 % of the cases in which a subsidiary protection status was granted for Syrian applicants (BAMF 2017c: 44). While some Higher Administrative Courts ruled in favour of the complainant, other Higher Administrative Courts dismissed the legal action and confirmed the status granted by the Federal Office for Migration and Refugees also for Syrian asylum applicants (see Chapter 4.1.2.2).

4.1.2.2 Changes to the law and court decisions referring to asylum law

In 2016, several new laws entered into force which had an impact on the asylum procedure and on the accommodation, the integration and the return of asylum seekers, persons whose deportation has been suspended and persons who are entitled to protection. These include:

- the Data Sharing Improvement Act (entry into force: 5 February 2016),
- the Act on the Introduction of Fast-Track Asylum Procedures (Asylum Package II) (entry into force: 17 March 2016),

- The Act on the Faster Expulsion of Criminal Foreigners and Extended Reasons for Refusing Refugee Recognition to Criminal Asylum Seekers (entry into force: 17 March 2016), and
- the Integration Act and its accompanying Ordinance (large shares of which entered into force on 6 August 2016).

The Act on the Classification of the People's Democratic Republic of Algeria, the Kingdom of Morocco and the Republic of Tunisia as Safe Countries of Origin was adopted by the Bundestag on 13 May 2016 and passed on to the Bundesrat for approval, which was, however, denied on 10 March 2017 (Deutscher Bundestag 2017j).

Moreover, several asylum-related draft laws were pending at the end of 2016 and the beginning of 2017, but no vote had been taken yet at the time of writing of this report in March 2017:

- draft of a Third Amendment to the Asylum Seekers' Benefits Act, which was adopted by the Federal Government on 21 September 2016 (BMAS 2016a), but rejected by the Bundesrat on 16 December 2016 (Bundesrat 2016a; Bundesrat 2016b). The draft by the Federal Government was meant to enter into force on 1 January 2017 and foresaw a new calculation and reduction of the regular benefits for asylum seekers in reception centres. A mediation committee has been established to reach a compromise between the Federal Government and the Federal States; however, as of the time of writing in March 2017, this had not been achieved yet.
- draft of an Act to Improve the Enforcement of the Obligation to Leave the Country, which was adopted by the Federal Government on 22 February 2017 (Deutscher Bundestag 2017b; Deutscher Bundestag 2017c). The Bundesrat proposed amendments to the draft on 10 March 2017 (Bundesrat 2017d). The draft tightens existing provisions. For example, it extends detention for deportees, increases the permitted length of custody to secure departure, tightens the reporting obligations of asylum seekers if there are grounds for their expulsion and allows for a more detailed evaluation of mobile devices (such as smart phones) of asylum applicants to establish their identity without their permission. In addition, the Länder shall be authorised to request asylum applicants to stay at reception centres for the duration of the asylum procedure if the asylum application is likely to be rejected as manifestly unfounded or inadmissible.

41 The total protection ratio covers all favourable decisions according to which applicants were recognised as asylum seekers pursuant to Art. 16A par. 1 of the Basic Law, refugees pursuant to Section 3 subs. 1 of the Asylum Act or beneficiaries of subsidiary protection pursuant to Section 4 subs. 1 of the Asylum Act or in which national deportation bans were established pursuant to Section 60 subs. 5 or 7 of the Residence Act.

Fast-track procedures and accommodation in special reception centres

The Asylum Package II, which entered into force on 17 March 2016, introduced a fast-track procedure for certain types of asylum applicants, for example applicants from safe countries of origin or follow-up applicants. They may be accommodated in special reception centres (in Bavaria: Manching and Bamberg; see Chapter 7.2.2). The Federal Office for Migration and Refugees shall decide on their applications within a week. Subsequently, the applicants have one week to file an urgent appeal against the decision. The administrative court shall then decide on this appeal within a week, which means that the complete procedure, including the administrative court's decision on an appeal against the rejection, shall take three weeks at most.

Restrictions on family reunification for beneficiaries of subsidiary protection

The Asylum Package II also restricted family reunification for certain beneficiaries of subsidiary protection. Family reunification will be suspended until 16 March 2018 for all those who were granted a residence permit for subsidiary protection purposes after 17 March 2016 (Section 104 subs. 13 of the Residence Act). This will, as a rule, also apply to parents who want to join their unaccompanied minor children; during the two-year suspension, this will only be possible in cases of special hardship under international law provisions or for urgent humanitarian reasons. Once this transition period is over, the provisions which were in force since 1 August 2015 will automatically be reinstated (see Chapter 3.2.2).

Suspension of deportation for health reasons

The Asylum Package II also defined the provisions on suspending deportation for health reasons more clearly. In principle, deportation is only suspended if the foreigner suffers from a life-threatening or a serious illness which would significantly worsen upon the deportation being carried out (see Chapter 7.2).

Refusal of recognising criminal asylum applicants as refugees

Under the Act on the Faster Expulsion of Criminal Foreigners and Extended Reasons for Refusing Refugee Recognition to Criminal Asylum Seekers, which entered into force on 17 March 2016, the authorities can refuse to recognise criminal asylum applicants as refugees, provided that the other conditions spelled out in the law are met (see Chapter 7.2.2).

Admissibility of an asylum application

The Integration Act, which entered into force on 6 August 2016, summarised the reasons for the inadmissibility of an asylum application listed in Section 29 of the Asylum Act again. An application for asylum is inadmissible if another country is responsible for conducting the asylum procedure according to the Dublin III Regulation ((EU) No 604/2013). In addition, applications are inadmissible

- if the applicant has already been granted international protection within the meaning of Section 1 subs. 1 no. 2 of the Asylum Act by another Member State,
- if a country that is willing to readmit the foreigner is regarded as a safe third country for that foreigner according to Section 26a of the Asylum Act,
- if a country that is not an EU Member State and is willing to readmit the foreigner is regarded as another third country within the meaning of Section 27, or
- if, in the case of follow-up applications pursuant to Section 71 or secondary applications pursuant to Section 71a of the Asylum Act, another asylum application is not to be conducted.

The new rule on inadmissibility due to readmission by another third country was criticised by the German Institute for Human Rights (Deutsches Institut für Menschenrechte, DIM) as a hidden restriction on the right to asylum, as the other third countries do not have to meet the criteria as a safe third country pursuant to Section 26a of the Asylum Act (DIM 2016b).

Residence obligation for recognised refugees and other persons who have been granted a residence permit for humanitarian reasons

The Integration Act introduced Section 12a of the Residence Act, which includes a residence rule for persons recognised as being entitled to asylum, recognised refugees, persons who have been granted subsidiary protection and certain groups of persons who have been granted a residence permit for humanitarian reasons. The goal is to “promote ... sustainable integration into the way of life in the Federal Republic of Germany”. In addition, the Federal Government wants to “counteract segregation tendencies which might hamper integration” (Deutscher Bundestag 2016k:4), which might, for example, develop due to increased movements to metropolitan areas (Bundesregierung 2016a).

Pursuant to Section 12a subs. 1 of the Residence Act, these persons “shall be obliged to take up their habitual residence (place of residence) for a period of three years ... in that Land to which they have been allocated for the purposes of their

asylum procedure or in the context of their admission process". This period shall begin at the date of the recognition or issuance of the temporary residence permit. Pursuant to Section 12a subs. 2 and 3 of the Residence Act, the authorities may oblige these groups of persons within six months after the recognition or issuance of the temporary residence permit to take up residence at a specific place⁴². Moreover, pursuant to Section 12a subs. 4 of the Residence Act the authorities may also oblige these persons not to take up residence in a specific place "in order to prevent social exclusion", "in particular if it is to be expected that they will not use German as the key lingua franca at that place".

This rule does not apply if the person in question him- or herself, his or her spouse, registered partner or minor child takes up or has taken up employment, at least 15 hours per week with full social security coverage, on account of which that person has a certain income (2016: EUR 710), or that person takes up or has taken up vocational training or is pursuing his or her studies or is in a training relationship (Section 12a subs. 1 second sentence of the Residence Act). In addition, for persons who are living in reception centres or other temporary accommodation, the allocation to a specific place of residence must not preclude their sustainable integration into the way of life in the Federal Republic of Germany (Section 12a subs. 2 of the Residence Act). In the case of persons who are not living in reception centres or other temporary accommodation, the allocation of a place of residence must facilitate their being provided with suitable accommodation, their acquiring sufficient command of the German language and their commencing paid employment (Section 12a subs. 3 of the Residence Act; Deutscher Bundestag 2016l: 45). The Act shall apply retroactively to all persons who were issued with a recognition or temporary residence permit since 1 January 2016 (Bundesregierung 2016b).

The individual Länder implement Section 12a of the Residence Act in different ways. Some of them do not seize the opportunity to allocate places of residence internally at all (as of March 2017: Berlin, Brandenburg, Bremen, Hamburg, Lower Saxony, Mecklenburg-Western Pomerania, Rhineland-Palatinate, Saxony, Schleswig-Holstein and Thuringia) or the process of political will formation has not yet been concluded (Hesse). In case of moves to a different Land, most Länder assume a case of hardship and do not apply the rule retroactively (Flüchtlingsrat NRW 2017a).

Major associations of municipalities, such as the Association of German Districts (Deutscher Landkreistag), the German Association of Towns and Municipalities (Deutscher

Städte- und Gemeindebund) and the Association of German Cities (Deutscher Städtetag), welcomed the rule, as it facilitates integration "steering" and helps to prevent the emergence of deprived areas (Deutscher Bundestag 2016k: 15). In contrast, civil-society organisations and welfare associations criticised the residence rule as "counterproductive for integration", as, for example, allocating third-country nationals to areas with a weak infrastructure might prevent their successful integration into the labour market (PRO ASYL 2016: 2 et seq.; Deutscher Bundestag 2016m: 1352 et seq.; Flüchtlingsrat Schleswig-Holstein 2016).

Permanent settlement permit for persons entitled to protection

According to the new provisions of the Residence Act introduced by the Integration Act, persons being recognised as being entitled to asylum and recognised refugees shall receive a permanent settlement permit after having held a temporary residence permit for five years, provided that further conditions are met and that the Federal Office for Migration and Refugees has not confirmed that the conditions for revocation or withdrawal of this permit apply (Section 26 subs. 3 of the Residence Act). Until 5 August 2016, this rule already applied after three years of having held a temporary residence permit. In addition, the third-country national's subsistence must be ensured for the most part now and s/he must possess sufficient command of the German language (level A2 CEFR). The three-year period continues to apply if the third-country national possesses a command of German (level C1 CEFR) and his or her subsistence is for the most part ensured.

Easier labour market access of asylum seekers and persons whose deportation has been suspended

On 6 August 2016, the Ordinance accompanying the Integration Act also implemented the Fourth Ordinance to Amend the Employment Regulation (BGBl. 2016 Part I no. 39: 1953 – 1956), which amends Section 32 subs. 5 of the Employment Regulation. Pursuant to the amended provisions, the priority check will be suspended in the case of asylum applicants and persons whose deportation has been suspended in 133 out of 156 districts of the Federal Employment Agency. The suspension period will be three years (BMAS 2016b). However, the Federal Employment Agency will continue to monitor whether the employment conditions are comparable. As a result, asylum seekers and persons whose deportation has been suspended will get easier access to the labour market after three months already. In the remaining 23 districts in Bavaria, Mecklenburg-Western Pomerania and North Rhine-Westphalia, the former provisions will remain in place. The

⁴² This may also refer to a specific apartment or block of flats; see Deutscher Bundestag 2016k: 25; Maor 2017: § 12a AufenthG RN 17-20.

exemptions from the priority check (Section 32 subs. 5 of the Employment Regulation) also include an agreement to the third-country nationals working as temporary workers (Section 32 subs. 3 of the Employment Regulation; see also Chapter 8.2).

Access to universities for refugees and persons whose deportation has been suspended

Since 1 January 2016, in addition to beneficiaries of protection, persons whose deportation has been suspended as well as beneficiaries of specific humanitarian residence titles may also apply for support measures pursuant to the Federal Training Assistance Act (BAFöG). While beneficiaries of protection may apply regardless of the duration of their previous stay, persons whose deportation has been suspended have to have been living in Germany for 15 months lawfully, with a permission to remain pending the asylum decision or a tolerated stay status (Section 8 subs. 2a of the Federal Training Assistance Act). Asylum applicants have no right to apply for support measures pursuant to the Federal Training Assistance Act. Though, during the first 15 months they do receive support measures pursuant to the Asylum Seekers' Benefits Act (Section 2 subs. 1 of the Asylum Seekers' Benefits Act in conjunction with Section 22 subs. 1 of the Seventh Book of the German Social Code). Furthermore, several universities have begun to relieve refugees from specific fees and costs (for example fees for German classes or for the semester ticket; HRK 2017). In case asylum applicants start their studies prior to the final decision on their asylum application, this does not go along with a status change (Section 10 subs. 1 and 3 sentence 1 and 2 of the Residence Act), e. g. a residence title for the purpose of further education (Section 16 subs. 1 of the Residence Act). In December 2016 the Federal Office for Migration and Refugees published a guide for Universities and Associations of Student Service Organisations (Studierendenwerke) on "Access to Universities for Refugees" (BAMF 2016j). The guide was produced jointly with the Conference of the Ministers of Education and Cultural Affairs, the German Academic Exchange Service (DAAD), the German Association of Student Service Organisations and the German Rectors' Conference and discusses regulations on asylum and residence law for refugees, approval procedures, questions on funding for study purposes as well as further support measures and counselling services. Furthermore, relevant information on study opportunities for refugees in Germany are gathered in German and English on the website www.study-in.de.

Easier access to school and training for asylum seekers

Since the Integration Act entered into force, asylum seekers who have a good prospect to remain in Germany may, after

three years, touch certain benefits to support school or vocational training (Section 132 subs. 1 first sentence of the Third Book of the German Social Code). Moreover, after 15 months they can touch vocational training and education support if they no longer live in a reception centre (Section 132 subs. 1 no. 2 and third sentence of the Third Book of the German Social Code). These provisions apply to courses of training starting until 31 December 2018 or benefits applied for before that date (Section 132 subs. 4 of the Third Book of the German Social Code).

In 2015, an amendment to the Employment Regulation already made it easier for asylum seekers and persons whose deportation has been suspended to get access to internships not subject to minimum wage requirements by removing the obligation to get the approval of the Federal Employment Agency (Section 32 subs. 2 and 4 of the Employment Regulation). Moreover, asylum seekers with a good prospect to remain and persons entitled to protection have been allowed to enter the Federal Volunteer Service since 1 December 2015 (BAFzA 2015).

Measures to integrate refugees

In addition to facilitating labour market access, the Integration Act also launched the 'Refugee Integration Measures' (Flüchtlingsintegrationsmaßnahmen, FIM) with 100,000 jobs (Section 5a of the Asylum Seekers' Benefits Act). The programme is based on already existing work opportunities (Section 5 of the Asylum Seekers' Benefits Act) and has a double goal:

"First, refugees are to be nudged towards the German labour market and get an impression of working and social life in Germany even before their asylum procedure is terminated. Second, the programme will create useful activity within and without reception centres and give refugees an opportunity to make a contribution to society" (BMAS 2016c: 1).

However, these measures are not meant to replace regular employment. They are not open to asylum seekers from safe countries of origin (Section 5a subs. 1 second sentence of the Asylum Seekers' Benefits Act). The jobs may be offered by public-sector, local or welfare organisations, and participants will receive an expense compensation of EUR 0.80 per hour. Asylum seekers may be obliged to participate and lose their claim to benefits under the Asylum Seekers' Benefits Act if they do not (Section 5a subs. 3 of the Asylum Seekers' Benefits Act). The measures started on 1 August 2016. By mid-January 2017, the Federal Employment Agency had approved 13,000 FIM jobs across Germany. About 68 % of them are outside the reception centres. At the same time 12,466 places were available in existing measures (Deutscher

Bundestag 2017k: 7). According to media reports, 25,000 places had been requested until end of March 2017 (Öchsner 2017a).

The FIM jobs are under criticism from several sides. Representatives of economic research institutions, of the opposition party Alliance 90/The Greens and the Association of German Districts have emphasised the importance of integration into the regular labour market but criticised the establishment of parallel structures to existing work opportunities for asylum seekers (FAZ 2017b; Rheinische Post 2016; Deutscher Landkreistag 2016). While the AWO-Bundesverband e. V. welcomed the creation of additional work opportunities, it rejected their obligatory character (Deutscher Bundestag 2016m: 1343).

Benefit cuts

Beyond the benefit reductions that were in place before (Section 1a of the Asylum Seekers' Benefits Act), the Integration Act introduced the rule that if they were already granted a residence permit in another EU Member State (Section 1a subs. 4 second sentence of the Asylum Seekers Benefits Act) or if they do not take mandatory action (Section 1a subs. 5 of the Asylum Seekers' Benefits Act), asylum seekers will only receive benefits to cover nutrition and accommodation needs – including heating and hygiene and healthcare necessities. These benefits are below the usual minimum benefits as set out in Section 3 of the Asylum Seekers' Benefits Act. Church and civil-society organisations criticised that the potential sanctions tended to assume a "lack of willingness to integrate" and might be problematic with regard to the right to claim benefits that cover at least the minimum standard of living, which is guaranteed by the Basic Law (Deutscher Bundestag 2016k: 18; PRO ASYL 2016: 8 et seq.).

Higher Administrative Court decisions on granting subsidiary protection to Syrian refugees

On 23 November 2016, the Higher Administrative Court of Schleswig-Holstein took a decision on subsidiary protection (Section 4 subs. 1 of the Asylum Act) granted by the Federal Office for Migration and Refugees to a Syrian who had filed an appeal against the Office's decision and sued for being recognised as a refugee (Az. 3 LB 17/16). The Court decided that Syrian refugees who did not suffer individual persecution before leaving the country are not entitled as being recognised as refugees on the grounds of their stay abroad and their filing an asylum application alone (SH 2016). Other Higher Administrative Courts took similar decisions afterwards and held up the decisions by the Federal Office for Migration and Refugees to grant subsidiary protection. Among these Courts are the Higher Administrative Court

of Rhineland-Palatinate (judgement of 16 December 2016, Az. 1 A 10918/16.OVG, 1 A 10920/16.OVG and 1 A 10922/16.OVG), the Higher Administrative Court of Saarland (judgement of 2 February 2017, Az. 2 A 515/16) and the Higher Administrative Court of North Rhine-Westphalia (judgement of 21 February 2017, Az. 14 A 2316/16.A).

4.1.2.3 Changes and measures in the area of refugee management

Quick and comprehensive registration⁴³

The Data Sharing Improvement Act, which entered into force on 5 February 2016, created the conditions for establishing the identity of all those who entered Germany as quickly as possible and for improving the data sharing between all authorities involved in the procedure. All data collected at the time of registration are now stored in the core database of the Central Register of Foreigners at the time of the foreigner's first contact with the authorities. The Act on the Central Register of Foreigners (Gesetz über das Ausländerzentralregister, AZR-Gesetz) was amended to that effect, and the list of collected data was extended (fingerprints, country of origin, contact data such as address, phone numbers and e-mail addresses, information on allocation and information on health examinations and vaccinations). In order to facilitate the foreigners' quick integration and job placement, data on their education, vocational training and other qualifications are to be stored in the Central Register of Foreigners. The Federal Office for Migration and Refugees, the authorities monitoring cross-border travel, the Länder police authorities, the reception centres and the foreigners authorities all enter data into the core database.

Proof of arrival

The Data Sharing Improvement Act also created the basis for the proof arrival document, which replaced the registration certificate for asylum seekers (Bescheinigung über die Meldung als Asylsuchender, 'BüMA') introduced in October 2015. The new proof of arrival documents that the foreigner has been registered in the core database of the Central Register of Foreigners and is issued by the reception centres and branch offices of the Federal Office for Migration and Refugees. It is a paper-based document with forgery-proof elements. This improves the administrative process during the reception procedure considerably and prevents multiple registrations and abuse. Applicants must present their proof of arrival at their reception centre to receive the full range

⁴³ The explanations on national and EU-related developments in this Chapter are partially based on the Migration Report 2015 (BMI/BAMF 2016: 13 et seq.).

of benefits under the Asylum Seekers' Benefits Act (accommodation, food, healthcare). The proof of arrival enables the authorities (e. g. foreigners and registration authorities or the Federal Employment Agency) to quickly access the relevant data (personal data, language skills etc). In turn, this facilitates planning the accommodation of asylum seekers in the Länder, makes the asylum procedure easier and ensures smoother labour-market integration.

Infrastructure and process improvements at the Federal Office for Migration and Refugees

The establishment of new branch offices, which started at end-2014, continued in 2016, with a focus on so-called arrival centres. By end-2016, the Federal Office for Migration and Refugees had 47 local branch offices and 24 arrival centres, with the concept first being put into practice at Heidelberg and Bad Fallingbommel in November and December 2015, respectively (see figure 3). Some of these branch offices and reception centres employ more than 200 people (for example the branch office at Berlin or the reception centre at Bielefeld).

The arrival centres play a key role in implementing the 'integrated refugee management' concept, which aims at improving the interaction between the individual procedures and agents during the asylum procedure as well as the integration and return procedures. The integrated refugee management consists of three stages: 1) the arrival and registration phase, 2) the asylum procedure and 3) the integration or return phase.

"The heart of this system are the arrival centers. At the arrival center, many previously separate steps in the asylum procedure are now bundled into one integrated process. Whenever possible, the entire asylum procedure takes place „under one roof“ in the arrival center. As a result, the arrival centers are now the doorway to the asylum procedure in Germany – and to all relevant social services. Meanwhile, there is now at least one arrival center in each of Germany's 16 federal states" (BAMF 2016c: 4).

Depending on the country of origin, asylum applications will be sorted into four clusters in order to shorten the asylum procedure for applicants from specific countries of origin to a few weeks. Decisions on applicants from countries of origin with high protection rates (cluster A; in 2016, Syria, Eritrea or Iraq, for example) or low protection rates (cluster B; in 2016, secure countries of origin) are to be taken at the arrival centres. More complex procedures (cluster C) or Dublin procedures (cluster D) are to be sent on to the branch offices. Furthermore, since summer of 2016, personal interviews concerning older asylum procedures are carried out

in arrival centres as well in order to relieve the branch offices of the Federal Office for Migration and Refugees (BAMF 2016c: 11 et seq.).

"The branch office conducts interviews, takes decisions and dispatches decisions. The branch office may send on selected cases to the relevant decision centre, provided that they are ripe for decision. The decision centre is specialised on issuing formal decisions on cases which are ripe for decision. This is where the branch offices and, in exceptional cases, the arrival centres send the documents after the interviews. The dispatch centre shall dispatch the decisions taken by the decision centres" (BAMF 2016c: 21).

Besides the Federal Office for Migration and Refugees and the Länder also the Federal Labour Offices are present in the arrival centres, so that data collection and labour market counselling may start immediately for those applicants with a good prospect to remain. In case of a negative decision information is distributed on voluntary return and possible forceful return measures.

Extension of staff capacities at the Federal Office for Migration and Refugees

In order to deal with the challenges resulting from the high number of asylum applications, the number of employees at the Federal Office for Migration and Refugees was increased further. At the beginning of 2016, almost 4,000 people worked for the Federal Office for Migration and Refugees. The budget for 2016 foresaw funds for increasing the number of employees, and as of 1 December 2016, it had risen to 7,650, among them 1,959 case officers. Moreover, 3,566 staff had been deployed by the Federal Employment Agency, by Vivento, by Deutsche Bahn, by Deutsche Post, by the German army, by the German customs authorities and by several federal ministries and authorities to support the Federal Office for Migration and Refugees.

For 2017, 7,400 full-time equivalents (FTE) are to be employed, with 6,233 of them being permanent and 1,167 temporary employees (Deutscher Bundestag 2016n).

Digitalised asylum procedures, scanning department, video interpretation and service centres at the Federal Office for Migration and Refugees

Not only was the integrated refugee management procedure introduced, but also was digitalisation increased in order to accelerate the asylum procedures. This was implemented both by the nationwide introduction of the proof of arrival in May 2016 and the introduction of the cross-authority core

Figure 3: Active facilities of the Federal Office for Migration and Refugees as of 31 December 2016



database at the Central Register of Foreigners. The Federal Office for Migration and Refugees has replaced the mail and fax correspondence with the administrative courts by e-mail correspondence. By end-2016, 42 administrative courts participated in the digital procedure, and the remaining six will be included in 2017. At the same time, a central scanning department was established, which supports the branch offices in making digital copies of the asylum files. In the medium term, the complete internal and external correspondence of the Federal Office for Migration and Refugees shall be replaced by electronic mail. Since spring 2016, video interpreting has been used in order to meet the increased demand.

In addition, the Service Centre at the Federal Office for Migration and Refugees was established in August 2016. It consists of two service, the Public Authorities Service and the Citizen's Information Service. The Service Centre responds to telephone calls or e-mail inquiries. The goal was to establish a central information and counselling unit as well as to ensure better accessibility, common service times and consistent communication. After a successful telephonic authentication process the Public Authorities Service answers questions concerning pending or terminated asylum procedures made by foreigners authorities, youth welfare offices, legal representatives, courts, lawyers and the police. The Citizen's Information Service responds to questions concerning the asylum procedure, integration courses, the ESF-BAMF programme/occupational language courses, the acceptance procedure for teachers, migration, naturalisation, return and immigration by Jews asked by all other authorities (e. g. social security offices, job centres, employment agencies etc.), integration course providers and citizens (BAMF 2017d).

4.1.3 Developments referring to the EU

Dublin transfers to other Member States

In a letter dated 28 July 2016, the Federal Minister of the Interior prolonged the suspension of Dublin transfers to Greece on the proposal of the EU Commission and due to the continuing systematic deficiencies until 8 January 2017. The Federal Office for Migration and Refugees has not transferred any asylum seekers to Greece under the Dublin Procedure since January 2011. Instead, it has invoked the sovereignty clause.

On 27 April 2016, the Federal Administrative Court (BVerwG) decided that Dublin transfers to Hungary were inadmissible since Hungary is no longer willing to take back refugees (BVerwG 1 C 24.15). With a view to Dublin transfers, the Federal Administrative Court stated:

“If the Federal Office for Migration and Refugees – the Federal Office – unlawfully rejects an asylum application as inadmissible after Germany has become responsible

for the procedure by pointing to the original responsibility of another Member State pursuant to the Dublin provisions, the protection seeker may argue during the appeals procedure that Germany is responsible if it is not clear whether the other Member State is willing to take back the protection seeker” (BVerwG 2016a).

Germany transferred 3,968 persons to other Member States in 2016 under the Dublin Regulation (2015: 3,579), most of them to Italy (916), Poland (884) and Spain (351). Overall, Germany made 55,690 transfer requests to other Member States, while the number of transfer requests from other Member States to Germany was 31,523 in 2016, i.e. almost thrice the number of 2016 (11,785). 12,091 persons were actually transferred to Germany (2015: 3,034), with c. 50 % being transferred from the Scandinavian countries (Sweden: 3,684; Denmark: 1,109; Finland: 664; and Norway: 631) (BAMF 2017c: 29).

Implementation of the Asylum Procedure Directive and the Reception Conditions Directive

Under European Union law, both the Asylum Procedures Directive (2013/32/EU)⁴⁴ and the Reception Conditions Directive (2013/33/EU)⁴⁵ were to be transposed into national law by 20 July 2015. On 10 February 2016, the European Commission issued two reasoned opinions on the incomplete or insufficient implementation of the Common European Asylum System (CEAS) in Germany (Europäische Kommission 2016b). Both opinions called on Germany to communicate which national measures were being taken to implement the Asylum Procedures Directive and the Reception Conditions Directive. On 11 April 2016, the Federal Government, referring to the opinions, informed the European Commission on how the Directives were being transposed into German law. “Without prejudice to this, the Federal Government is currently checking whether additional federal laws or regulations are necessary, for example concerning a uniform application of the Directives’ provisions in the Länder. However, there are currently no plans to further pursue the ‘Draft of an Act to Implement the Common European Asylum System’ presented on 30 September 2015” (Deutscher Bundestag 2016o: 8 et seq.). The Federal Office for Migration and Refugees had already released a guideline on the direct domestic application of the Directives on 20 July 2015 (BAMF 2015b). On 13 July 2016 the EU Commission published proposals for the reform of the Asylum Procedures Directive and the Reception Conditions Directive, which are currently

44 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

45 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 on laying down standards for the reception of applicants for international protection (recast).

in the legislative procedure (Europäische Kommission 2016i, Europäische Kommission 2016j).

Compliance of the residence obligation for persons benefiting from subsidiary protection with European Union Directives

On 1 March 2016, the European Court of Justice decided on the compliance with European Union law of residence obligations pursuant to Section 12 subs. 2 of the Residence Act for beneficiaries of subsidiary protection who touch social security benefits (C-443/14 and C-444/14, “Alo & Osso”). The judgment was made in the framework of a preliminary ruling requested by the Federal Administrative Court. The European Court of Justice decided that place-of-residence restrictions constituted a restriction of the freedom of movement granted by Art. 33 of the Qualification Directive (2011/95/EU). According to the judgment, such a restriction is not admissible if it aims at achieving an appropriate distribution of the burden of paying social security benefits among the institutions competent in that regard, as this would violate the rule of equal treatment of beneficiaries of international protection and of other third-country nationals set out in Art. 33. However, residence restrictions may be admissible for the reason of facilitating integration. The European Court of Justice said it was for the national courts to determine whether beneficiaries of subsidiary protection who touched social security benefits were in greater need of integration than other third-country nationals; in that case, a residence obligation would be admissible. The Federal Administrative Court subsequently discontinued the process on 4 May 2016 by referring to the European Court of Justice as the residence restrictions had not been made for integration reasons (BVerwG 1 C 7.16). The new residence obligation provisions set out in the Integration Act (see Chapter 4.1.2.2), which was adopted after the European Court of Justice’s judgment, were justified by the necessity to facilitate integration, but not by fiscal burden sharing (Section 12 of the Residence Act; see above).

4.2 European Asylum Support Office

4.2.1 Background and general context

The European Asylum Support Office (EASO) is an agency of the European Union headquartered in Malta. It was established under Regulation (EU) number 439/2010 of 19 May 2010.⁴⁶ According to the Regulation, the primary duties of EASO are:

- Supporting the Member States whose asylum and admission systems are heavily burdened either with operational measures or by coordinating support
- Strengthening the practical cooperation on asylum issues between EU Member States, and
- Contributing to the further development of the CEAS, including cooperation with the neighbour states of the EU (so-called external dimension of the CEAS).

Apart from the assistance in the operational field, EASO also coordinates the multilateral components of the intra-European relocation programme with which EU countries admit asylum seekers from those Member States facing a particularly large influx of asylum seekers.

On 4 May 2016, the European Commission released a reform proposal for EASO, which aims to replace the current legal basis and expand the bureau’s mandate (European Commission 2016c). The proposal is currently going through the legislative procedure at the EU level.

4.2.2 Developments referring to the EU

During the past year, efforts focused on implementing the EU-Turkey Agreement (see Chapter 4.3.3), which aims at stopping irregular migration from Turkey to the EU. Instead legal channels of resettlement of refugees to the European Union are being opened. The Greek and Turkish authorities are responsible for implementing the agreement and receive support from the European Commission, the EU Member States and EU institutions such as EASO.

In addition, activities in connection with the so-called hot spot approach were another important issue. Member States may apply for support in crisis situations triggered by unusually high migration pressure. EASO, FRONTEX and EU-ROPOL will then help on the spot to identify and register new migrants quickly. Those who are obviously in need of international protection are to be included in the European relocation procedure, whereas those who are not in need of protection are to be expelled. If a case is doubtful, the Member State itself shall conduct the asylum procedure.

Beyond dealing with its growing national tasks, the Federal Office for Migration and Refugees deployed a total of 75 staff for c. 5,000 days for these measures, with 67 of the Federal Office personnel being sent to Greece and 8 to Italy.

Moreover, the Federal Office for Migration and Refugees participated in training measures, for example by providing trainers, and helped to develop training modules. The Federal Office benefited from these efforts by having its staff participate in EASO trainings or organising its own training modules for its staff on the basis of EASO training modules.

⁴⁶ Regulation (EU) 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office.

In addition, EASO-related work once again focused on the following issues during the past year:

- Strengthening the role of common training and professional development in the field of asylum
- Improving the quality of asylum processes and decisions
- Producing common Country of Origin Information (COI)
- Collecting and exchanging accurate and up-to-date information and documentation on the functioning of the CEAS and further developing an Early warning and Preparedness System (EPS) to provide analysis of trends
- Providing timely and comprehensive operational support to Member States
- Fostering synergies between migration and asylum practices, including on return of failed asylum seekers
- Supporting the external dimension of the CEAS.

4.3 Cooperation with third countries, resettlement, humanitarian admission, relocation

4.3.1 Background and general context

Germany has been running humanitarian admission programmes (HAP) since 1956.⁴⁷ The most prominent current examples are the three HAP for Syria, which, between 2013 and 2016, allowed 20,000 Syrians to enter Germany directly from Syria's neighbouring countries as well as from Egypt or Libya (see BMI 2013a, BMI 2013b and BMI 2014). These three programmes have run out by now. Admission in the framework of an HAP is usually temporary, and the third-country nationals are not expected to stay permanently. Rather, they are permitted to stay as long as the state of crisis, war or threat in their country of origin continues. The third-country nationals are issued with a residence permit pursuant to Section 23 subs. 2 and where applicable 3 in conjunction with Section 24 of the Residence Act, which is first granted for three years, may be prolonged and allows its holder to pursue an economic activity.

On 9 December 2011, the Conference of Ministers and Senators for the Interior of the Länder advocated that Germany participates permanently in the admission and resettlement of refugees from third countries in particular need of protection. Resettlement is an internationally recognised policy tool of refugee policy which is used to deal with long-term refugee crises. If refugees are unable to return to their country of origin and cannot be integrated in their (current) country of refuge in the foreseeable future, they are allowed

to legally enter other countries which are prepared to admit them and take up permanent residence in these countries. Refugees are resettled in cooperation with the UNHCR, the IOM, the appropriate national agencies in the initial countries of refuge, and the local German diplomatic mission, all with the financial participation of the EU Commission. Resettlement refugees will receive a residence permit pursuant to Section 23 subs. 4 of the Residence Act, which entitles them to take up paid employment or touch social security benefits.

In 2016 and 2017, Germany will also participate in the EU relocation procedure from Italy and Greece and humanitarian admission programmes for Syrians from Turkey in the framework of the EU-Turkey agreement (see below).

Moreover, most Länder have set up private sponsorship programmes to permit Syrians to bring their relatives to Germany pursuant to Section 23 subs. 1 of the Residence Act since 2013. Those family members who are already living in Germany need to bear all living costs for each of their relatives and provide evidence of an appropriate income to that effect. In subsequent years, these programmes ran out in most Länder; however, four of them extended them until 2016 (Hamburg, Saxony, Schleswig-Holstein and Thuringia) and five until 2017 and 2018, respectively (Berlin, Brandenburg, Hamburg, Schleswig-Holstein and Thuringia; see Pro Asyl 2017).

4.3.2 National developments

Declaration of commitment in case of privately sponsored admissions

On 6 August 2016, the Integration Act entered into force and amended Section 68 subs. 1 of the Residence Act to the effect that the liability assumed by a declaration of commitment under that provision shall be limited to five years. The declaration of commitment refers to all public funds "which are expended to cover the third-country national's living expenses, including the provision of living space, medical care in case of illness and any required nursing care, and including any such expenditure which is based on a legal entitlement of the third-country national. Expenses which are based on the payment of contributions shall not require reimbursement" (Deutscher Bundestag 2016k). In addition, the amended version of Section 68 subs. 1 of the Residence Act clarifies whether the declaration of commitment lapses or continues to exist if protection is granted (GGUA 2015; Karpenstein 2015; GGUA 2013: 2). Section 68 subs. 1 fourth sentence of the Residence Act says that "the declaration of commitment shall not expire before the expiry of the period of five years from the third-country national's entry upon

⁴⁷ For an overview of the humanitarian admission programmes since 1956 see Grote/Bitterwolf/Baraulina 2016: 15.

a residence title being granted” for reasons of international law, on humanitarian or political grounds or upon the third-country national’s being recognised as a refugee (Section 3 of the Asylum Act) or being granted subsidiary protection (Section 4 of the Asylum Act). Pursuant to the newly introduced Section 68a, this provision also applies to old cases, with the proviso that any declarations of commitment made before the entry into force of the new law shall end after three instead of five years..

4.3.3 Developments referring to the EU

Resettlement

In 2015, the annual German contingent for resettlement was raised from 300 to 500 persons. In addition, Germany participates in the resettlement pilot programme of the European Union and has committed itself to admitting a total of 1,600 refugees under this project. The annual contingent of 500 refugees will be counted towards this total. In 2016, Germany already admitted 1,060 Syrian refugees from Turkey (Europäische Kommission 2017a: 2). Furthermore, in 2016 155 Syrian refugees were resettled from Libanon. All in all Germany resettled 1,215 people in 2016.

Relocation, humanitarian admission of Syrian refugees from Turkey and EU-Turkey Agreement

In order to arrive at a better allocation of asylum seekers across Europe and particularly to bring relief to Italy and Greece, which have to cope with significant numbers of refugees coming over the Mediterranean and resultant reception pressure, the Justice and Home Affairs Council decided on 14 September 2015 to relocate 40,000 asylum seekers from Italy and Greece within 24 months (Decision 2015/1523). Germany agreed to admit 10,500 of these refugees. A second decision of the Justice and Home Affairs Council of 22 September 2015 (2015/1601) stated that another 120,000 asylum seekers should be relocated from Italy and Greece (second relocation decision), bringing the total of persons to be relocated to 160,000.⁴⁸ The admitting Member State will receive a lump-sum payment of EUR 6,000 from the EU for each relocated person (Europäischer Rat 2015).

The 120,000 relocations of the second decision were broken down further into two tranches of 66,000 and 54,000 each. Under the first tranche, Germany was to admit 17,036

asylum seekers⁴⁹. Since September 2016, the country has set apart a monthly contingent of 500 relocations from each Italy and Greece and has taken up a total of 3,510 asylum seekers from the two countries by 31 March 2017. 1,481 asylum seekers came from Italy and 2,029 from Greece.⁵⁰

Concerning the second tranche of the second relocation decision (total: 54,000), the European Council adopted a decision on 29 September 2016 (2016/1754) and allowed that these places be reallocated to Syrian refugees from Turkey within the framework of the EU-Turkey Agreement, an agreement signed by the Heads of State and Government of the EU Member States and the Turkish Prime Minister on 18 March 2016 (Europäische Kommission 2016d; EuGH 2017: 1). This provision says that all third-country nationals who irregularly entered the EU via one of the Greek Mediterranean islands and did not file an asylum application or whose asylum application was rejected as unfounded or inadmissible should be returned to Turkey. At the same time, the EU Member States committed themselves to admit the same number of Syrian refugees from Turkey for humanitarian grounds or via other legal pathways (1:1 mechanism). Germany participates in this mechanism in the framework of its increased resettlement contingent and admitted 1,060 Syrians from Turkey in 2016. On 11 January 2017, the Federal Ministry of the Interior ordered that Syrian refugees from Turkey be admitted on humanitarian grounds pursuant to Section 23 sub. 2 of the Residence Act. Since then Germany admitted 524 Syrians from Turkey (by 31 March 2017).

The EU-Turkey Agreement also includes financial support to Syrian refugees and to the communities which shelter them in Turkey. The EU will initially provide EUR 3 billion for this purpose under the refugee facility for Turkey, with EUR 1 billion of this total coming from the EU budget and another EUR 2 billion from bilateral contributions by the EU Member States. The Federal Government makes an important contribution of 21 % to this total (c. EUR 428 million). Provided that all commitments under the EU-Turkey Agreement are met, an additional EUR 3 billion shall be provided under the facility until end-2018..

⁴⁸ The EU publishes a regularly updated overview of admissions under the relocation procedure and remaining places by Member States: https://ec.europa.eu/home-affairs/sites/home-affairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf (4 April 2017).

⁴⁹ 4,027 asylum seekers from Italy and 13,009 from Greece.

⁵⁰ Thereof 21 asylum seekers were already admitted in 2015, with 11 of them coming from Italy and 10 from Greece.

5 Unaccompanied minors and other vulnerable groups

5.1 Unaccompanied minors

5.1.1 Background and general context

The term ‘unaccompanied minor’ (UM) means a third-country national or stateless person below the age of 18 years who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as s/he is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after s/he has entered the territory of the Member States (Art. 2 lit. d and e of the Directive 2013/33/EU). Unaccompanied minors come to Germany fleeing acts of war, human rights violations or economic distress or because they are sent to Europe by their family. There are also child-specific reasons for flight, for example being forced to serve as child soldiers, gender related persecution (genital mutilation), violence in the family, child prostitution, forced marriages or clan liability (Deutscher Bundestag 2017l: 45). Some UMs lose their family members, others are separated from their parents while fleeing.

The various measures and procedures under immigration, asylum, and social law that are used in conjunction with the entry, reception, and possible return of UMs come with special requirements due to national and international regulations on protecting children and adolescents. As soon as UM arrive in the Federal territory, they are taken into provisional care by the responsible youth welfare office (BumF 2017; EMN/BAMF 2016a: 58). During this provisional procedure of taking the children and juveniles into care they are accommodated and are provided with medical care. In an initial interview the age of the UM is estimated among other things (BAG LJÄ 2014: 15 et seq.). Afterwards, it is assessed whether the UM in question may be distributed across the federal territory. If this is confirmed, the UM will be distributed to the responsible Land on the basis of a quota system within the first two weeks. In the Land in question the competent authority decides on the final local distribution. Only after this procedure the UM are taken into final care. Once the UM is taken into care, the so-called ‘clearing procedure’ is launched. It is used to determine the individual

need for youth welfare measures and examines whether or not the UM who was taken into care has relatives in Germany or another EU Member State, and whether or not an application for asylum would be worthwhile (BAG LJÄ 2014). If it makes sense, an asylum application will be filed on behalf of the UM (see below). At the Federal Office for Migration and Refugees, ‘specially-commissioned case-officers’ are specially-trained for dealing with asylum applications of UMs. in order to ensure that the UMs’ hearings are less formal than those for adults and that their special needs are sensitively taken into account (Müller 2014: 19 et seq.) These special case officers also take into account reasons for persecution that are specific to minors and are involved in drawing up the decisions.

5.1.2 National developments

Trend of asylum applications from unaccompanied minors

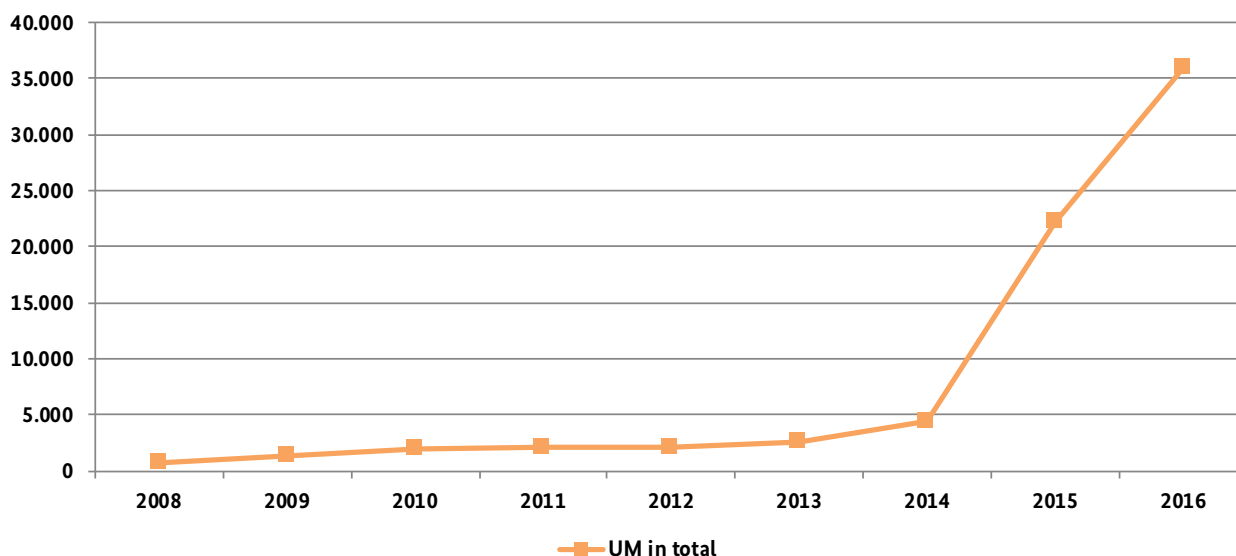
In 2016, the number of UMs applying for asylum in Germany totalled 35,939 – an increase of 61.5 % from 2015 (22,555⁵¹; see Figure 4). The five main countries of origin in 2016 were Afghanistan (14,959 UMs), Syria (10,045), Iraq (2,960), Eritrea (1,818) and Somalia (1,547). In addition, accompanied minors submitted 225,447 first-time asylum applications in 2015 (Deutscher Bundestag 2017l: 44).

The overall protection rate for unaccompanied minors, i.e. the number of persons granted asylum, refugee or subsidiary protection and the number of deportation bans in relation to the total number of decisions, was 89.0 % in 2016.

Missing minor refugees

During the first half of 2016, the issue of missing minor refugees came increasingly into the spotlight. The discussion

51 First-time asylum applications by UMs filed in 2015 were registered retroactively during 2016. The preliminary number of applications was 14,439; this figure was included in the EMN/BAMF Policy Report 2015.

Figure 4: Unaccompanied minors, first-time applicants in persons (2008-2016)

Source: Federal Office for Migration and Refugees

focused on statistics kept by the Federal Criminal Police concerning the number of missing minor refugees (Reimann 2016; Tillack 2016). In July 2016, 8,991 UMs were reported as missing (Deutscher Bundestag 2017l: 59). However, this figure does not allow reliable statements concerning the actual number of missing UMs or the reasons for their going missing. For example, UMs must be reported as missing if they leave their allocated place of residence and the authorities do not know where they are staying (Deutscher Bundestag 2017l: 9; Werner/Khello 2016). Moreover, at least some UMs may be thought to be missing because they were registered multiple times during the initial allocation of asylum seekers (EASY) (Deutscher Bundestag 2017l: 9).

Both the Federal Government and specialist organisations believe that many missing UMs have slipped through the net during the allocation of a place of residence for various reasons. Many UMs travel on to family members or relatives in Germany or other European countries, in some cases it is assumed that they abscond because they are “not content with the allocation decision during the procedure for the nationwide admission of foreign children and young persons” (Deutscher Bundestag 2017l: 9; BumF 2016b: 1).

The Federal Government has not been informed of UMs becoming victims of serious crimes (Deutscher Bundestag 2017l: 9). However, the Federal Association for Unaccompanied Minor Refugees points out that it has information of UMs being forced to work as prostitutes or thieves, for example because they have to pay off their debt to human smugglers. It has demanded that UMs be supported more intensively in enforcing their rights and protected better against threats; in addition, it should be made easier for them to join relatives or the allocation should be made in such a way that they can live near relatives (see BumF 2016b: 1).

Changes to the law

In 2016, several legal amendments affected UMs.⁵² The Integration Act, which entered into force on 6 August 2016, improved the chances of adolescents whose deportation has been suspended to stay in Germany during and after their vocational training and made it easier for asylum seekers and persons whose deportation has been suspended to touch certain school or vocational training benefits (see Chapter 8.2).

5.2 Other vulnerable groups

5.2.1 Background and general context

Pursuant to Article 21 of the European Reception Conditions Directive (2013/33/EU), vulnerable groups with special needs of protection include UMs, accompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation. It is the Länder which are responsible for housing and accommodating vulnerable refugees.

So-called specially-commissioned case-officers are involved in the handling of applications submitted by certain groups of asylum seekers (UMs, persons persecuted on the grounds of their sex, victims of human trafficking or of torture and traumatised asylum applicants). They have received special

⁵² For an overview see BumF 2016c.

training concerning the special needs of individual vulnerable groups. In addition, they can rely on special legal, cultural and psychological knowledge in order to handle the procedure carefully.

The Asylum Seekers' Benefits Act contains provisions on medical treatment for particularly vulnerable asylum applicants. Section 4 of the Asylum Seekers' Benefits Act guarantees basic medical treatment for all asylum seekers. Particularly vulnerable applicants can receive additional treatment "if this is necessary to secure their livelihood or their health" (Section 6 subs. 1 of the Asylum Seekers' Benefits Act). At the latest, asylum seekers who have been in Germany for 15 months are entitled to the same healthcare benefits as those who are members of the statutory healthcare system (see Section 2 subs. 1 of the Asylum Seekers' Benefits Act; Deutscher Bundestag 2017m: 3).

The opposition has criticised that state benefits are insufficient for vulnerable refugees and that they should be included in the statutory healthcare system sooner (Deutscher Bundestag 2016p: 1 et seq.; Deutscher Bundestag 2016q: 1 et seq.). The Federal Government has argued that the jump in immigration, particularly in 2015, resulted in a shortage of benefits, which was, however, resolved by financial support from the Federal Government and amendments to the law (Deutscher Bundestag 2016q: 3 et seq.; see also Chapter 4.1.2).

Asylum applicants regularly report health problems during the asylum procedure. In these instances and if international protection has not been granted already, the Federal Office for Migration and Refugees checks whether a return to the country of origin would pose a significant health risk and whether it might therefore be necessary to issue a national deportation ban. Employees of the Federal Office for Migration and Refugees themselves are not trained to diagnose illness or impairment. However, they are trained in how to recognise tangible indications of the presence of illness or impairment of particularly vulnerable refugees. If the question of whether or not the applicant is fit for the asylum procedure or the decision on the application itself depends on whether or not the applicant has an illness or impairment, it may be necessary for the Federal Office for Migration and Refugees to commission a medical assessment. Assessments brought forward by applicants themselves may also be taken into account in these cases.

5.2.2 National developments

Trend in the number of vulnerable refugees

There are no reliable data on the share of vulnerable refugees in the total number of refugees:

"Based on the total number of asylum applications in 2016 and 2015, minors accounted for 31.1 % of all asylum applicants in 2015 and for 36.2 % in 2016. Elderly people over the age of 60 accounted for 1 % of all asylum applicants in 2015 and for 1.2 % in 2016. Other vulnerable persons are not separately registered in the asylum statistics of the Federal Office for Migration and Refugees" (Deutscher Bundestag 2017m: 2).

Minimum standards for the protection of vulnerable refugees

Housing vulnerable refugees in suitable accommodation (e. g. dormitories which can be locked) is the responsibility of the Länder and municipalities, which run the reception centres and shared accommodation centres. At the beginning of 2016, the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and UNICEF jointly launched an 'Initiative for the Protection of Children and Women in Refugee Accommodation Centres' in cooperation with other civil-society organisations (Deutscher Bundestag 2017m: 11 et seq.). In July 2016, the initiative published "Minimum Standards for the Protection of Children, Adolescents and Women in Refugee Accommodation Centres", which are "to serve as guidelines for developing and implementing an internal plan for the protection of children, adolescents and women in any form of refugee accommodation centre" (BMFSFJ/UNICEF et al. 2016: 4; see Chapter 9.2). They are to be expanded to disabled refugees (Deutscher Bundestag 2017m: 12).

In addition, the BMFSFJ provided the funds to establish coordination points for the protection against violence at 25 reception centres. They are "to cooperate closely with the accommodation centre management in order to develop and implement individual protection plans for each reception centre" (Deutscher Bundestag 2017m: 12), to inform the inhabitants about support opportunities and to serve as point of contact for the employees of the reception centre as well as for "youth welfare offices, social security offices and employment agencies, for advisory centres and women's shelters" and the local police stations (BMFSFJ 2017a). Following an initial pilot phase, the concept is to be extended to 75 other accommodation centres in 2017 (BMFSFJ 2017a).

Accommodation for vulnerable groups with special needs

Specific accommodation centres for particularly vulnerable persons were already opened in 2015. They include centres for pregnant women, single mothers and their children and/or older female refugees, blind asylum seekers, refugees who are paralysed or traumatised refugees (see EMN/BAMF 2016a: 60). In 2016, more such centres were opened,

with some of them addressed to vulnerable refugees in general and others specialised on particular target groups (e. g. Bezirk Altona 2016; muenchen.de 2016).

While LGBTTIQ* refugees⁵³ are not explicitly mentioned in the Reception Conditions Directive, some civil-society organisations regard them as particularly vulnerable, too. The Refugee Council North Rhine-Westphalia (Flüchtlingsrat NRW e.V.) has therefore issued a leaflet addressed at municipalities in which it points to “constructional, organisational and staff requirements which must be met for safe accommodation for this group of persons” (Flüchtlingsrat NRW 2017b) and presents special centres opened in Nuremberg and Berlin in 2016.

53 LGBTTIQ* is an acronym for “lesbian, gay, bisexual, transsexual, transgender, intersexual, queer”.

6 Integration and anti-discrimination efforts

6.1 Integration

6.1.1 Background and general context

Integration is a cross-sectional task and a policy focus for the Federal Government. The Federal Ministry of the Interior is responsible overall for social cohesion, immigration, and integration, while sharing these tasks with other ministries, such as the Federal Ministry of Labour and Social Affairs (BMAS), the Federal Ministry of Education and Research (BMBF), the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and the Federal Ministry of Economics and Energy (BMWi). The operative responsibility for the integration measures of the Federal Government rests with the Federal Office for Migration and Refugees. In addition, the Länder and the local authorities are important players in the field of integration.

The Residence Act, which took effect on 1 January 2005, enshrined integration offers into Federal Law for the first time (Sections 43 - 45 of the Residence Act). In Germany, integration is regarded as a task for which the federal level, the Länder and the local governments are responsible. The first integration summit in 2006, the “National Integration Plan” presented by the Federal Government in 2007, the nationwide “Integration Programme” developed in 2010, the “National Action Plan on Integration” (2012) and the Integration Act of 2016 are some of the key integration policy activities at the federal level. In addition, the Federal Government Commissioner for Migration, Refugees and Integration publishes a comprehensive report every two years on the life situation of people with a migration background in Germany (Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration 2016).

All integration measures are based on Sections 43 – 45 of the Residence Act. The core is formed by so-called integration courses. In addition to the general integration course consisting of a 600-hour language course and a 100-hour orientation course, classes are also provided for the illiterate, women, parents, juveniles and young adults (who are not subject to compulsory school attendance) and there are special classes with up to 900 hours of language instruction and 100 hours of orientation. A so-called intensive course, which consists of 430 hours (400 hours of language classes and 30 hours of orientation) is available for immigrants

with academic qualification equivalent to the matriculation standard in Germany or immigrants who are looking to find work promptly (see BAMF 2013a: 10). Besides the integration course, there are low-threshold offers, such as courses specifically directed at women⁵⁴ or initial orientation courses for asylum applicants with an unclear prospect to remain.

Integration courses are provided nationwide by approximately 1,740 providers (primarily adult education centres, private language and vocational schools, educational institutions, professional training centres, initiative groups, church and unaffiliated organisations). From 2005 to 2016, about 1.65 million people started an integration course – almost 1.85 million including those taking the course again. In 2016, there were 339,578 new enrolments. This is a clear increase over the preceding years (2015: 179,398; 2014: 142,439; BAMF 2017o; BAMF 2017e: 3) and is related to the sharp increase in arrivals of refugees in 2015. The federal budget for 2016 also foresaw considerably higher spending on integration courses (2016: EUR 559 million; 2015: EUR 269 million; BAMF 2017f).

Among the multitude of integration measures at the federal, Land and local level, the Migration Advisory Service for Adult Migrants (MBE) is particularly important. This programme by the federation and the Länder provides newly arrived immigrants who intend to stay and who are older than 27 with individual advice for a limited period of time; it was established by the Residence Act in 2005 (Section 75 no. 9 in conjunction with Section 45 first sentence of the Residence Act). Migrants who have been living here for some time but still have a “need to catch up in terms of integration” can also get advice under the Migration Advisory Service programme, often in the language of their country of origin.⁵⁵ The Migration Advisory Service for Adult Migrants is supported by the Federal Government and implemented by welfare organisations. The Federal Office for Migration and Refugees collects quarterly data on the advisory service in order to ensure and improve its effectiveness (BAMF 2015c).

⁵⁴ See <http://www.bamf.de/DE/Infothek/Projekttraeger/Frauenkurse/frauenkurse.html?nn=1367536> (24 January 2017).

⁵⁵ See Brandt/Risch/Lochner (2015) for a detailed analysis of the Migration Advisory Service.

In addition, the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth supports more than 450 Youth Migration Services (Jugendmigrationsdienst, JMD) across Germany. These services are directed at young people aged between 12 and 27 and provide individual advice in cooperation with schools, companies which provide professional training, integration course providers and other youth welfare institutions (JMD 2017). In the framework of the pilot project 'jmd2start – Youth Migration Services for Young Refugees'⁵⁶ specialised advice is provided to young refugees and young people whose deportation has been suspended at 24 JMD locations. In 2017, the project will be expanded to all JMD locations (BMFSFJ 2017b).

In addition to the statutory integration programmes, the Federal Government supports projects for the social and societal integration of immigrants. They focus on enabling the migrants to arrive in their local communities, on providing opportunities for meetings between the migrants and the host community and on communicating values. Migrant organisations, whose umbrella organisations receive structural support by the Federal Office for Migration and Refugees, are important partners and help to create bridges. Beyond providing direct support to individual projects, the Federal Office for Migration and Refugees also promotes qualification measures, such as trainings for voluntary language teachers or for multipliers or 'Houses of Resources' for organisations (BAMF 2017g; see Chapter 6.2.2).

The German Islam Conference (Deutsche Islam Konferenz, DIK) should be mentioned in this context, too. It provides a forum for dialogue between the government and Muslim associations. The Conference was established in 2006 with the goal of promoting the integration of Islam into German religious law and the participation of Muslims in German society. Ten associations have been participating in the Conference since 2014. During the current legislative period 2013 – 2017 (DIK III), the German Islam Conference focuses on two issues, namely strengthening Islamic welfare services and clarifying the general organisational framework conditions for introducing Islamic pastoral care at the federal level, in the Länder and in local government (military, correctional facilities, hospitals) (DIK 2014).

6.1.2 National developments

Integration Act

On 6 August 2016, the Integration Act entered into force and led to several amendments in Books Two, Three and Twelve of the German Social Code, in the Asylum Seekers' Benefits Act, in the Asylum Act, in the Residence Act and in

the Act on the Central Register of Foreigners. The amendments refer to residence restrictions, access to professional training and the labour market for asylum seekers and persons whose deportation has been suspended, provisions on additional integration measures and courses, benefit cuts, preconditions for issuing refugees with a permanent settlement permit, provisions concerning the inadmissibility of asylum applications and amendments concerning declarations of commitment. More details on the numerous integration-relevant amendments to the provisions for asylum seekers, refugees and persons whose deportation has been suspended and on amendments which go beyond the field of integration policy (such as the inadmissibility of asylum applications) can be found in Chapter 4 (Asylum) and in Chapter 8 of this report (Provisions concerning foreigners whose deportation has been suspended). Several amendments were controversially discussed. In particular, the decision to distinguish between asylum seekers according to their prospect to remain in Germany⁵⁷, which is gauged on the basis of the applicant's country of origin and the related average protection rate in Germany and which determines access to individual integration measures, was challenged by several stakeholders (see SVR 2016; PRO ASYL 2016). At the same time, the multitude of measures directed at a better integration of asylum seekers with a good prospect to remain, for example early access to integration courses or vocational training benefits, were praised as "considerable progress" (Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration 2016: 5).

Changes concerning integration courses

The Ordinance on Integration Courses⁵⁸ was amended as well when the Integration Act entered into force. The orientation course was expanded from 60 to 100 hours. Courses must now start within six weeks instead of three months. Moreover, the attendance entitlement now lapses after one year instead of two (Section 44 subs. 2 of the Residence Act). Asylum seekers with a good prospect to remain have been allowed to participate in an integration course during their asylum procedure since October 2015 (EMN/BAMF 2016a: 30). Since 1 January 2017, they may be obliged to participate if they touch benefits under the Asylum Seekers' Benefits Act (Section 5b subs. 1 of the Asylum Seekers' Benefits Act). If they do not, their benefits may be reduced (Section 5b subs. 2 of the Asylum Seekers' Benefits Act).

57 "Those who come from a country of origin with a protection rate of more than 50 % have a good prospect to remain. In 2016, this applies to Eritrea, Iraq, Iran, Syria and Somalia. The list of countries which meet this criterion (protection rate \geq 50 %) is updated half-yearly" (BAMF 2017h).

58 Ordinance on Integration Courses for Foreigners and Ethnic German Repatriates (Integration Course Ordinance, IntV).

56 <http://www.jmd2start.de/> (27 March 2017).

Job-related language training

On 1 July 2016, job-related language training was introduced as a regular offer by the Federal Government (see Section 45a of the Residence Act). It builds on the general language lessons provided in the integration courses and aims to improve migrants' labour-market opportunities by linking language lessons with vocational training, work or active labour-market policy measures. The Federal Office for Migration and Refugees is responsible for the implementation of the programme. This offer will gradually replace the ESF-BAMF programme, which will run out by end-2017 (BAMF 2016d; EMN/BAMF 2016a: 30).

Pilot project 'Initial orientation courses for asylum seekers with an unclear prospect to remain'

In September 2016, the Federal Office for Migration and Refugees started a pilot project on 'Initial orientation and imparting values to asylum seekers'. Three organisations began to offer courses in 13, later in 15 Länder (BAMF 2016e). The target group consists of asylum applicants whose chance to remain is unclear⁵⁹, and the courses aim to give an overview of life in Germany and initial language lessons (BAMF 2017j). The project continues a pilot project of Bavaria (STMAS/BAMF 2016: 4). During 2017, the project will be extended nationwide in cooperation with the Länder (BAMF 2017j).

App 'Ankommen'

The Federal Office for Migration and Refugees, the Federal Employment Agency, Bayerischer Rundfunk and the Goethe Institut have jointly developed the app 'Ankommen', which has been available for free since the beginning of January 2016. It aims to help refugees during their first few weeks in Germany and contains information on the asylum procedure, on labour-market access, on living in Germany and an online language course. The app is available in Arabic, English, Farsi, French and German (BAMF 2016f). It has already been downloaded more than 230,000 times (as of February 2017) and has won numerous awards (Goethe Institut 2017).

Welcome Guides

In the framework of an initiative by the Federal Ministry of Economics and Energy and the German Confederation of Skilled Crafts, about 150 'Welcome Guides' have been supporting companies in employing and training refugees since

spring 2016. The 'Welcome Guides' work with the Chambers of Trade or the Chambers of Industry and Commerce. They provide advice on legal framework conditions, regional support offers or language courses and help companies to find suitable applicants. "Between March and December 2016, the Welcome Guides have organised more than 4,000 information events and helped 3,441 refugees, to get an internship (1,787) an opportunity to visit with a company (289), to start with an initial qualifications course (545) or a vocational training programme (463) or even to get a regular job (357)" (BMWi 2017).

Houses of Resources

Based on a pilot project at Stuttgart, which started at the end of 2015, 14 'Houses of Resources' were established across Germany from August 2016 with the support of the Federal Office for Migration and Refugees. They provide smaller (migrant) organisations with advice, help them to find rooms for integration projects or offer them financial support (BAMF 2016g).

Additional funds for the Länder and local authorities

In 2016, the Federal Government decided, in view of the increased immigration, to provide the Länder with EUR two billion in additional integration support from 2016 until 2018. Moreover, the Länder receive about EUR 500 million for residential construction every year. The Federal Government also foots accommodation and heating bills for beneficiaries of protection in order to relieve the local authorities (Bundesregierung 2016g).

Integration Acts at the level of the Länder

On 13 December 2016, Bavaria became the fourth Land – alongside Baden-Württemberg, Berlin and North Rhine-Westphalia – to adopt an Integration Act at the Land Level. The Bavarian Integration Act (Bayerisches Integrationsgesetz, BayIntG)⁶⁰ entered into force on 1 January 2017. Among other things, it defines an "indispensable respect for a guiding culture (Leitkultur)" as well as the provision of integration efforts by the immigrants as goals; at the same time another goal of the Integration Act is to support integration measures (Section 1 of the BayIntG). Concerning the expected integration efforts by the immigrants the Act provides for several sanctions. Persons who have not achieved the "minimum command of German which is to be expected in line of the support granted" may, under certain circum-

⁵⁹ This applies in particular to asylum seekers who come neither from a country of origin with a high recognition ratio nor from a safe country of origin (BAMF 2017j).

⁶⁰ Bavarian Integration Act (BayIntG) of 13 December 2016 (GVBl. p. 335), BayRS 26-6-A.

stances, be obliged to repay an adequate share of the support expenses and bear interpreter costs for administrative procedures themselves (Art. 4 par. 3 and 4 of the Bavarian Integration Act). In cases of clear rejection of the law and the constitutional values is expresses, the person in question may be punished by being obliged to participate in basic courses on German laws and values (Art. 13 of the BayIntG) or in case of clear violation of the constitutional order by fines of up to EUR 50,000 (Art. 14 of the Bavarian Integration Act).⁶¹ Benefits under Land law will only be granted to persons whose identity has been reliably determined (Art. 12 of the Bavarian Integration Act). The Act has also resulted in amendments to other Land legal provisions, such as the Act on Police Tasks (Polizeiaufgabengesetz, PAG). For example, housings and whereabouts of asylum applicants and irregular residing persons are classified as dangerous locations, which entitles police officers to conduct identity controls and to search rooms if this is necessary to avert an immediate risk (Bayerischer Landtag 2016a: 24; Art. 17a of the Bavarian Integration Act; Art. 13 par. 1 no. 2 letter c PAG; Art. 23 par. 3 no. 3 PAG).

The main difference to the three other Land Integration Acts is that the Bavarian Integration Act focuses on legal integration obligations and sanctions for their violation rather than on measures to promote integration (Parlamentarischer Beratungsdienst Brandenburg 2016). In particular, the concept of a predominant “guiding culture” is criticised by associations, the trade unions and the churches alike (DGB 2016: 3; Freie Wohlfahrtspflege Landesarbeitsgemeinschaft Bayern 2016; AGABY 2016: 7; Evangelisch-Lutherische Kirche Bayern 2016; Diözesanrat der Katholiken der Erzdiözese München und Freising 2016; Bayrischer Flüchtlingsrat 2016a). Critics also mentioned the “repressive gist” of the Act (GEW 2016: 2).

Integration Acts were also discussed by the Länder parliaments of other Länder in 2016 (Schleswig-Holstein, Lower Saxony, Brandenburg, Saarland). After the Länder elections in 2016, the new Länder governments in Baden-Württemberg and Saxony-Anhalt announced plans to adopt or amend Integration Acts. In Baden-Württemberg, the Act on Participation and Integration is to be developed further into a Land Integration Act (Bündnis 90/Die Grünen/CDU 2016:128), and in Saxony-Anhalt an Act on Integration and Participation is to be adopted (CDU/SPD/Bündnis 90/Die Grünen 2016: 14).

61 The regulations in Art. 13 and 14 of the BayIntG do not only apply for foreigners but for everyone (see Kohnen 2017).

6.2 Anti-discrimination efforts

6.2.1 Background and general context

Anti-discrimination laws and policies in Germany are based on Articles 1 and 3 of the Basic Law (Grundgesetz, GG). Art. 1 of the Basic Law obliges the state to respect and protect human dignity, which is inviolable. Art. 3 part. 1 of the Basic Law spells out the basic right of equality before the law, which binds the legislative, executive and judiciary powers. “Pursuant to the judgments of the Federal Constitutional Court, the basic right of equality means that materially equal facts and situations should be treated equally and unequal facts and situations, unequally” (BPB 2017). Article 3 par. 2 and 3 define which facts are no reasons for favouring or disfavouring a person (non-discrimination principles). Men and women shall have equal rights (Article 3 par. 2 of the Basic Law), and no person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions or be disfavoured because of disability (Article 3 par. 3 of the Basic Law). “While it is admissible to treat German nationals and foreigners differently, the different treatment must still meet the conditions of the right of equality” (BPB 2017). Article 3 par. 2 of the Basic Law additionally says that the “state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist”.

On 18 August 2006, the General Act on Equal Treatment (AGG) entered into force. It provides a comprehensive legal framework to protect citizens against discrimination not only by the state (as set out in the Basic Law), but also by private agents (such as employers, landlords or owners of clubs or restaurants). This Act transposed four European Directives into German law:

- the Anti-Racism Directive (Directive 2000/43/EC)⁶²
- the Employment Equality Framework Directive (Directive 2000/78/EC)⁶³
- the Gender Directive Civil Law (Directive 2004/113/EC)⁶⁴
- the Gender Equality in Employment and Occupation Directive (Directive 2006/54/EC)⁶⁵

62 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

63 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. “With this Directive, the European Union aims to create a general framework to combat discrimination for reasons of race or belief, disability, age or sexual orientation in the field employment and occupation” (ADS 2015: 4).

64 Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

65 Directive 2006/54/EC of the European Parliament and of the

The purpose of the Act is to prevent or to stop discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual orientation (Section 1 of the General Act on Equal Treatment).⁶⁶

With the entry into force of the General Act on Equal Treatment, the Federal Anti-Discrimination Agency (ADS) was established with the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (Section 25 of the General Act on Equal Treatment). It provides independent support to people who believe that they have been discriminated against for one of the reasons listed in Section 1 of the General Act on Equal Treatment by informing them about their legal entitlements and available legal procedures, by handing them over to other advisory centres and by supporting them in trying to achieve a settlement (Section 27 subs. 2 of the General Act on Equal Treatment). Since 2006, more than 15,000 people have applied to the advisory team of the Federal Anti-Discrimination Agency (ADS 2016a).

In addition, the Federal Anti-Discrimination Agency engages in public relations efforts, takes measures to prevent discrimination for the reasons set out in Section 1 of the General Act on Equal Treatment and conducts scientific research concerning such discrimination (Section 27 subs. 3 of the General Act on Equal Treatment). Every four years, the Federal Anti-Discrimination Agency and the Federal Government and Bundestag Commissioners shall report to the Bundestag on discrimination on the grounds set out in Section 1 of the General Act on Equal Treatment and give recommendations on how to remove and prevent such discrimination (Section 27 subs. 4 of the General Act on Equal Treatment). The second such joint report was presented in August 2013 (ADS 2013), with the third due in 2017. The Federal Anti-Discrimination Agency shall adequately include in its efforts non-governmental organisations and institutions which work to prevent discrimination on the grounds set out in Section 1 of the General Act on Equal Treatment at the European, Federal, Land or regional level (Section 29 of the General Act on Equal Treatment).

Alongside the Federal Anti-Discrimination Agency, there are state, state-promoted and/or non-governmental anti-discrimination institutions in numerous Länder, which not only provide advice and information, but in some cases also equality, diversity, anti-discrimination and anti-racism trainings – increasingly to the administration and the police,

too. Since 2015, the Federal Anti-Discrimination Agency has supported eleven projects in several Länder in the framework of its support programme (ADS 2016b).

6.2.2 National developments

Attacks on refugees and refugee shelters

In 2016, the Federal Criminal Police (BKA) registered more than 3,500 politically motivated crimes against asylum seekers or refugees, their shelters, support organisations and voluntary helpers, from insults to grievous bodily harm, arson or attempted murder (Deutscher Bundestag 2017a). With few exceptions, the offences were classified as right-wing politically motivated crimes ('PMK-rechts')⁶⁷ (see Chapter 2.2).

Investigations into 1,748 crimes led to 2,343 suspects, with the breakdown as follows: 1,822 suspects were investigated in connection with 1,483 crimes against asylum seekers, 454 in connection with 216 registered attacks on asylum seekers' shelters and 67 in connection with crimes against support organisations or volunteers (Deutscher Bundestag 2017a: 5).

The acts were usually criticised across the political spectrum and by the civil society (Amnesty International 2017).

The General Act on Equal Treatment – ten years later

In November 2016, the Federal Anti-Discrimination Agency published a guide for refugees and new immigrants, which informs them on protection against discrimination in Germany. The Guide is available in Arabic, German, English, Farsi, French, Kurdish, Pashtu, Russian, Serb and Turkish.⁶⁸ It describes what is meant by discrimination (in the legal sense of the term) in Germany and then uses examples from everyday life (e. g. situations arising in the job, at administrative offices, at the doctor's, when looking for an apartment or at school or university) to explain what does or does not constitute discrimination and how to get advice and support in case of discrimination (ADS 2016c).

Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

66 The Federal Anti-Discrimination Agency regularly publishes and updates a handbook with explanations and examples concerning the General Act on Equal Treatment, not least concerning the question of what constitutes unequal treatment (ADS 2015).

67 "Crimes are classified as right-wing politically motivated if the circumstances of the crime and/or the perpetrator's stance suggest that they can be reasonably assumed to have been perpetrated on the grounds of a "right-wing" political orientation. The act as such need not necessarily aim at suspending or eliminating an element of the free, democratic organisation of the state (extremism). In particular, this applies to offences perpetrated in full or in part for nationalist, racist, social-darwinist or national-socialist reasons. These politically motivated crimes are to be classified as right-wing extremist" (Landtag Baden-Württemberg 2016:2).

68 Protection against Discrimination in Germany: information in ten languages: www.antidiskriminierungsstelle.de/refugees (20.03.2017).

Projects of the Federal Anti-Discrimination Agency

The Federal Anti-Discrimination Agency has so far been able to convince the Länder Baden-Württemberg, Berlin, Brandenburg, Bremen, Hamburg, Hesse, Lower Saxony, Rhineland-Palatinate, Schleswig-Holstein and Thuringia to join an 'Anti-Discrimination Coalition' and pursue a joint anti-discrimination agenda. In doing so, the Länder committed themselves to promoting anti-discrimination efforts and anchoring them in their policies. Since April 2015, the support programme for 'Anti-Discrimination Advice Centres' has been supporting eleven projects which aim at improving the advisory situation in Germany by ensuring a professional approach and encouraging networking.

7 Return migration

7.1 Background and general context

Return policy is a control instrument in migration policy. It aims at making those who have no right of residence leave the Federal or European Union territory. Return policy includes measures to promote voluntary return or onward migration and reintegration as well as measures of forced return (e. g. refusal of entry, removal or deportation) including readmission agreements with countries of origins. Voluntary return takes precedence over forced return, as set forth both in national law (see, for example, Section 58 subs. 1 of the Residence Act) and in European law (e. g. Directive 2008/115/EC on return). The responsibilities in the area of voluntary and forced return are divided between the Federal Government and the Länder, with forced returns being regulated in much greater detail at the Federal level than voluntary returns (see Grote 2015: 22).

Voluntary return/onward migration

For voluntary return/onward migration, Germany launched the REAG programme funded by the Federal Government and the Länder in 1979 and expanded it to include GARP in 1989⁶⁹. The REAG/GARP programme is run by IOM and is the most important programme for the promotion of voluntary return. In addition to paying travel costs, it offers travel aid (REAG) and, if applicable, start-up aid for reintegration (GARP), with the amount of the assistance depending on the country of origin. Nationals from European third countries, i.e. non-EU Member States, from which the Federal Territory can be entered without a visa and whose nationals entered Germany after being exempted from the visa requirement (in particular countries in the western Balkans and the Republic of Moldova), are only eligible for travel costs but not for travel or start-up assistance. This does not apply to victims of human trafficking, who can receive support under the REAG/GARP programme even if they are from EU Member States or EU third countries with no visa requirement. In addition, there are numerous transnational, federal, Land and local projects to promote return to and reintegration in the country of origin and offer support in addition to and

beyond REAG/GARP. Some of them focus on certain (vulnerable) target groups, specific regions of origin or types of assistance or return preparation measures (for a list of the relevant institutions see Grote 2015 and SVR 2017). Most Länder offer voluntary return advice in the arrival and reception centres and at the foreigners authorities. Moreover, there is state-promoted advice on voluntary returns at the Land level, for example by welfare associations (see Grote 2015: 34).

Since 1 February 2017, the ‘Start-up cash Plus’ programme complements the REAG/GARP programme and offers financial support (BAMF/IOM 2017).

The European Reintegration Network (ERIN), which replaced the previous ERIN project in June 2016 and in which 18 countries⁷⁰ are involved, is one example of an international return and reintegration project in which Germany participates (IOM 2017). The network, which is mainly financed within the specific measures framework of the European Asylum, Migration and Integration Fund (AMIF), is “led by the Netherlands, and offers reintegration assistance for voluntary returnees and persons who have been forcibly returned to their country of origin by way of social and occupational assistance that is provided through contract partners in the respective countries” (Grote 2015: 40). Under the ERIN programme, reintegration benefits for returnees from Germany are currently available for Afghanistan, India, Iran, Iraq, Morocco, Nigeria, Pakistan, the Russian Federation (only Chechnya), Somalia (only Somaliland), Sri Lanka and Ukraine (BAMF 2017k). It is planned to extend the reintegration support measures to further countries.

Forced returns

In addition to measures supporting voluntary return, there are a number of ways for the authorities to enforce the obligation to leave the country, namely removal and deportation. In addition, expulsion, deportation and removal result in a ban on entry and residence pursuant to Section 11 of the Residence Act.

⁶⁹ REAG: Reintegration and Emigration Programme for Asylum-Seekers in Germany; GARP: Government Assisted Repatriation Programme; for more details on REAG/GARP and other transnational, federal, Land and local return programmes see Grote 2015.

⁷⁰ Austria, Australia, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, Malta, the Netherlands, Norway, Romania, Spain, Sweden, Switzerland, UK.

Removal and deportation put a stop to the foreigner's residence in Germany. Pursuant to Section 57 of the Residence Act, a removal takes place if the person in question is intercepted in conjunction with unlawful entry into the federal territory across a border. A removal can only take place if the person has not applied for asylum and if deportation is not prohibited. If the person entered Germany illegally from another EU Member State, s/he will be removed to that state. In contrast to removal, deportation (Section 58 of the Residence Act) is not an immediate response to illegal entry. It requires that the obligation to leave the country is enforceable and that the person has not voluntarily left the country during the granted period or that supervision of the departure appears necessary. The requirement to leave is enforceable if the period granted for departure has passed and no appeal with suspensive effect is possible against the refusal to grant a residence permit or the rejection of an asylum application.

The deportation warning is issued together with the rejection of the asylum application by the Federal Office for Migration and Refugees. If a person is to be deported to a safe third country or to a country responsible for processing the asylum application, the Federal Office for Migration and Refugees shall order his or her deportation to this country as soon as it has ascertained that the deportation can be carried out (Section 34a subs. 1, first sentence of the Asylum Act). "If third-country nationals are required to leave Germany on the grounds of their residence title being revoked, being lost or having lapsed, the foreigners authority shall be responsible for issuing the deportation warning (Section 59 subs. 1 first sentence of the Residence Act in conjunction with Section 71 subs. 1 of the Residence Act)" (EMN/BAMF 2016b: 12). It is the Länder which are responsible for the preparation of forced returns, including the provision of travel documents and putting the person in custody. "The return procedure as such, i.e. the physical removal from the Federal Territory, is conducted by the border authorities, i.e. usually the Federal Police (Section 71 subs. 3 no. 1d of the Residence Act)" (EMN/BAMF 2016b: 15).

Expulsion (Section 53 - 56 of the Residence Act) is another instrument which terminates a foreigner's stay in the Federal Territory and may result in forced returns; however, the termination of residence is not used as a measure to enforce migration policies, but for reasons of security. This instrument is used to expel foreigners whose stay endangers public order and safety or the interests of the Federal Republic of Germany. It is the expulsion which leads to the loss of the residence title, not the other way round. A deportation order (Section 58a of the Residence Act) is an even stronger instrument under German residence law. It permits the supreme Land authorities or the Federal Ministry of the Interior to deport a foreigner "in order to avert a special danger to the

security of the Federal Republic of Germany or a terrorist threat" (Section 58a subs. 1 and 2 of the Residence Act) and take him or her ultimately into custody.⁷¹

The provisions on terminating a foreigner's stay in Germany are often implemented differently, depending on the Land or foreigners authority which is responsible (SVR 2017: 33 - 34). In order to improve the cooperation between the Federal Government and the Länder and to increase the coherence in terms of return measures, the Federation-Länder Coordination Agency for Integrated Return Management (Bund-Länder-Koordinierungsstelle zum Integrierten Rückkehrmanagement, BLK-IRM) was set up at the Federal Office for Migration and Refugees at the end of 2014. Since 2015, the Federal Office for Migration and Refugees has also co-chaired the working group on returns (AG Rück), a sub-committee of BLK-IRM, with the Land of Hessen being the other co-chair.

In order to facilitate measures which end residence the Federal Government has signed readmission agreements or other non-binding declarations with several countries of origin specifying the obligation to readmit their own nationals. Furthermore, the agreements signed in recent years typically include a requirement, under certain conditions, to admit and transfer those required to depart who are not nationals of one of the respective contracting parties (third-country nationals and stateless persons). More recent agreements and declarations also include the option to conduct returns with passport substitutes issued by the EU. In order to provide incentives for a better co-operation of third countries in the area of readmissions, the Federal Government has offered financial support in other areas ('more for more') (BMI 2016e). Alongside the Federal Republic, the EU has also signed readmission agreements with numerous third countries (Cassarino 2017).⁷²

In addition, Germany participates in several other exchange and cooperation networks in the area of forced returns. The EURINT⁷³ network, which consists of 21 EU Member States, and the European Border and Coast Guard Agency (Frontex) are two examples. The Federal Police is the German Frontex Contact Point (Direct Contact Point; see Chapter 3.6).

71 See BVerwG 1 VR 1.17; BVerwG 1 VR 2.17 of 21 March 2017.

72 A list of all readmission agreements (as of April 2015) can be found on the website of the Federal Ministry of the Interior: http://www.bmi.bund.de/Shared-Docs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/Rueckkehr-Fluechtlinge.pdf?__blob=-publicationFile (28 March 2017).

73 European Integrated Return Management.

7.2 National developments

7.2.1 Voluntary returns

REAG/GARP return funding

In 2016, 54,006 voluntary returns were funded through the REAG/GARP programme alone. This is an increase of 52.1 % in comparison to the previous year (2015: 35,514 funding approvals). Figure 5 shows that about 31 % of the returnees were Albanian and 11 % Serbian nationals. Other important returnee groups were nationals from Iraq (ca. 11 %), Kosovo (ca. 10 %) and Macedonia (ca. 9 %). Overall, the number of assisted voluntary returns was more than double that of deportations (see below). However, the ratio may differ considerably depending on the Land (SVR 2017: 22).

URA reintegration project

The return and reintegration project URA in Kosovo offers social counselling, job placement services and psychological care as well as financial emergency support and longer-term reintegration offers for returnees. It is a joint project run by the Federal Government and several Länder. On 1 August 2016 the Federal Office for Migration and Refugees commissioned the Gesellschaft für Internationale Zusammenarbeit (GIZ) with the operational implementation of the project. A total of 5,453 persons received social counselling and 1,809 financial assistance in 2016 (2015: 4,310 cases of social counselling; 805 cases of financial assistance; see also Chapter 10).

Project 'Return to and reintegration in northern Iraq'

Reintegration projects for northern Iraq (Kurdistan Region) have been in place since 2012. Between 2012 and 2015, the Federal Office for Migration and Refugees and the IOM already conducted a reintegration project supported by the European Return Fund in this region. On 1 June 2015, the Federal Office for Migration and Refugees started a reintegration project supported by the AMIF, which provides support for launching micro-businesses, undergoing occupational training or finding a home and a suitable school and includes special support for vulnerable groups. On 1 January 2017, this project was integrated in the ERIN programme (see Chapter 7.1; BAMF 2017k).

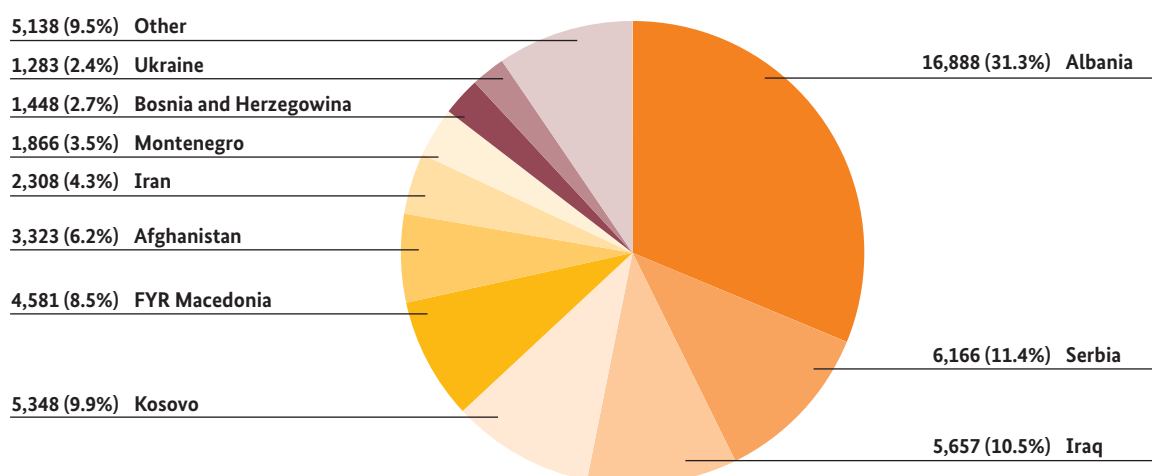
Provision of information and Return Hotline

In October 2016, the Federal Office launched an information hotline on voluntary returns as a pilot project. Since 1 February 2017, this return hotline, which can be reached via the central phone number of the Service Centre of the Federal Office for Migration and Refugees⁷⁴, offers basic information on voluntary returns and on return and reintegration programmes. The aim is to complement the service of the return advisory offices and facilitate access to information (BAMF 2017l). At the end of 2016 a relaunch of the information data base on return issues run by the Federal Office for Migration and Refugees (ZIRF-date base) was agreed on and

⁷⁴ 0911/943-0.

Figure 5: The ten most important countries of origin for assisted voluntary returns via REAG/GARP in 2016

Funding approvals in total: 54.006



designed. The new return portal will be provided together with the International Organisation for Migration (IOM) via the homepage www.returningfromgermany.de.

Pilot project on return counselling in the arrival centre Lebach/Saarland⁷⁵

The Ministry of the Interior of Saarland and the Federal Office for Migration and Refugees jointly launched a new pilot project 'return counselling in arrival centres' on 14 November 2016. By introducing an early counselling on return issues on-site, which is provided by the central foreigners office, in particular asylum seekers with a low prospect to remain shall be motivated to take the opportunity for voluntary return before the completion of the asylum procedure in the Land reception centre at Lebach. The asylum seekers are not only informed by flyers and posters on the possibilities of assisted voluntary return but also by leaflets which are targeted to the different groups of people specifically (safe countries of origin, all other countries of origin, Dublin-cases, asylum seekers with good prospect to remain) informing on the possibility of return counselling.

7.2.2 Forced return

Statistics

In 2016, Germany carried out 25,375 deportations, 1,279 removals and 20,851 refusals of entry.

Amendments to deportation provisions

On 17 March 2016, the Act on the Faster Expulsion of Criminal Foreigners and Extended Reasons for Refusing Refugee Recognition to Criminal Asylum Seekers entered into force.⁷⁵ Expulsion provisions had already been amended thoroughly back in 2015, when the three-tier expulsion system was

replaced by a provision which requires the foreigners authorities to find a balance between the foreigner's interest in staying in Germany and the state's interest in expelling him or her in the individual case. This process is based on lists of typical reasons to assume a particularly serious interest in expelling the foreigner or a particularly serious interest in remaining in Germany given in Section 54 and 55 of the Residence Act, respectively (Thym 2016: 3). The new Act assumes a serious interest in expelling the foreigner if the latter was sentenced for certain offences⁷⁶ and those crimes were committed using violence, using a threat of danger to life or limb or with guile (Section 54 subs. 2 sentence 1a of the Residence Act). There is a particularly serious interest in expelling the foreigner if the latter was sentenced to a prison term or a term of youth custody of at least one year for one of these crimes (Section 54 subs. 1 sentence 1a of the Residence Act). In addition, the authorities responsible for criminal proceedings are obliged to inform the Federal Office for Migration and Refugees of any public charges brought against asylum applicants (Section 8 subs 1a of the Asylum Act). Under a second, additional amendment in the framework of the amendments to sexual offences law⁷⁷, crimes within the meaning of the amended Section 177 of the German Criminal Code (Sexual assault by use of force or threats; rape) were included in the list of crimes which justify a serious interest in expelling the foreigner (see Chapter 2.2). However, these amendments do not change the basic principle that each expulsion decision must be based on an individual assessment which takes into account the foreigner's interest in remaining in Germany (Deutscher Bundestag 2016s: 2). The amendments also gave the authorities more leeway in refusing refugee status to asylum applicants who were incontestably sentenced to a prison term or a term of

⁷⁵ BGBl. I no. 12, p. 394.

⁷⁶ The provision covers intentionally committed offences against life, physical integrity, sexual self-determination or property or for resisting enforcement officers as well as offences pursuant to Section 177 of the German Criminal Code. There shall be a particularly serious interest in expulsion in the case of the commission of serial offences against property even if the perpetrator did not use violence, threats or guile.

⁷⁷ 50th law to amend the German Criminal Code – Better protection of sexual self-determination (BGBl. I no. 52, p. 2460).

Table 2: Number of enforced deportations, expulsions and refusals of entry (2011-2016)

	2011	2012	2013	2014	2015	2016
Deportations	7,917	7,651	10,198	10,884	20,888	25,375
Removals	5,281	4,417	4,498	2,967	1,481	1,279
Refusals of entry	3,378	3,829	3,856	3,612	8,913	20,851

Source: Deutscher Bundestag 2012, 2013, 2014a, 2015a, 2016r, 2017h.

youth custody of at least one year for certain offences⁷⁸ if these offences were committed using violence, using a threat of danger to life or limb, or with guile (Section 3 subs. 4 of the Asylum Act in conjunction with Section 60 subs. 8 third sentence of the Residence Act).

One reason for the amendments were the hundreds of cases of sexual assault and sexual harassment of women in Cologne during the new-year celebrations of 2015/16 (see Chapter 2.2).

Act on the Introduction of Fast-Track Asylum Procedures

The Act on the Introduction of Fast-Track Asylum Procedures (Asylum Package II), which entered into force on 17 March 2016, also included amendments in the area of forced returns. The provisions concerning a suspension of deportation for health reasons (Section 60 subs. 7 of the Residence Act) were defined more clearly. In principle, deportation is only suspended if the third-country national suffers from a life-threatening or a serious illness which would significantly worsen upon the deportation being carried out. The law assumes that the third-country national is fit to travel. If s/he is not, s/he will have to submit a medical certificate to that effect, which must meet certain criteria (Section 60a subs. 2C of the Residence Act).

Reception and return centres

In 2015, Bavaria already established two reception and return centres (ARE), one at Manching and one at Bamberg, for asylum seekers. So far, mainly persons from the western Balkans and Ukraine have been accommodated there (Bayerischer Landtag 2016b). In March 2016, these centres received a new legal foundation under the Asylum Package II: Section 30a of the Asylum Act allows fast-track asylum procedures at “special reception centres”, where third-country nationals are required to live under certain circumstances until the procedure is completed and, in case of a refusal, until their leaving the country (Section 30a subs. 3 of the Asylum Act). This applies to applicants from safe countries of origin, to applicants who have filed a follow-up application or to applicants who have destroyed or disposed of identity documents (Section 30a subs. 1 of the Asylum Act).

Churches, welfare associations and NGOs have criticised the new law on the grounds of the living conditions in the

special reception centres and the social and legal advisory conditions (Bayerischer Flüchtlingsrat 2016).

7.3 Developments referring to the EU

Joint declaration with Afghanistan

On 2 October 2016, Germany and Afghanistan signed a Joint Declaration on migration, which will form the “basis for the future cooperation of the two countries, in particular in the fields of voluntary and forced return” (BMI 2016f). The contents of the declaration are essentially those of the ‘Joint Way Forward on Migration Issues’ signed by the EU and Afghanistan (Deutscher Bundestag 2016t: 2; EAD 2016b). Among other things, Afghanistan committed itself to recognising European passport substitutes and to accept the return of Afghan nationals on an unlimited number of scheduled and non-scheduled flights. The returnees will be met by the Afghan refugee ministry at their arrival (BMI 2016e). The Federal Government has linked financial support for the “civil reconstruction and stabilisation” of the country to Afghanistan’s “cooperation on flight and migration issues” (Deutscher Bundestag 2016t: 14). From December 2016, several collective deportations to Afghanistan took place from Frankfurt and Munich, which affected persons from several Länder (BMI 2016g; BMI 2017c; Bayerischer Rundfunk 2017).

Civil-society organisations at the EU level have criticised the plans to increase deportations to Afghanistan as short-term, domestically motivated measures and called granting financial support in return for cooperation in the area of readmission, as decided at an international conference at Brussels at the beginning of October 2016, “immoral” (European Council on Refugees and Exiles 2016). The opposition in the Bundestag, several Länder governments, churches, civil-society organisations and companies which employ refugees as apprentices, also criticised deportations to Afghanistan (Bayerischer Rundfunk 2017; Deutscher Bundestag 2016t; Öchsner 2017b).

European Border and Coast Guard Agency (Frontex)

Following its reform, the European Border and Coast Guard Agency will fulfil broader tasks in the area of return. Frontex supports the Member States in conducting returns and co-ordinates return-related activities of the Member States (Art. 27 of the Frontex Regulation; see also Chapter 3.6.2). Following the reform, Frontex can also initiate coordinated returns by several Member States (Art. 28 par. 1 of the Frontex Regulation). The reform also foresees the establishment of three new staff pools, one for forced-return monitors, one for forced-return escorts and one for return specialists,

⁷⁸ The provision covers intentionally committed offences against life, physical integrity, sexual self-determination or property or for resisting enforcement officers (Section 60 subs. 8 third sentence of the Residence Act).

which have been available to the Member States since January 2017 (Europäische Kommission 2017b: 8).

In 2016, 399 German police officers participated in 19 Frontex-coordinated return measures. The main destinations were Kosovo, Albania and Serbia (Deutscher Bundestag 2017n: 14 et seq.).

8 Irregular migration

8.1 Background and general context

Illegal migration to and unauthorised residence in Germany are managed by using preventive and migration control measures, for example during the visa process and in securing external borders, measures to promote returns or to enforce an order to leave by deportation or removal, but also pragmatic responses to the situation of those who reside illegally in Germany, but cannot be forced to leave or those of whose residence the authorities are not informed. This includes issuing residence titles to those whose deportation has been suspended or facilitating access to education and health services for irregular migrants (Schneider 2012b). Illegal entry and illegal residence are crimes that are generally punishable by fine or imprisonment. Aiding and abetting any illegal entry/residence in exchange for financial gain or the promise of financial gain, or repeatedly, or on behalf of multiple foreign nationals is also punishable by law. Those who become involved as a result of their profession or community work (specifically pharmacists, physicians, midwives, nurses and social workers, psychiatrists, pastors or teachers) are generally not considered accessory to the above-mentioned crimes, provided their actions were objectively limited to fulfilling their legal or recognised duties (no. 95.1.4 of the General Administrative Regulation to the Residence Act).

Smuggling of foreigners conducted by commercial or criminal organisations is punishable by imprisonment from six months up to ten years (Section 96 subs. 2 no. 1 and 2 of the Residence Act). In case the smuggling results in the death of the person being smuggled, this is considered a criminal offence punishable by imprisonment of not less than three years (Section 97 subs. 1 of the Residence Act; minor offences are punishable by imprisonment between one and ten years pursuant to Section 97 subs. 3 of the Residence Act).

Irregularly staying migrants also include those whose deportation has been suspended, since they do not have a residence permit and are required to leave, but cannot be deported for practical or legal reasons (Section 60a of the Residence Act). The tolerated stay status (*Duldung*) certifies the suspension of deportation. Persons whose deportation is suspended may take a job after three months, provided that the Federal Employment Agency consents (Section 32 subs. 1 of the Employment Regulation). This consent is not necessary if the job belongs to a sector where labour is scarce or if the foreigner wants to start an internship or vocational

training. In addition, “well integrated young people and adolescents” as well as adult persons whose deportation has been suspended and who are “well integrated” shall be issued with a residence permit under certain conditions (Sections 25a and 25b of the Residence Act).

External controls (e. g., via the visa process and external border controls, see Chapter 3.6), as well as a system of internal controls on residence permits are part of the German system for managing migration and preventing irregular migration (Deutscher Bundestag 2011). At the national level, special importance is placed on the Joint Analysis and Strategy Centre for Illegal Immigration (GASIM), which gathers and analyses data on irregular migration and related types of crime provided by the participating authorities⁷⁹ with the aim of generating information, analysis, a strategic basis and early warning signs. The Federal Police obtains information abroad in particular by using border police liaison officers and enlisting document and visa experts in selected countries of origin and transit for migrants who have entered Germany illegally. The same applies to liaison staff and liaison officers from the Federal Office in selected EU Member States and third countries. In addition, knowledge is gained from the cooperation with FRONTEX and the European Police Office (Europol), by exchanging periodic and/or topic-specific evaluation products and information exchange via a variety of networks.

8.2 National developments

Statistics

It is not possible to determine exactly how many foreigners are illegally resident in Germany and have had no contact with the authorities; their number can only be estimated and extrapolated. For many years, the CLANDESTINO project has provided reliable calculations of the number of third-country nationals who are illegally residing in Germany (excluding persons whose deportation has been suspended). Based on this method, the number of illegally

⁷⁹ The following authorities are involved in GASIM: the Federal Police, the Federal Criminal Police Office, the Federal Office for Migration and Refugees, the Financial Control of Undeclared Employment (Finanzkontrolle Schwarzarbeit – FKS) of the Federal Customs Administration, the Federal Intelligence Service, the Federal Office for the Protection of the Constitution and the Foreign Office.

Table 3: Irregularly staying third-country nationals in Germany (absconders and persons without prior contact with the authorities; estimates for 2010–2014)

	2010	2011	2012	2013	2014
Irregularly staying third-country nationals in Germany (absconders or persons without prior contact with the authorities)	136,000–337,000	139,000–381,000	151,000–414,000	160,000–443,000	180,000–520,000

Source: Vogel 2015; Vogel/Aßner 2011; see Grote 2015: 16

resident third-country nationals who have no contact with the authorities was estimated at 180,000 to 520,000 for 2014 (see Table 3). As the number of asylum seekers jumped in 2015, leading to new registration methods and the possibility of double registrations, the researchers have not been able to provide reliable estimates for later years (Vogel 2016: 5 et seq.).

The Federal Police, the border police authorities of the Länder of Bavaria and Hamburg, and the Federal Customs Administration recorded a total of 111,843 non-German individuals entering Germany illegally pursuant to Section 95 subs. 1 no. 3 and subs. 2 no. 1a of the Residence Act in 2016. This is a decrease of 48.5 % over 2015 (2015: 217,237 persons; BKA 2016b: 11). This includes, for example, persons who entered Germany without a passport or passport substitute pursuant to Section 3 subs. 1 of the Residence Act or without the residence title required in Section 4 of the Residence Act.

As of 31 December 2016, 153,047 persons who were required to leave, but whose deportation had been suspended resided in Germany. For 118,993 of them, deportation had been suspended for asylum-related reasons⁸⁰, and for the remaining 34,054 for other reasons (AZR).

Since the entry into force of the Act on Amendments to the Right to Stay and the Termination of Stay, 3,225 residence permits pursuant to Section 25a subs. 1 of the Residence Act have been granted to well-integrated young persons and adolescents until 31 December 2016 (Deutscher Bundestag 2017o: 8). Another 898 residence permits were issued pursuant to Section 25b subs. 1 of the Residence Act, i. e. on the grounds of sustainable integration. In addition, 407 parents, 251 children, 20 minor unmarried children and five spouses or civil partners of well-integrated young people or adolescents were granted a residence permit pursuant to Section 25a of the Residence Act (Deutscher Bundestag 2017o: 10 et seq.). 315 residence permits were issued to family members of a sustainably integrated person pursuant to Section 25b subs. 4 of the Residence Act (Deutscher Bundestag 2017o: 16 et seq.).

In 2016, 1,279 persons (2015: 1,481) were removed within six months after having illegally entered Germany, and 20,851 persons (2015: 8,913) were denied entry at the border (Deutscher Bundestag 2017h: 14 et seq.; for deportations see Chapter 7.2.2). In 2016, the Federal Police discovered 4,337 individuals with forged or falsified border crossing documents (2015: 4,973).

Right to stay and support measures for vocational training for persons whose deportation has been suspended and who are undergoing vocational training or are gainfully employed

The Integration Act (see Chapter 6.1.2) improved the chances to stay for persons whose deportation has been suspended and who are undergoing or have undergone vocational training (for an overview see Der Paritätische Gesamtverband 2017a). Foreigners are entitled to a suspension of deportation if they begin or have begun a vocational qualification in a state-recognised or similarly regulated occupation which requires formal training in Germany, no concrete measures to terminate the foreigner's residence are imminent⁸¹ (Section 60a subs. 2 fourth sentence of the Residence Act) and there are no other reasons to refuse a suspension of deportation, for example the refusal of an asylum application filed by a national of a safe country of origin (Section 60a subs. 6 of the Residence Act).⁸² Before, the granting of a suspension of deportation was at the discretion of the authorities. Moreover, the age limit of 21 years was lifted for those who undergo vocational training, as numerous apprentices are older than 21 (BMAS 2016d: 3). The suspension of deportation expires if the foreigner no longer undertakes or discontinues the training (Section 60a subs. 2 ninth sentence of the Residence Act), but a six-month suspension will be granted for the search of another training place (Section 60a subs. 2 tenth sentence of the Residence Act). If the training enterprise does not keep on the foreigner after successful completion of the training, the suspension is extended once by six months for the purpose of seeking a job (Section 60a subs. 2 eleventh sentence of the Residence

⁸⁰ This means that an asylum-related issue is registered in the Central Register of Foreigners. This covers both completed and pending asylum procedures and information under the Dublin procedure. The date of the issue is not taken into account, which is why the total also includes cases which have been decided some time ago.

⁸¹ For different interpretations of the measures to terminate residence by the individual Länder and courts see Der Paritätische Gesamtverband 2017b: 4 – 7.

⁸² Section 60a subs. 6 states that this does also not apply to persons who entered Germany to obtain benefits under the Act on Benefits for Asylum Applicants and to persons whose stay cannot be terminated for reasons which are attributable to them.

Act). If the foreigner wilfully commits a criminal offence, no suspension will be granted or a suspension already granted will expire.⁸³

If persons whose deportation has been suspended pursuant to Section 60a subs. 2 fourth sentence are kept on by their training enterprise after completing their training or if they find another job commensurate with their qualifications, they are entitled⁸⁴ to a two-year residence permit, provided that the Federal Employment Agency agrees and the conditions set out in Section 18a subs. 1 nos. 2 - 7 are met (Section 18a subs. 1A of the Residence Act; so-called “3+2 rule”). If the employment relationship is terminated for reasons relating to the person of the foreigner or if the foreigner intentionally commits a criminal offence, the residence permit shall be revoked (Section 18a subs. 1b of the Residence Act). Moreover, rules on supporting persons whose deportation has been suspended during their vocational training were changed. If persons whose deportation has been suspended have started vocational training, have a concrete offer of a vocational training place or have started an initial qualifications course, they may touch certain vocational training benefits after 12 months (instead of 15, as before) (Section 132 subs. 2 of the Third Book of the German Social Code). These provisions apply to courses of training starting until 31 December 2018 or benefits applied for before that date (Section 132 subs. 4 of the Third Book of the German Social Code). Students at universities whose deportation has been suspended may apply for study grants pursuant to the Federal Training Assistance Act (BAFöG) if they have been residing in Germany lawfully or with a permission to remain pending the asylum decision or tolerated stay status for 15 months (BAFöG; see Chapter 4.1.2.2).

Anonymous health insurance cards for migrants in an irregular situation

Anonymous health insurance cards will enable irregular third-country nationals to receive medical treatment in the Länder without being forced to rely on volunteer, free, cheaper and/or donations-based medical services or having to apply for a medical certification from the proper social welfare provider as it was previously the case (for an overview of the medical treatment of irregular migrants in Germany see Mylius 2016). While medical staff, including administrative staff at state hospitals, pharmacists and members of the healing professions are covered by

doctor-patient confidentiality and may not pass on patient data to the foreigners authorities apart from exceptional cases (see Ärztekammer Nordrhein 2015), employees of social welfare providers are required to report the illegal migrant to the foreigners authority. This may result in the deportation of the respective individual. Since medical fees are often financed by social welfare providers or beneficiaries need to file applications for the payment of medical fees, irregular migrants often avoid or put off getting necessary medical treatment, which, according to the German Medical Association (Bundesärztekammer, BÄK) can lead “to illnesses being aggravated or becoming chronic” (BÄK 2013).

Since January 2016, in Lower Saxony a central office run by the medinetz in Göttingen⁸⁵ has been issuing irregular migrants with an anonymous health card. Overall, EUR 1.5 million have been earmarked for medical treatment expenses (Höland 2016a) and EUR 120,000 for legalisation advice (Höland 2016b) for the three-year pilot project.

8.3 Developments referring to the EU

European Border and Coast Guard Agency

On 14 September 2016, the Regulation on the European Border and Coast Guard (Regulation (EU) 2016/1624) was adopted providing, amongst others, for a realignment of the European Border control agency Frontex. Background to the measure was, amongst others, the European Commission’s aim to re-establish the Schengen area, within which no border controls took place, after the temporary re-introduction of border controls by several Member States (including Germany) in the wake of the jump in the number of asylum seekers (Europäische Kommission 2016e: 2; Vertretung der Europäischen Kommission in Deutschland 2016; see Chapter 3.6.2).

⁸³ As a general principle, no account shall be taken of fines of a total of up to 50 daily rates or up to 90 daily rates in the case of offences which can, under the Residence Act or the Asylum Act, only be committed by foreigners (Section 60a subs. 2 sixth sentence of the Residence Act).

⁸⁴ So far, the authorities could grant a residence permit pursuant to Section 18a subs. 1 of the Residence Act at their discretion.

⁸⁵ medinetz Göttingen: www.mfh-goe.org (28.04.2017).

9 Actions against human trafficking

9.1 Background and general context

In criminal law, the term “human trafficking” covers the recruitment, transport, referral, harbouring or sheltering of persons who are to be exploited. In addition, the victims must be either in an economic or personal predicament or below 21 years of age or helpless because they are in a foreign country (Section 232 of the German Criminal Code). The German Criminal Code differentiates between different types of exploitation, namely forced prostitution (Section 232a of the Criminal Code), forced labour (Section 232b of the Criminal Code), labour exploitation (Section 233 of the Criminal Code) or exploitation for the purpose of begging, for the purpose of committing criminal offences or for the purpose of organ trafficking (Section 232 subs. 1 first sentence letters c and d and third sentence of the Criminal Code).

A foreigner who has been the victim of human trafficking may be granted a residence permit for a temporary stay pursuant to the humanitarian special regulation of Section 25 subs. 4a of the Residence Act, even if s/he is enforceably required to leave the federal territory, provided that the stay of the foreigner is considered to be appropriate in connection with criminal proceedings, that the foreigner has broken off contact to the persons accused of having committed the criminal offence and that the foreigner has declared his or her willingness to testify as a witness in the criminal proceedings relating to the offence. Such a residence permit is initially granted for one year (Section 25 subs. 4a first sentence of the Residence Act). Since 1 August 2015 the residence title may be prolonged after the criminal proceeding on humanitarian or personal grounds. In addition, Section 59 subs. 7 grants victims of human trafficking at least a three-month period for reflection and recovery, during which no residence-related actions are taken, regardless of whether or not they actually testify in court later on (see *Diakonie Deutschland* 2015:38). These provisions implement the requirements of the Council Directive 2004/81/EC on the residence permit issued to victims of trafficking in human beings⁸⁶, of the Third Victims' Rights Reform Act,

which entered into force on 31 December 2015⁸⁷, and requirements set out in Directive 2011/36 EU on preventing and combating trafficking in human beings and protecting its victims⁸⁸.

The ‘Federal Government and Länder working group on human trafficking’ co-ordinates the fight against trafficking in women in particular (BMFSFJ 2016a). It consists of representatives of the relevant Federal Ministries, the Federal Criminal Police Office, the Federal Office for Migration and Refugees, Länder representatives and non-governmental organisations. The tasks of the working group include an “analysis of the specific issues in combating human trafficking” and “the preparation of recommendations and, if necessary, joint activities to combat human trafficking” (BMFSJ 2016a). During the existence of the working group, the Federal Criminal Police Office has conducted trainings for police officers, a co-operation concept for witnesses who are not part of a witness protection programme was developed, and a working paper on standardising training concerning human trafficking for the purpose of sexual exploitation was drawn up (BMFSJ 2016a).

In order to better coordinate the fight against human trafficking for the purpose of labour exploitation the ‘Federal Government and Länder working group on combating human trafficking for the purpose of labour exploitation’ was established in February 2015 and put under the supervision of the Federal Ministry of Labour and Social Affairs. The working group aims to improve the cooperation between the Federal Government and the Länder as well as between ministries, international organisations, trade unions and civil-society players (BMAS 2016e). In addition, a comprehensive strategy on combating human trafficking is to be drawn up.

Under the Victims Compensation Act, victims of violence receive the same benefits as victims of war, independently of any other welfare benefits. The Federal Ministry of Labour and Social Affairs regularly updates and publishes a

⁸⁶ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

⁸⁷ Act on Strengthening Victims' Rights in Criminal Proceedings (Third Victims' Rights Reform Act).

⁸⁸ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

brochure titled “Assistance for Victims of Violence” as a handout for victims, police officers and victim support services so that, for instance, victims of human trafficking can quickly and clearly be informed about any compensation that is available (BMAS 2016f).

The Federal Office for Family and Civil Society Functions (Bundesamt für Familie und zivilgesellschaftliche Aufgaben, BAFzA) has been operating the ‘Violence against Women’ helpline since March 2013. The helpline operates round the clock, 24 hours a day and 365 days a year. Victims and their friends or relatives can call the number 08000 116 016 to receive free and, if desired, anonymous advice on all forms of violence against women. It is also available to female migrants who suffered violence during the flight or in shelters. The helpline provides information and advice in 15 languages⁸⁹ and for the deaf and hearing impaired in order to deal with the specific situation of female refugees or female migrants (BMFSFJ 2016b). The helpline also supports employees of reception centres if they are confronted with violence against women in the course of their work (BMFSFJ 2015). Advice is also provided via e-mail or a chat service (BMFSFJ 2016b).

The Federal Office has employed specially-commissioned case-officers for victims of human trafficking at its branch offices already since 1996. The special case officers are involved in the decision on the asylum application (BAMF 2016h; see also EMN/BAMF 2013b). Some rules of the asylum procedure may be waived for victims of human trafficking, for example the automatic redistribution or a transfer under the Dublin procedure, and the victims may be housed in particularly protected apartments (BAMF 2016i).

9.2 National developments

Statistics

According to the National Situation Report of the Federal Criminal Police office, 364 investigations were closed in 2015⁹⁰, registering a total of 573 suspects of human trafficking for the purpose of sexual exploitation. Compared to the preceding year, this was a decline of 7 % in the number of investigations, but an increase of 13 % in the number of suspects. As in the preceding year, German nationals were the biggest group of suspects (25 %), followed by Romanian and Bulgarian nationals (BKA 2016c: 5).

The number of officially reported victims of human trafficking for the purpose of sexual exploitation came to 416 in 2015; however, this covers only victims registered in completed investigations. This is a significant decline from the previous years (2014: 557; 2013: 542). One reason is that, in 2014, a large case with almost exclusively Romanian victims was closed in Baden-Württemberg. This is also why the composition of the victims’ nationalities is different to the preceding years. While Romanian victims are still the largest group (23.6 %; 2014: 37.9 %), the share of Germans in the total is almost the same (23.3 %; 2014: 15.8 %), followed by Bulgarians (17.1 %; 2014: 16.0 %) and Hungarians (10.6 %; 2014: 7.2 %). Among non-European victims, Nigerians form the largest group, with the total of victims having dropped to 10 (2014: 18) (BKA 2016c: 14; BKA 2015: 8).

In 2015, too, most of the victims were women (96 %). 224 of them (54 %) were aged below 21, and 77 of these victims were minors. This means that the number of minor victims rose by 35 % (BKA 2016c: 9).

In the area of human trafficking for the purpose of work exploitation (Section 233 of the Criminal Code), 19 investigations into 24 suspects were closed in 2015 (2014: 11 investigations and 16 suspects). A total of 54 victims of human trafficking for work exploitation were reported (2014: 26). Two-thirds of them (34) came from Romania in 2015. 81 % of all victims were male. Most of them were found on construction sites (18) or in the hotel and restaurant sector (14) (BKA 2016c: 12).

However, the actual number of victims of human trafficking in Germany is likely to be considerably higher (BKA 2016c: 13). The Federal Criminal Police has pointed out that the internet, in particular social networks and messaging services, are increasingly used for recruitment. This is particularly evident for minor victims of human trafficking for the purpose of sexual exploitation, but is playing increasingly a role for labour exploitation, too (BKA 2016c: 8 – 9; 13).

In 2015, almost 55,000 calls to the ‘Violence against Women’ helpline led to 27,000 advice sessions. 86 women got advice on the issue of human trafficking, almost double the number of 2014 (45) (EMN/BAMF 2016a: 62; BAFzA 2016: 62).

Amendments to the Act to Combat Clandestine Employment

In order to capture the amendments to the Criminal Code concerning human trafficking (see Chapter 9.3), Section 10a of the Act to Combat Clandestine Employment⁹¹ was amended. The amended version entered into force on

⁸⁹ Arab, Bulgarian, Chinese, English, French, Italian, Farsi, Polish, Portuguese, Russian, Serb/Serb-Croatian, Spanish, Turkish, Vietnamese.

⁹⁰ The National Situation Report on Human Trafficking, which is prepared by the Federal Police, is usually published in autumn of the subsequent year, which is why no data were available at the time of writing of this report.

⁹¹ Act to Combat Clandestine and Illegal Employment of 23 July 2004.

15 October 2016. Now, the employment and exploitation of third-country nationals without a residence title who are victims of human trafficking are a punishable offence. Pursuant to Section 232b subs. 1 no. 3 of the Criminal Code, this also includes the exploitation for begging purposes (see Chapter 9.3).

Prostitute Protection Act

On 7 July 2017, the Bundestag adopted the Prostitute Protection Act (ProstSchG)⁹², which was approved by the Bundesrat on 23 September 2016 and which will enter into force on 1 July 2017. Among other things, it includes the requirement to get official permission for prostitute work and obliges prostitutes to notify the authorities of their work. This notification is tied to a personal information and counselling interview (Sections 7 and 8 of the Prostitute Protection Act; Deutscher Bundestag 2016u: 2). One of the goals of this notification obligation is to identify cases of exploitation and human trafficking early on. Civil society organisations doubt whether doing so is possible in the framework of a single interview; in addition, the notification obligation might push victims of human trafficking, who do not hold a residence title, further into illegality (Deutscher Bundestag 2016v: 21 et seq.).

Protection for victims of human trafficking against the background of flight and asylum

It is not yet clear whether the significant increase in the number of asylum seekers in 2015 caused intensified exploitation of refugees in Germany (BKA 2016c: 13). Statistics of specialised advisory centres have not yet pointed to a marked increase in the number of victims of human trafficking from the main countries of origin of refugees (KOK 2016a: 11). The European Commission has pointed out in a communication that the significant increase in the number of asylum seekers across the EU, who were dependent on the support of people smugglers, was exploited by criminal networks that also engage in human trafficking. The Commission has underlined that potential victims should where possible already be identified when they enter the EU (Europäische Kommission 2016f: 16). According to the non-governmental Network Against Trafficking In Human Beings (KOK e.V.) and the German Institute for Human Rights (DIM), there is still a significant need of training and awareness measures at all levels of the support structure for women and minor refugees, and there are still deficits concerning the identification of victims, particularly during

fast-track asylum procedures (KOK 2016a: 11 et seq.; DIM 2016c: 18; see also Chapter 5.1.2).

9.3 Developments referring to the EU

Act on Improving Measures to Combat Human Trafficking

The Act on Improving Measures to Combat Human Trafficking⁹³ entered into force on 15 October 2016. It implements the EU Directive 2011/36/EU on preventing and combating trafficking in human beings. In order to do so, the legal definition of “human trafficking” was revised and adapted to the international definition (KOK 2016b: 5). The reform included a greater differentiation of the former provisions. While the two relevant Sections of the Criminal Code (Section 232, Human trafficking for the purpose of sexual exploitation, and Section 233, Human trafficking for the purpose of work exploitation) formerly combined human trafficking and the type of exploitation, the amendments now differentiate between the offence, namely “human trafficking” (Section 232 of the Criminal Code), and the different types of exploitation in the subsequent Sections (Section 232a, Forced prostitution, and Section 232b, Forced labour). “Human trafficking” refers to the recruitment, transport, referral, harbouring or sheltering of persons in a predicament for the purpose of exploitation (Section 232 of the Criminal Code), whereas Sections 232a and 232b of the Criminal Code state that it is a punishable offence to influence the victim’s will concerning the relevant actions.⁹⁴ Influencing the victim’s will can take many forms; the term covers all actions which infringe on the free will of the victim and are at least one reason for the victim to engage in the relevant act (e. g. starting to work as a prostitute). A simple solicitation may be enough; “particular intensity or stubbornness is not a precondition” (Bundesregierung 2016d: 35).

Human trafficking for the purpose of begging, for the purpose of committing criminal offences and for the purpose of organ trafficking⁹⁵ were newly included (Section 232 subs. 1 first sentence letters c and d and third sentence of the Criminal Code). Under the new law, punishments for all types of human trafficking will be harder if the victim is aged below 18 (Section 232 subs. 3 first sentence of the Criminal Code; before: below 14 years of age).

92 Act on the Protection of People working in Prostitution (Prostitute Protection Act, ProstSchG) of 21 October 2016.

93 Act on Improving Measures to Combat Human Trafficking and Amendments to the Act on the Federal Central Criminal Register and the Eighth Book of the Social Code [ÄndG of 11 October 2016] of 11 October 2016.

94 These explanations are based on Tangermann/Grote 2017.

95 So far, human trafficking for the purpose of organ trafficking only counted as an action to facilitate offences under the Transplantation Act.

Labour exploitation was introduced as a separate criminal offence based on objective criteria (Section 233 of the Criminal Code). Under the former law, the exploited person had to prove that his or her will had been influenced by the exploiting employer. However, the victims were often not ready to testify, as they were too afraid or regarded their situation as better than the situation in their country of origin. The new provision should result in a higher number of convictions, as it also covers the victim's voluntary taking up an exploitative employment out of need if the offender recognises and exploits this need (Deutscher Bundestag 2016w: 20; BKA 2016d: 3).

Moreover, clients of prostitutes may be convicted under certain circumstances if the prostitutes are forced into prostitution pursuant to Section 232a of the Criminal Code. With this provision, Germany implements an optional provision of the EU Directive on preventing and combating trafficking in human beings (Art. 18 par. 4 of the Directive 2011/36/EU). At the same time, the amended version of Section 154c subs. 2 of the Code of Criminal Procedure (Strafprozessordnung, StPO) says that victims of human trafficking will not be punished for any criminal offences they may have committed during their predicament if they have filed charges against the perpetrators of human trafficking.

The Federal Criminal Police welcomed the introduction of the new criminal offence of work exploitation (Section 233 of the Criminal Code), as objective criteria will make it easier to combat human trafficking and exploitation effectively (BKA 2016d: 3). However, with regard to Sections 232a and 232b of the Criminal Code the police explained that the newly introduced concept of "influencing" the will of the victims will not render proof of the offence easier, as this will still require the victim to testify (BKA 2016d: 4). KOK e.V. shares this view (KOK 2016c: 7). Another point of criticism is that the implementation of the Directive "focuses mainly on aspects of criminal law, while excluding numerous provisions concerning victims' rights as well as protection of and support for victims, which are also part of the Directive" (KOK 2016d: 9; see also Deutscher Bundestag 2016w: 17 et seq. for points of criticism). KOK e.V. welcomed the amendments to the criminal law provisions, the "adoption of the international definition of human trafficking, the introduction of an age limit at 18 instead of 'children' [aged below 14], the extension to all types of exploitation and the introduction of labour exploitation as a new type of offence" (KOK 2016c: 3).

Third Victims' Rights Reform Act

The Third Victims' Rights Reform Act, which implements the Federal Republic's obligations under the Victims' Rights

Directive (Directive 2012/29/EU)⁹⁶, entered into force on 31 December 2015. However, one of its most important reforms, the introduction of psychological and social support during criminal proceedings, did not enter into force until 1 January 2017. "Particularly vulnerable victims are now entitled to professional support ahead of, during and after the proceedings. In particular, children and adolescents who are victims of serious sexual or violent crimes are entitled to free psychological and social support during the proceedings. Concerning other victims of serious violent or sexual crimes, the court shall decide in the individual case whether psychological and social support is provided during the proceedings." (Bundesministerium der Justiz und für Verbraucherschutz 2015). Civil-society organisations welcomed the new provisions, but "regretted a lack of national standards for support during the proceedings and the limitation to children and adolescents who are victims of sexual or violent crimes" (KOK 2016e).

9.4 International developments

GRETA report

The Group of Experts on Action against Trafficking in Human Beings (GRETA) released its first report on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings⁹⁷ in Germany in June 2015 (GRETA 2015). The report praises the "establishment of networking structures at the Federal and Länder level" (DIM 2016d: 13). However, the Group of Experts also points out some deficits, namely the different approaches of the Länder to data collection and to identifying victims of human trafficking, particularly in the area of work exploitation, but also among refugees and in the context of irregular migration. It recommends more specialisation and training for the prosecutors and judges and increased prevention and protection measures (GRETA 2015: 9 et seq.). Measures to resolve some of the problems have already been taken during 2015 and 2016, for example by amending the provisions concerning the right of residence for victims of human trafficking in 2015 (EMN/BAMF 2016a: 63) or by establishing minimum standards for vulnerable persons in refugee shelters (see Chapter 5.2.2).

⁹⁶ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

⁹⁷ Council of Europe, Convention on Action against Trafficking in Human Beings (2005), Warsaw, 16 May 2005, CETS No. 197.

Concept for the establishment of a national reporting office

Both the EU Directive on preventing and combating trafficking in human beings and the Council of Europe Convention on Action against Trafficking in Human Beings include provisions for the establishment of a national reporting office on human trafficking and a coordination office for all government measures in this area. The office is to evaluate any new developments in the field of human trafficking, report on them and collect statistical data (DIM 2016d: 9). Pursuant to a request by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, the German Institute for Human Rights developed a concept for this office in 2016. The concept is for a reporting office with a broad and flexible mandate, which should be as independent as possible and systematically include non-governmental organisations in its work. Alongside data collection, the office should conduct its own research and regularly publish research reports. In addition, a coordination office is to be established, which should be supervised by a Federal ministry (DIM 2016d: 4 et seq.).

G7-project 'Improvement of Structures in Asylum Procedures in order to combat Trafficking in Human Beings'

In August 2016 the final report of the project "Improvement of Structures in Asylum Procedures in order to combat Trafficking in Human Beings" which was compiled by Federal Office for Migration and Refugees was accepted by the delegation of the Migration Expert Subgroup and the Heads of Delegation of the Roma-Lyon-Group of the G7-states. The project makes recommendations for the statistical recording of victims of human trafficking in national asylum procedures, for awareness-raising amongst victims, extension of the group of people receiving special training, generously allowing for family reunification and a high ranking exchange between all relevant actors.

10 Migration and development

10.1 Background and general context

While the interaction between migration and development has long been a topic of scientific debate, discussions in Germany on strengthening the ties between migration and development policy have only been gaining greater traction since 2006/2007. The frames of reference are the Sustainable Development Goals of the United Nations as well as the Global Approach to Migration and Mobility (GAMM) of the EU.

Very different goals and interests may be set against each other in the areas of migration and development policy and require special coordination in order to contribute to greater coherence. For instance, major challenges come from the different objectives of the two policy areas: while migration policy focuses predominantly on managing migration flows and utilises instruments such as targeted recruitment or the promotion of returns for this goal, development policy focuses on promoting structures in poorer countries (Braulina/Hilber/Kreienbrink 2012).

In 2015 and 2016, refugee migration became a more important topic of development cooperation, and the fight against structural causes of flight in the countries of origin or transit became one of the main tasks in the field of development cooperation (Deutscher Bundestag 2016x: 2). Furthermore, the migration policy tools of assisted voluntary return and reintegration measures were linked with development cooperation. While German development cooperation has been launching return promotion programmes for many years, these programmes were directed mainly at qualified workers who (temporarily) wanted to return to their countries of origin (see below). In the past few years, this target group was gradually extended to cover also asylum applicants, persons whose applications were rejected, third-country nationals who are required to leave the country and beneficiaries of protection who want to return. This is a major shift within development cooperation.

The approach of improving the integration of these two policy areas also increases the need for coordination amongst those involved. At the Federal Government level, these are foremostly the Federal Ministry of the Interior and the Federal Ministry for Economic Cooperation and Development (BMZ), which is responsible for development policy. The implementing bodies and authorities from the two ministries play a major role at the operational level. For the Federal

Ministry for Economic Cooperation and Development, these are the German Society for International Cooperation (Gesellschaft für Internationale Zusammenarbeit, GIZ) and the Centre for International Migration and Development (CIM), a joint operation of GIZ and the Federal Employment Agency. The Federal Office for Migration and Refugees is the main player on behalf of the Ministry of the Interior. GIZ and the Federal Office for Migration and Refugees have since been cooperating on return and reintegration projects on an institutional level (for example the URA return and reintegration project in Kosovo; see Chapters 7.2.1 and 10.2). As regards migration policy aspects within the area of development cooperation, the programme 'Migration for Development' run by the CIM is particularly relevant. It includes the "Returning Experts" and "Promoting the Development Activities of Migrant Organisations" programmes and the sector project "Migration and Development". Within the context of the "Returning Experts" programme, the CIM promotes the return of (academically) qualified returnees to developing countries with financial support, placement offers and a network of local consultants. In 2015, 506 returning experts received financial support or consultation and services (GIZ 2016a: 14). In 2016, the programme component "Qualified workers in the diaspora" was introduced. It supports highly qualified workers from Ethiopia and Cameroon during voluntary, time-limited stints within the local structures of their country of origin, provided that these efforts are relevant in terms of development policy (CIM 2017). The "Promoting the Development Activities of Migrant Organisations" project gives migrant organisations in Germany the opportunity to apply for funding for development policy projects in their countries of origin since 2011.

In the area of migration policy there are the REAG/GARP programme and numerous other return and reintegration programmes at the EU, Federal and Länder level that, for example, offer start-up assistance and/or support before the return and provide training for third-country nationals who are required to leave Germany in order to facilitate reintegration in the country of origin (see Chapter 7).

In order to improve interdepartmental coordination in the area of migration management, a state secretary working group on "International Migration" was established on 15 October 2014. It was chaired by the Foreign Office (AA) and the Federal Ministry of the Interior and consisted of representatives of these two ministries as well as the Federal Ministry for Economic Cooperation and Development

and the Federal Government Commissioner for Migration, Refugees and Integration. A sub-working group of this forum focused on the issue of 'Migration and Development' (Deutscher Bundestag 2014b). One result was the "Strategy for Migration and Development. Action Plan for the External Dimension of Migration and Refugee Policy", which describes the goals and measures of the Federal Government in this area. The following guidelines are key for the external dimension of migration and refugee policies:

- "Reduce the causes of flight and irregular migration
- Improve the protection of and support for refugees in the main host countries
- Use the potential of legal migration and shape and steer migration processes actively
- Return people who have no chance of staying in Germany and support their reintegration in the countries of origin" (Bundesregierung 2016e: 3).

The strategy goes on to describe the individual goals under these four guidelines of the Federal Government and lists concrete measures already implemented or planned by the different ministries.⁹⁸

The Federal Ministry for Economic Cooperation and Development launched three special initiatives in the area of refugee and development cooperation in 2014 and expanded them further in 2016: "Tackling the root causes of displacement - reintegrating refugees", "Stability and development in the MENA region" and "ONE WORLD, No Hunger".

There are three main areas of action:

Activity 1 – Tackling the root causes of displacement

"Germany is helping countries in crisis to stabilise their political and economic situation, rebuild damaged structures and improve the educational and employment prospects of their people. Employment and training programmes, for example, are a way of giving young people in particular prospects for the future, and they foster social cohesion" (BMZ 2016a:18).

Activity 2 – Stabilisation of host regions

"The arrival of very large numbers of people within a short period of time is often a huge challenge for developing countries [...]. In order to help stabilise the countries taking in refugees, Germany is investing in their

infrastructure – for example, in their water supply systems. Creating employment is another focal point. [...] Government institutions and non-governmental organisations receive support to continue and expand their activities. [...] Local civil-society organisations work to build the necessary infrastructure and facilitate a dialogue between the new arrivals and existing communities" (BMZ 2016a: 22).

Activity 3 – Integration and Reintegration of refugees, internally displaced persons and returnees

"The aim of German development cooperation is to create new prospects both for refugees in host countries and for returnees. To that end, Germany is investing, among other things, in the reconstruction of schools and health centres. Moreover, [...] migrants [...] are advised concerning voluntary returns to their home countries. Beyond the transfer of knowledge to the countries of origin, the focus is on promoting reintegration, for example by supporting start-up companies launched by migrant entrepreneurs" (BMZ 2016a: 34).

These three activities are implemented by a range of programmes for different regions, for example the Middle East, Africa and the Balkans.

10.2 National developments

Employment offensive for the Middle East /Cash for Work

The Federal Government announced its "Employment Offensive for the Middle East" at the international donor conference "Supporting Syria and the Region" in London on 4 February 2016. The Federal Ministry for Economic Cooperation and Development will provide EUR 200 million for new jobs and payment for refugees in Syria's neighbouring countries, which will be dispensed in a "Cash for Work"⁹⁹ structure and depend on local minimum wages. The aim is to help employees to "cover the costs for accommodation, healthcare and clothes" (BMZ 2016a: 28). The measures are directed at refugees and at the local communities in the host countries.

The employment offensive for 2016 aimed to create 50,000 jobs, provide regular school lessons for 300,000 children and offer vocational training to 5,000 persons in Jordan,

98 So-called "country sheets" for eleven countries explain the specific situation with a view to migration, flight and development, the cooperation in the area of migration/reduction of reasons for flight and the measures or strategic direction of cooperation (Bundesregierung 2016e: 13 – 26).

99 "Cash for Work" measures are defined as follows: "Highly work-intensive projects (simple tasks such as waste disposal, road repairs), work-intensive infrastructure projects (rebuild or build homes or schools), wage payments (additional teachers or kindergarten teachers) [and] in the future the reconstruction of liberated areas (rebuilding local infrastructure such as buildings or streets)" (BMZ 2016b: 28).

Lebanon, Turkey and northern Iraq. These goals for 2016 were achieved, and the initiative will be continued in 2017 (BMZ 2016b).

Strategy paper of the Federal Ministry for Economic Cooperation and Development on Africa Policy and Better Migration Management

In its strategy paper on “Africa Policy” the Federal Ministry for Economic Cooperation and Development listed several measures to combat the reasons for flight and improve the integration of refugees in African transit and host countries. The following countries and measures are listed as examples:

- “In Ethiopia, we will intensify our efforts to support the refugees and their host communities with urgently needed basic infrastructure and vocational training measures [...].
- In Sudan, we will support Eritrean refugees and their host communities in the east of the country with measures to promote vocational training and drought resilience. The aim is to give the refugees a new perspective for a life in Sudan.
- In Somalia, we will support voluntary return opportunities for Somali refugees living in the neighbouring countries [...].
- In Nigeria, we will promote a new project to support internally displaced persons and their host communities. At the same time, we will continue to support a sustainable economic development, vocational training and employment and sustainable energies, all of which forms the basis for economic development” (BMZ 2016c: 7).

In addition, the project “Better Migration Management” was launched in 2016. Its aim is to improve migration management and thus to reduce human trafficking at the Horn of Africa, to protect migrants and support their rights and to make the region more secure for migration (GIZ, no year; see Chapter 3.6).

URA Kosovo and German Information Points on Migration, Vocational Training and Career (DIMAK) in Kosovo, Serbia and Albania

The return and reintegration project “URA” in Kosovo is a good example of the stronger cooperation between migration and development policies in the last few years. URA is run by the Federal Office for Migration and Refugees and has been in place since 2006 as a joined project by the Federation and the Länder (Baden-Württemberg, Lower Saxony, North Rhine-Westphalia, Saxony, Saxony-Anhalt and Thuringia). In 2016, Berlin, Bremen and Schleswig-Holstein joined the project as well. This is currently the largest reintegration project of a single EU Member State. Since 1 August 2016 GIZ was

commissioned with the implementation of the project. The project offers advice to returnees to Kosovo and reintegration and support to this group. The intensified cooperation between the Federal Office for Migration and Refugees and GIZ aims to take concrete measures to implement the coherent approach of the Federal Government in the area of migration management and return policy. URA is the first institutionalised cooperation project between the Federal Office for Migration and Refugees and GIZ and thus epitomises the cross-sectional coherent approach. The project aims to ensure a sustainable reintegration of the returnees (BAMF 2017m). It offers social counselling, job placement services and psychological care as well as financial emergency support (e. g. one-off bridge payments) and longer-term reintegration offers for returnees (e. g. one-off payment of training or language lesson expenses). Voluntary returnees may also be granted start-up assistance. The financial support is granted for six months at most (BAMF 2017n). In 2016, the number of financially supported returnees was reduced due to the significant increase in the number of returnees (BAMF 2017m). Overall, 5,453 persons received social counselling and 1,809 financial assistance in 2016 (2015: 4,310 cases of social counselling; 805 cases of financial assistance).

In April 2015, GIZ set up a German Information Point on Migration, Vocational Training and Career (“Deutscher Informationspunkt für Migration, Ausbildung und Karriere”, DIMAK)¹⁰⁰ in Kosovo on behalf of the Federal Ministry for Economic Cooperation and Development. In the course of one year, 10,000 persons were advised on legal migration opportunities and their preconditions and on integration into the Kosovo labour market (GIZ 2016b). In 2016, two other Information Points were opened in Serbia and Albania. The Information Points provide advice to those who are interested in leaving their country, but also to those “who have lived abroad for some time, want to return and are now looking for a job in their home country” (GIZ 2017). Mobile teams ensure that advice is provided in rural regions, too. Moreover, the DIMAK organise job and career fairs in the relevant countries. This helps to provide information to employees and get into direct contact with local employers (GIZ 2016b).

10.3 Developments referring to the EU

Mobility partnerships

Mobility partnerships between the European Union and third countries are part of the EU’s migration policy, whose guidelines were set forth in the GAMM in 2005. The GAMM focuses on improving the reintegration of migrants into

¹⁰⁰ See <https://de-de.facebook.com/DIMAKKosovo/> (31 March 2016).

their countries of origin “in order to effectively promote the development of the countries of origin” (Hitz 2014: 2). This is intended to effectively integrate migration and development policy. At the same time, these agreements are “an important instrument for the Federal Government to prevent irregular migration and combat human trafficking, to maximise the impact of migration and mobility on development, to better organise legal migration and promote mobility and to strengthen refugee protection” (Deutscher Bundestag 2015b: 2). In Morocco, for example, qualified returnees receive support during the process of becoming self-employed. At the same time, these agreements are also intended to pave the way for easing visa requirements. Mobility partnerships have been concluded so far with Cape Verde (2008), Moldova (2008), Georgia (2009), Armenia (2011), Azerbaijan (2013), Morocco (2013), Tunisia (2014), Jordan (2014) and Belarus (2016). Germany is participating in all mobility partnerships except those with Cape Verde, Azerbaijan and Belarus.

Migration partnerships

In June 2016, the European Commission presented its new Migration Partnership Framework, which aims to “mobilise and focus EU action and resources in our external work on managing migration” (Europäische Kommission 2016g). The partnerships with countries of origin and transit, the so-called “Migration Compacts”, aim at “saving lives at sea, increasing returns, enabling migrants and refugees to stay closer to home and, in the long term, helping third countries' development in order to address root causes of irregular migration” (Europäische Kommission 2016g). The partnerships will complement existing agreements, for example the mobility partnerships. They will be tailored to the situation and needs of the third countries (countries of origin or transit or countries which take up many refugees) and take into account the new importance of migration in European international policies. The “full range of EU policies and EU external instruments will be brought to bear” (Europäische Kommission 2016g).

So far, migration compacts with Niger, Nigeria, Senegal, Mali and Ethiopia have been signed. The European Commission regularly evaluates the Partnership Framework (for 2016: Europäische Kommission 2016h) and has so far drawn a positive conclusion of the measures. According to the Commission, the compacts have led to a better understanding and stronger willingness to cooperate on the side of the partners, and there has been more progress in recent months than in years before, including for return measures and readmission (Europäische Kommission 2016h: 4). The introduction of the Migration Compacts met with criticism. While non-governmental organisations criticised the focus on returns, an insufficient respect for human rights and the fact that development policy was ranked below migration

management (NRO 2016), researchers thought that the compacts should be reassessed with a view to the needs of the partner countries as well as of the migrants themselves and that a larger financial commitment by the EU was necessary (Lehne 2016).

The Federal Government supports the approach of the Migration Compacts and has emphasised that “regarding the concept of Migration Compacts, a bundle of measures is necessary to achieve substantial progress in the framework of the migration policy agenda with important countries of transit and origin, particularly in Africa. These include measures of development policy in order to improve people's outlook for the future both in the short term and structurally, a political dialogue and measures of migration and security policy, including return agreements. In order to implement the Compacts efficiently, it is necessary that the Member States make direct efforts alongside the Commission and not only provide additional financing” (Deutscher Bundestag 2016j: 7). However, no deportations of third-country nationals were planned in the framework of migration compacts (Deutscher Bundestag 2016j: 13).

Bibliography

ADS - Antidiskriminierungsstelle des Bundes (2013): Diskriminierung im Bildungsbereich und im Arbeitsleben. Zweiter Gemeinsamer Bericht der Antidiskriminierungsstelle des Bundes und der in ihrem Zuständigkeitsbereich betroffenen Beauftragten der Bundesregierung und des Deutschen Bundestages, Berlin: ADS.

ADS - Antidiskriminierungsstelle des Bundes (2015): Allgemeines Gleichbehandlungsgesetz-Wegweiser. Erläuterungen und Beispiele zum Allgemeinen Gleichbehandlungsgesetz, Berlin: ADS.

ADS - Antidiskriminierungsstelle des Bundes (2016a): Zehn Jahre Allgemeines Gleichbehandlungsgesetz (AGG). Antidiskriminierungsstelle legt Evaluation vor / Lüders: Schutz vor Benachteiligungen muss effektiver werden. Pressemitteilung vom 09.08.2016. Online: http://www.antidiskriminierungsstelle.de/SharedDocs/Pressemitteilungen/DE/2016/20160809_10_Jahre_AGG.html?nn=7831902 (27.03.2017).

ADS - Antidiskriminierungsstelle des Bundes (2016b): Förderprogramm: Beratungsstellen gegen Diskriminierung. Online: http://www.antidiskriminierungsstelle.de/DE/ThemenUndForschung/Projekte/Foerderung_von_Antidiskriminierungsarbeit/Beratungsstellen_gegen_Diskriminierung/foerderprogramm_beratungsstellen_node.html (27.03.2016).

ADS - Antidiskriminierungsstelle des Bundes (2016c): Diskriminierungsschutz in Deutschland. Ein Ratgeber für Geflüchtete und Neuzugewanderte. Online: http://www.antidiskriminierungsstelle.de/Shared-Docs/Downloads/DE/publikationen/Refugees/Fluechtlingsbroschuere_deutsch.pdf?__blob=publicationFile&v=8 (20.03.2017).

AGABY- Arbeitsgemeinschaft der Ausländer-, Migrantinnen und Integrationsbeiräte Bayerns (2016): Stellungnahme der AGABY zum "Bayrischen Integrationsgesetz" Entwurf der Staatsregierung vom 23.02.2016. Online: http://www.agaby.de/fileadmin/agaby/AGABY_Website/Positionen/2016/Stellungnahme_AGABY_BR_Integrationsgesetz_Entwurf_06_04_2016.pdf (06.04.17).

Amnesty International (2017): Amnesty Report 2017. Deutschland. Online: <https://www.amnesty.de/jahresbericht/2017/deutschland> (04.04.2017).

AWO – Arbeiterwohlfahrt (2017): Die Arbeiterwohlfahrt zum Recht auf Familie für Menschen nach der Flucht. Online: <https://www.bundestag.de/blob/497984/3ce0b6f8e8598315a87de7cd0f3e68c3/18-4-809-data.pdf> (04.04.2017).

Ärzttekammer Nordrhein (2015): Patienten ohne gesicherten Aufenthaltsstatus. Online: https://www.aekno.de/page.asp?pageID=8239#_03 (19.02.2016).

BA – Bundesagentur für Arbeit (2016): Blickpunkt Arbeitsmarkt – Fachkräfteengpassanalyse, Nürnberg: BA.

BA/BMAS – Bundesagentur für Arbeit/Bundesministerium für Arbeit und Soziales (2016): Aktueller Sachstand zum Sonderprogramm MobiPro-EU. Online: <http://ausbildungsinteressierte.thejobofmylife.de/de/ausbildungsinteressierte.html> (07.02.2017).

BAFzA – Bundesamt für Familie und zivilgesellschaftliche Aufgaben (2015): Sonderprogramm Bundesfreiwilligendienst mit Flüchtlingsbezug. Pressemitteilung vom 17.11.2015. Online: <https://www.bundesfreiwilligendienst.de/aktuelles/news/detail/News/sonderprogramm-bundesfreiwilligendienst-mit-fluechtlingsbezug.html> (30.01.2017).

BAFzA – Bundesamt für Familie und zivilgesellschaftliche Aufgaben (2016): Jahresbericht des Hilfetelefons Gewalt gegen Frauen 2015, Köln: BAFzA.

- BAG LJÄ – Bundesarbeitsgemeinschaft Landesjugendämter** (2014): Handlungsempfehlungen zum Umgang mit unbegleiteten minderjährigen Flüchtlingen. Inobhutnahme, Clearingverfahren und Einleitung von Anschlussmaßnahmen. beschlossen auf der 116. Arbeitstagung der Bundesarbeitsgemeinschaft Landesjugendämter vom 14. bis 16. Mai 2014 in Mainz. Online: http://www.bagljae.de/downloads/118_handlungsempfehlungen-umf_2014.pdf (03.04.2017).
- BAMF – Bundesamt für Migration und Flüchtlinge** (2015a): Merkblatt zur Aufnahme jüdischer Zuwanderer. Online: http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/JuedischeZuwanderer/merkblatt-aufnahmeverfahren-deutsch.pdf?__blob=publicationFile (14.03.2017).
- BAMF – Bundesamt für Migration und Flüchtlinge** (2015b): Leitfaden zur unmittelbaren innerstaatlichen Anwendung der Richtlinie 2013/32/ EU des Rates vom 26.06.2013 (Verfahrensrichtlinie). Online: <http://www.migrationsrecht.net/leitfaden-des-bundesamtes-zur-unmittelbaren-innerstaatlichen-anwendung-der-verfahrensrichtlinie.html?catid=66> (03.04.2017).
- BAMF – Bundesamt für Migration und Flüchtlinge** (2015c): Wissenschaftliche Begleitforschung zur Migrationsberatung für erwachsene Zuwanderer (MBE), 06.08.2015. Online: <http://www.bamf.de/SharedDocs/Projekte/DE/DasBAMF/Forschung/Integration/begleitforschung-mbe.html?nn=1363666> (24.01.2017).
- BAMF – Bundesamt für Migration und Flüchtlinge** (2016a): Angebote für Spätaussiedler. Online: <http://www.bamf.de/DE/Infothek/Projekttraeger/AngeboteSpaetaussiedler/angebotspaetaussiedler-node.html> (29.03.2017).
- BAMF – Bundesamt für Migration und Flüchtlinge** (2016b): Ablauf des Asylverfahrens. Ein Überblick über die einzelnen Verfahrensschritte und rechtlichen Grundlagen. Stand: Oktober 2016. Nürnberg: BAMF.
- BAMF – Bundesamt für Migration und Flüchtlinge** (2016c): Integriertes Flüchtlingsmanagement. Online: http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/broschuere-integriertes-fluechtlingsmanagement.pdf;jsessionid=F9A458FFCCCA575C044CA94DAEF20928.1_cid286?__blob=publicationFile (27.04.2017).
- BAMF – Bundesamt für Migration und Flüchtlinge** (2016d): Überblick zur berufsbezogenen Sprachförderung gem. § 45a, 05.08.2016. Online: <http://www.bamf.de/DE/Willkommen/DeutschLernen/DeutschBeruf/Bundesprogramm-45a/bundesprogramm-45a-node.html> (20.01.2017).
- BAMF – Bundesamt für Migration und Flüchtlinge** (2016e): Start des Modellprojekts „Erstorientierung und Wertevermittlung für Asylbewerber“. Pressemitteilung vom 30.09.2016. Online: <http://www.bamf.de/SharedDocs/Pressemitteilungen/DE/2016/20160930-046-pm-erstorientierung.html?nn=1366068> (04.04.2017).
- BAMF – Bundesamt für Migration und Flüchtlinge** (2016f): Factsheet: „Ankommen“-App, Presseinformation vom 05.02.2016, Nürnberg: BAMF.
- BAMF – Bundesamt für Migration und Flüchtlinge** (2016g): 14 Ressourcen-Häuser fürs Ehrenamt“. Online: <http://www.bamf.de/SharedDocs/Meldungen/DE/2016/20160912-houses-of-resources.html?nn=1367522> (24.01.2017).
- BAMF – Bundesamt für Migration und Flüchtlinge** (2016h): Entscheiderinnen und Entscheider (01.08.2016). Online: <http://www.bamf.de/DE/Fluechtlingsschutz/Entscheider/entscheidungen-node.html> (09.01.2017).
- BAMF – Bundesamt für Migration und Flüchtlinge** (2016i): DA Asyl, „Menschenhandel“, Stand 07/15
- BAMF – Bundesamt für Migration und Flüchtlinge** (2016j): Hochschulzugang für Flüchtlinge. Eine Handreichung für Hochschulen und Studentenwerke. Online: http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/handreichung-hochschulzugang-gefluechtete.pdf?__blob=publicationFile (23.03.2017).
- BAMF – Bundesamt für Migration und Flüchtlinge** (2017a): Prävention – Beratungsstelle Radikalisierung. Online: <http://www.bamf.de/DE/DasBAMF/Aufgaben/Praevention/praevention-node.html> (14.03.2017).

BAMF – Bundesamt für Migration und Flüchtlinge (2017b): Mehr als 50.000 Blaue Karte EU ausgestellt. Pressemitteilung vom 03.02.2017. Online: <http://www.bamf.de/SharedDocs/Pressemitteilungen/DE/2017/20170203-005-pm-50000-erteilte-blauekarteeu.html> (03.02.2017).

BAMF – Bundesamt für Migration und Flüchtlinge (2017c): Das Bundesamt in Zahlen 2016 – Asyl. Nürnberg: BAMF.

BAMF – Bundesamt für Migration und Flüchtlinge (2017d): Unser Service Center. Online: <http://www.bamf.de/DE/Willkommen/InformationBeratung/ServiceCenter/service-center-node.html> (27.03.2017).

BAMF – Bundesamt für Migration und Flüchtlinge (2017e): Bericht zur Integrationskursgeschäftsstatistik für den Zeitraum vom 01.01. bis 30.09.2016, Nürnberg: BAMF.

BAMF – Bundesamt für Migration und Flüchtlinge (2017f): Integration auf Kurs, 16.01.2017, Twitter

BAMF – Bundesamt für Migration und Flüchtlinge (2017g): Informationen für Projektträger. Online: <http://www.bamf.de/DE/Infothek/Projekttraeger/projekttraeger-node.html> (27.03.2017).

BAMF – Bundesamt für Migration und Flüchtlinge (2017h): Was heißt gute Bleibeperspektive? Online: <http://www.bamf.de/SharedDocs/FAQ/DE/IntegrationskurseAsylbewerber/001-bleibeperspektive.html> (27.03.2017).

BAMF – Bundesamt für Migration und Flüchtlinge (2017j): Erstorientierungskurse für Asylbewerber mit unklarer Bleibeperspektive. Online: <http://www.bamf.de/DE/Infothek/Projekttraeger/ErstorientierungskurseAsylbewerber/erstorientierung-asylbewerber-node.html> (04.04.2017).

BAMF – Bundesamt für Migration und Flüchtlinge (2017k): Reintegrationsprogramm ERIN. Online: http://www.bamf.de/DE/Rueckkehr/Reintegration/ProjektERIN/projekt_erin-node.html (13.03.2017).

BAMF – Bundesamt für Migration und Flüchtlinge (2017l): BAMF richtet Rückkehrhotline ein. Stärkung der Beratungsangebote im Rückkehrbereich. Pressemitteilung vom 24.02.2017. Online: <https://www.bamf.de/SharedDocs/Pressemitteilungen/DE/2017/20170224-007-pm-rueckkehrhotline.html> (20.03.2017).

BAMF – Bundesamt für Migration und Flüchtlinge (2017m): Kosovo-Rückkehrprojekt "URA". Online: <http://www.bamf.de/DE/Rueckkehr/Reintegration/ProjektKosovo/projektkosovo-node.html> (23.02.2017).

BAMF – Bundesamt für Migration und Flüchtlinge (2017n): Rückkehr und Reintegration Kosovo. Beratung, Unterstützung und psychologische Betreuung. Nürnberg: BAMF.

BAMF – Bundesamt für Migration und Flüchtlinge (2017o): Bericht zur Integrationskursgeschäftsstatistik für das Jahr 2016 (bundesweit). Online: [http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Integration/2016/2016-integrationskursgeschaefsstatik-gesamt_bund.html](http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Integration/2016/2016-integrationskursgeschaefsstistik-gesamt_bund.html) (11.05.2017).

BAMF/IOM – Bundesamt für Migration und Flüchtlinge/Internationale Organisation für Migration (2017): Starthilfe-Plus-Programm 2017. Zusätzliche finanzielle Unterstützung freiwilliger Rückkehrer/innen. Merkblatt für deutsche Behörden, Mitglieder der Wohlfahrtsverbände, Fachberatungsstellen, Zentrale Rückkehrberatungsstellen, Ausländerbeauftragte, und den Hohen Flüchtlingskommissar der Vereinten Nationen (UNHCR), Nürnberg/Berlin: BAMF/IOM.

Baraulina, Tatjana/Hilber, Doris/Kreienbrink, Axel (2012): Migration und Entwicklung. Explorative Untersuchung des Handlungsfelds auf Ebene des Bundes, der Länder und der Kommunen. Working Paper 49 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.

- Bayrischer Flüchtlingsrat** (2016): Ausgeliefert, rechtlos, ohne Chancen: die Situation von Flüchtlingen in den bayrischen Ankunfts- und Rückführungseinrichtungen (ARE) Manching und Bamberg. Pressemitteilung vom 28.07.2016. Online: <http://www.fluechtlingsrat-bayern.de/beitrag/items/stellungnahme-des-bayerischen-fluechtlingsrats-zu-den-abschiebelagern-in-manching-und-bamberg.html> (27.03.17).
- Bayerischer Landtag** (2016a): Gesetzentwurf der Staatsregierung für ein Bayerisches Integrationsgesetz. Drucksache 17/11362, München: Bayerischer Landtag.
- Bayerischer Landtag** (2016b): Schriftliche Anfrage der Abgeordneten Eva Gottstein, FREIE WÄHLER, vom 02.08.2016. Ankunfts- und Rückführungseinrichtungen Manching/Ingolstadt und Bamberg; Antwort des Staatsministeriums für Arbeit und Soziales, Familie und Integration vom 12.09.2016. Drucksache 17/12924, München: Bayerischer Landtag.
- Bayerischer Rundfunk** (2017): Nach Abschiebung in München. 18 Afghanen in Kabul eingetroffen, 23.02.2017. Online: <http://www.br.de/nachrichten/afghanen-sammelabschiebung-muenchen-100.html> (24.03.2017).
- STMAS/BAMF – Bayerisches Staatsministerium für Arbeit und Soziales, Familie und Integration/ Bundesamt für Migration und Flüchtlinge** (2016): Erstorientierung und Deutsch Lernen für Asylbewerber, 10.03.2016. Online: <http://www.bamf.de/DE/Willkommen/DeutschLernen/ErstorientierungAsyl/erstorientierungasyl-node.html> (20.01.2017).
- BÄK – Bundesärztekammer** (2013): ZEKO: Migranten medizinische Versorgung nicht vorenthalten. Pressemitteilung der Bundesärztekammer vom 02.05.2013. Online: http://www.aerztekammer-bw.de/news/2013/2013_05/zeko/index.html (08.01.2015).
- Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration** (2016): 11. Bericht der Beauftragten der Bundesregierung für Migration, Flüchtlinge und Integration – Teilhabe, Chancengleichheit und Rechtsentwicklung in der Einwanderungsgesellschaft Deutschland (Dezember 2016), Berlin: Die Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration.
- Beirat für Forschungsmigration** (2013): Jahresbericht des Beirats für Forschungsmigration gemäß § 38d Abs. 3 Aufenthaltsverordnung, Nürnberg: BAMF.
- Berghahn, Sabine/Klapp, Micha/Tischbirek, Alexander** (2016): Evaluation des AGG, erstellt im Auftrag der Antidiskriminierungsstelle des Bundes. Online: https://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/DE/publikationen/AGG/AGG_Evaluation.html?nn=6575434 (20.03.2017).
- Bezirk Altona** (2016): Eröffnung einer Einrichtung für besonders schutzbedürftige Personen. Pressemitteilung, 31.10.2016. Online: <http://www.hamburg.de/altona/pressemitteilung/7278082/erstaufnahmeeinrichtung-fluechtlinge-kaltenkirchener-strasse/> (03.04.2017).
- BIBB – Bundesinstitut für Berufsbildung** (2017a): Anerkennungsgesetz des Bundes. Online: https://www.anerkennung-in-deutschland.de/html/de/anerkennungsgesetz_des_bundes.php (07.02.2017).
- BIBB – Bundesinstitut für Berufsbildung** (2017b): Daten zur Hotline "Arbeiten und Leben in Deutschland", Stand 05.04.2017. Online: https://www.anerkennung-in-deutschland.de/html/de/daten_bamf_hotline.php (11.04.2017).
- BIBB – Bundesinstitut für Berufsbildung** (2017c): Beratung im Förderprogramm IQ. Anerkennungsberatung (Auswertungszeitraum: 1.8.2012 – 31.12.2016), Stand 05.04.2017. Online: https://www.anerkennung-in-deutschland.de/html/de/daten_beratung.php (11.04.2017).
- BKA – Bundeskriminalamt** (2015): Menschenhandel. Bundeslagebild 2014, Wiesbaden: BKA.
- BKA – Bundeskriminalamt** (2016a): Kriminalität im Kontext von Zuwanderung - Bundeslagebild 2015, Wiesbaden: BKA.

BA – Bundeskriminalamt (2016b): Schleusungskriminalität – Bundeslagebild 2015, Wiesbaden: BKA.

BA – Bundeskriminalamt (2016c): Menschenhandel. Bundeslagebild 2015, Wiesbaden: BKA.

BA – Bundeskriminalamt (2016d): Stellungnahme Kriminaloberrätin Helga Gayer, Bundeskriminalamt, SO 13 zur Öffentlichen Anhörung im Rechtsausschuss des Deutschen Bundestages am 08.06.2016 zum Entwurf eines Gesetzes zur Umsetzung der Richtlinie 2011/36/EU des Europäischen Parlaments und des Rates vom 5. April 2011 zur Verhütung und Bekämpfung des Menschenhandels und zum Schutz seiner Opfer sowie zur Ersetzung des Rahmenbeschlusses 2002/629/JI des Rates, Wiesbaden: BKA.

BA – Bundeskriminalamt (2017): Das Durchführungsübereinkommen (SDÜ) und das Schengener Informationssystem (SIS) von 1984 bis heute. Online: https://www.bka.de/DE/UnsereAufgaben/Aufgabenbereiche/InternationaleFunktion/SchengenerAbkommen/schengenerAbkommen_node.html (26.05.2017).

BMAS – Bundesministerium für Arbeit und Soziales (2015): Fortschrittsbericht 2014 zum Fachkräftekonzept der Bundesregierung, Berlin: BMAS.

BMAS – Bundesministerium für Arbeit und Soziales (2016a): Gesetzentwurf der Bundesregierung Entwurf eines Dritten Gesetzes zur Änderung des Asylbewerberleistungsgesetzes. Online: https://www.bmas.de/SharedDocs/Downloads/DE/Thema-Soziale-Sicherung/asylbewerberleistungsgesetz.pdf?__blob=publicationFile&v=1 (20.03.2017).

BMAS – Bundesministerium für Arbeit und Soziales (2016b): Pressemitteilung vom 5. August 2016: Erleichterter Arbeitsmarktzugang für Flüchtlinge. Berlin: Deutscher Bundestag.

BMAS – Bundesministerium für Arbeit und Soziales (2016c): Kabinett macht Weg frei für 100.000 Arbeitsgelegenheiten für Flüchtlinge. Pressemitteilung vom 13.07.2016. Online: <http://www.bmas.de/DE/Presse/Pressemitteilungen/2016/kabinett-macht-weg-frei-fuer-arbeitsgelegenheiten.html> (31.01.2017).

BMAS – Bundesministerium für Arbeit und Soziales (2016d): Kurzübersicht zum Integrationsgesetz, 25.05.2016. Online: <http://www.bmas.de/DE/Presse/Meldungen/2016/integrationsgesetz.html> (23.01.2017).

BMAS – Bundesministerium für Arbeit und Soziales (2016e): Menschenhandel und Arbeitsausbeutung aktiv bekämpfen. Online: <http://www.bmas.de/DE/Themen/Soziales-Europa-und-Internationales/International/menschenhandel-arbeitsausbeutung-bekaempfen.html> (07.12.2016).

BMAS – Bundesministerium für Arbeit und Soziales (2016f): Hilfe für Opfer von Gewalttaten (Broschüre), Bonn: BMAS.

BMBF – Bundesministerium für Bildung und Forschung (2015): Schnellere BAföG-Unterstützung für Flüchtlinge. Pressemitteilung 104/2015. Online: <https://www.bmbf.de/de/schnellere-bafoeg-unterstuetzung-fuer-fluechtlinge-954.html> (03.04.2017).

BMBF – Bundesministerium für Bildung und Forschung (2016): Bericht zum Anerkennungsgesetz 2016, Berlin: BMBF.

BMFSFJ – Bundesministerium für Familie, Senioren, Frauen und Jugend (2015): Hilfetelefon – Gewalt gegen Frauen im Kontext von Flucht und Unterbringung. Online: <https://www.hilfetelefon.de/aktuelles/gewalt-gegen-frauen-im-fluechtlingskontext.html> (14.02.2017).

BMFSFJ – Bundesministerium für Familie, Senioren, Frauen und Jugend (2016a): Frauen vor Gewalt schützen. Bund-Länder-Arbeitsgruppe Menschenhandel, 16.06.2016. Online: <https://www.bmfsfj.de/bmfsfj/themen/gleichstellung/frauen-vor-gewalt-schuetzen/menschenhandel/bund-laender-arbeitsgruppe-menschenhandel/bund-laender-arbeitsgruppe-menschenhandel/80602?view=DEFAULT> 13.02.2017).

BMFSFJ – Bundesministerium für Familie, Senioren, Frauen und Jugend (2016b): Das Hilfetelefon – Angebot im Überblick. Online: <https://www.hilfetelefon.de/das-hilfetelefon/organisation.html> (12.04.2017).

BMFSFJ/UNICEF – Bundesministerium für Familie, Senioren, Frauen und Jugend (2016): Mindeststandards zum Schutz von Kindern, Jugendlichen und Frauen in Flüchtlingsunterkünften. Online: <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/mehr-schutz-durch-mindeststandards-in-fluechtlingsunterkuenften/109448?view=DEFAULT> (03.04.2017).

BMFSFJ – Bundesministerium für Familie, Senioren, Frauen und Jugend (2017a): Koordinationsstellen für Gewaltschutz in Flüchtlingsunterkünften, 04.01.2017. Online: <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/koordinationsstellen-fuer-gewaltschutz-in-fluechtlingsunterkuenften/113294> (11.01.2017).

BMFSFJ – Bundesministerium für Familie, Senioren, Frauen und Jugend (2017b): Integration: Künftig begleiten alle Jugendmigrationsdienste junge Flüchtlinge, 26.01.2017. Online: <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/kuenftig-begleiten-alle-jugendmigrationsdienste-junge-fluechtlinge/113740> (30.03.2017)

BMI – Bundesministerium des Innern (2013a): Anordnung des Bundesministeriums des Innern gemäß § 23 Abs. 2, Abs. 3 i. V. m. § 24 Aufenthaltsgesetz zur vorübergehenden Aufnahme von Schutzbedürftigen aus Syrien und Anrainerstaaten Syriens vom 30. Mai 2013. Online: http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/aufnahmeanordnung.pdf?__blob=publicationFile (20.04.2016).

BMI – Bundesministerium des Innern (2013b): Anordnung des Bundesministeriums des Innern gemäß § 23 Abs. 2, Abs. 3 i. V. m. § 24 Aufenthaltsgesetz zur vorübergehenden Aufnahme von Schutzbedürftigen aus Syrien und Anrainerstaaten Syriens sowie Ägypten vom 23. Dezember 2013. Online: http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/aufnahmeanordnung-2.pdf?__blob=publicationFile (20.04.2016).

BMI – Bundesministerium des Innern (2014): Anordnung des Bundesministeriums des Innern gemäß § 23 Abs. 2 Aufenthaltsgesetz zur Aufnahme bestimmter Flüchtlinge unterschiedlicher Staatsangehörigkeit oder Staatenlose aus Syrien, Indonesien oder hilfsweise aus der Türkei vom 7. Juli 2014, Berlin: BMI.

BMI – Bundesministerium des Innern (2015): Vorläufige Anwendungshinweise des Bundesministeriums des Innern zum Staatsangehörigkeitsgesetz (StAG) in der Fassung des Zweiten Gesetzes zur Änderung des Staatsangehörigkeitsgesetzes vom 13. November 2014 (BGBl. I S. 1714). Anlage zu dem BMI-Rdschr. vom 2. Juni 2015 an die für Staatsangehörigkeits- und Einbürgerungsangelegenheiten zuständigen obersten Landesbehörden, Berlin: BMI.

BMI – Bundesministerium des Innern (2016a): Fact-Sheet zu den Grenzkontrollen und zur Unterstützung durch die bayeerische Polizei, 14.12.2016. Online: http://www.bmi.bund.de/SharedDocs/Downloads/DE/Nachrichten/Pressemitteilungen/2016/12/factsheet-grenzkontrolle.html;jsessionid=4AB437576E932FC40A93AECE60385AC8.2_cid295?nn=3314802 (16.01.2017).

BMI – Bundesministerium des Innern (2016b): Vorübergehende Kontrollen an der polnischen Grenze. Nato Gipfel, Weltjugendtag und Besuch des Papstes führen zu Kontrollen an den Schengen-Binnengrenzen. Pressemitteilung vom 27.06.2016. Online: <https://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/06/polnische-grenzkontrollen.html> (05.04.2017).

BMI – Bundesministerium des Innern (2016c): Aktionsplan zur Zusammenarbeit an der deutsch-schweizerischen Grenze. Verständigung auf eine Verbesserung der Zusammenarbeit in der gemeinsamen Grenzregion“. Pressemitteilung vom 13.10.2016. Online: <http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/10/aktionsplan-zusammenarbeit-deutsch-schweizerische-grenze.html> (05.04.2017).

BMI – Bundesministerium des Innern (2016d): Deutschland und die Türkei unterzeichnen gemeinsame Erklärungen. Grundlage für eine intensivierte Zusammenarbeit und einen stärkeren Austausch zwischen den beteiligten Behörden. Pressemitteilung vom 24.02.2016. Online: <http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/02/gemeinsame-erklaerung-deutschland-und-tuerkei.html> (24.02.2017).

- BMI – Bundesministerium des Innern** (2016e): BMI-Fact Sheet zur Durchsetzung der Ausreisepflicht (Abschiebung). Online: <http://www.bmi.bund.de/SharedDocs/Kurzmeldungen/DE/2016/07/factsheet-abschiebungen.html?nn=3314802> (27.03.2017).
- BMI – Bundesministerium des Innern** (2016f): Gemeinsame Erklärung zur Migration zwischen Deutschland und Afghanistan geschlossen. Pressemitteilung vom 02.10.2016. Online: <http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/09/gemeinsame-erklaerung-migration-deutschland-und-afghanistan.html> (21.03.2017).
- BMI – Bundesministerium des Innern** (2016g): Rückführung nach Afghanistan. Erste Rückführung nach Afghanistan in Umsetzung der Gemeinsamen Erklärung erfolgreich durchgeführt. Pressemitteilung vom 15.12.2016. Online: <http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/12/erste-rueckfuehrung-nach-afghanistan.html?nn=3314802> (24.03.2017).
- BMI – Bundesministerium des Innern** (2017a): Beauftragter für Aussiedlerfragen und nationale Minderheiten. Online: http://www.bmi.bund.de/DE/Ministerium/Beauftragte/Aussiedlerfragen/aussiedlerfragen_node.html (14.03.2017).
- BMI – Bundesministerium des Innern** (2017b): Anordnung des Bundesministeriums des Innern vom 11. Januar 2017 für die Humanitäre Aufnahme gemäß § 23 Absatz 2 Aufenthaltsgesetz zur Aufnahme von Schutzbedürftigen aus der Türkei in Erfüllung der Verpflichtungen aus den EU-Ratsbeschlüssen 2015/1523, 2015/1601 und 2016/1754. Online: http://www.kfi.nrw.de/zuwanderung/Resettlement_und_andere_Humanit_re_Sonderverfahren1/170111__Aufnahmeanordnung-HAP-TUR-2017.pdf (04.04.2017).
- BMI – Bundesministerium des Innern** (2017c): Erneute Rückführung nach Afghanistan. Rückführung in Umsetzung der Gemeinsamen Erklärung erfolgreich durchgeführt. Pressemitteilung vom 24.01.2017. Online: <http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2017/01/rueckfuehrung-nach-afghanistan.html> (24.03.2017).
- BMI – Bundesministerium des Innern** (2017d): Jedes Alter zählt. „Für mehr Wohlstand und Lebensqualität aller Generationen“. Eine demografiepolitische Bilanz der Bundesregierung zum Ende der 18. Legislaturperiode, Berlin: BMI.
- BMI/BAMF – Bundesministerium des Innern/Bundesamt für Migration und Flüchtlinge** (2014): Migrationsbericht des Bundesamtes für Migration und Flüchtlinge im Auftrag der Bundesregierung. Migrationsbericht 2012, Berlin/Nürnberg: BMI/BAMF.
- BMI/BAMF – Bundesministerium des Innern/Bundesamt für Migration und Flüchtlinge** (2016): Migrationsbericht des Bundesamtes für Migration und Flüchtlinge im Auftrag der Bundesregierung. Migrationsbericht 2014, Berlin/Nürnberg: BMI/BAMF.
- BMJV – Bundesministerium der Justiz und für Verbraucherschutz** (2015): Gesetz zur Stärkung der Opferrechte im Strafverfahren (3. Opferrechtsreformgesetz). Online: https://www.bmjbv.de/SharedDocs/Gesetzgebungsverfahren/DE/Staerkung_Opferrechte_Strafverfahren.html (10.01.2017).
- BMWi – Bundesministerium für Wirtschaft und Energie** (2017): Willkommenslotsen. Unterstützung von kleinen und mittleren Unternehmen bei der Besetzung von offenen Stellen mit Flüchtlingen. Online: <http://www.bmwi.de/Redaktion/DE/Artikel/Wirtschaft/willkommenslotsen.html> (31.01.2017).
- BMZ – Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung** (2016a): Perspektiven für Flüchtlinge schaffen. Fluchtursachen mindern, Aufnahmeregionen stabilisieren, Flüchtlinge unterstützen. Online: https://www.bmz.de/de/themen/Sonderinitiative-Fluchtursachen-bekaempfen-Fluechtlinge-reintegrieren/deutsche_politik/index.jsp (23.02.2017).
- BMZ – Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung** (2016b): Beschäftigungsoffensive Nahost. Cash for work. Berlin: BMZ.

- BMZ – Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung** (2016c): BMZ-Afrikapolitik: Neue Herausforderungen und Akzente. BMZ-Papier 4 (2016), Bonn/Berlin: BMZ.
- BPB – Bundeszentrale für politische Bildung** (2017): Lexika: Gleichheit. Online: <https://www.bpb.de/nachschlagen/lexika/recht-a-z/22319/gleichheit> (20.03.2017).
- BPOL – Bundespolizei** (2016): Wer kann EasyPASS nutzen?. Online: http://www.easypass.de/EasyPass/DE/Wer_kann_EasyPass_nutzen/wer_kann_easypass_nutzen_node.html (05.04.2017).
- BPOLP – Bundespolizeipräsidium Potsdam** (2016): Erprobung der ‚intelligenten Grenzen‘ (Smart Borders) hat begonnen. Pressemitteilung vom 23.06.2015. Online: <http://www.presseportal.de/blaulicht/pm/73990/3054193> (20.02.2017).
- BumF – Bundesfachverband unbegleitete minderjährige Flüchtlinge** (2016a): Asylpaket II: Schnellverfahren und „besondere Aufnahmeeinrichtungen“ verstoßen gegen die UN-Kinderrechtskonvention! Pressemitteilung vom 26.02.2016. Online: http://www.b-umf.de/images/PM_Asylpaket_II.pdf (24.11.2016).
- BumF – Bundesfachverband unbegleitete minderjährige Flüchtlinge** (2016b): Verschwundene Flüchtlingskinder: BumF zu Ursachen und notwendigen Maßnahmen. Pressemitteilung vom 11.04.2016. Online: http://www.b-umf.de/images/160411_PM_VerschwundeneKinder_ne.pdf (03.04.2017).
- BumF – Bundesfachverband unbegleitete minderjährige Flüchtlinge** (2016c): Rechtliche Neuerungen für UMF 2015-2017. Online: <http://www.b-umf.de/de/themen/gesetze-und-richtlinien> (03.04.2017).
- BumF – Bundesverband unbegleitete minderjährige Flüchtlinge** (2017): Inobhutnahme. Online: <http://www.b-umf.de/de/themen/inobhutnahme> (03.04.2017).
- Bundesrat** (2015): Verordnung zum Asylverfahrensbeschleunigungsgesetz. Drucksache 447/15, Berlin: Bundesrat.
- Bundesrat** (2016a): Beschluss des Bundesrates. Drittes Gesetz zur Änderung des Asylbewerberleistungsgesetzes. Drucksache 713/16 (Beschluss). Online: [http://www.bundesrat.de/SharedDocs/drucksachen/2016/0701-0800/713-16\(B\).pdf?__blob=publicationFile&v=1](http://www.bundesrat.de/SharedDocs/drucksachen/2016/0701-0800/713-16(B).pdf?__blob=publicationFile&v=1) (20.03.2017).
- Bundesrat** (2016b): Stellungnahme des Bundesrates. Entwurf eines Dritten Gesetzes zur Änderung des Asylbewerberleistungsgesetzes. Drucksache 542/16 (Beschluss). Online: [http://www.bundesrat.de/SharedDocs/drucksachen/2016/0501-0600/542-16\(B\).pdf?__blob=publicationFile&v=1](http://www.bundesrat.de/SharedDocs/drucksachen/2016/0501-0600/542-16(B).pdf?__blob=publicationFile&v=1) (20.03.2017).
- Bundesrat** (2017a): Beschluss des Bundesrates. Gesetz zur Einstufung der Demokratischen Volksrepublik Algerien, des Königreichs Marokko und der Tunesischen Republik als sichere Herkunftsstaaten. Drucksache 257/16, Berlin: Bundesrat. Online: [https://www.bundesrat.de/SharedDocs/drucksachen/2016/0201-0300/257-16\(B\).pdf?__blob=publicationFile&v=1](https://www.bundesrat.de/SharedDocs/drucksachen/2016/0201-0300/257-16(B).pdf?__blob=publicationFile&v=1) (14.03.2017).
- Bundesrat** (2017b): Stenografischer Bericht. 956. Sitzung. Berlin, Freitag, den 31. März 2017. Plenarprotokoll 956, Berlin: Bundesrat.
- Bundesrat** (2017c): Gesetzentwurf der Bundesregierung. Entwurf eines Gesetzes zur Umsetzung aufenthaltsrechtlicher Richtlinien der Europäischen Union zur Arbeitsmigration. Drucksache 9/17, Berlin: Bundesrat.
- Bundesrat** (2017d): Stellungnahme des Bundesrates Entwurf eines Gesetzes zur besseren Durchsetzung der Ausreisepflicht. Drucksache 179/17 (Beschluss). Online: [https://www.bundesrat.de/SharedDocs/drucksachen/2017/0101-0200/179-17\(B\).pdf?__blob=publicationFile&v=5](https://www.bundesrat.de/SharedDocs/drucksachen/2017/0101-0200/179-17(B).pdf?__blob=publicationFile&v=5) (27.03.2017).
- Bundesregierung** (2016a): Wohnsitzregelung erleichtert Integration, 06.08.2016. Online: <https://www.bundesregierung.de/Content/DE/Artikel/2016/05/2015-05-25-wohnsitz.html?nn=694676> (03.04.2017).

- Bundesregierung** (2016b): Gesetz in Kraft getreten. Integrationsgesetz setzt auf Fördern und Fordern“, 08.08.2016. Online: <https://www.bundesregierung.de/Content/DE/Artikel/2016/08/2016-08-05-integrationsgesetz.html> (23.01.2017).
- Bundesregierung** (2016c): Frontex neu aufgestellt. Schutz der EU-Außengrenzen wird Realität. Pressemitteilung vom 06.10.2016. Online: <https://www.bundesregierung.de/Content/DE/Artikel/2016/10/2016-10-06-frontex-neu-aufgestellt.html> (28.03.2017).
- Bundesregierung** (2016d): Begründung zur Formulierungshilfe der Bundesregierung für einen Änderungsantrag der Fraktionen CDU, CSU und SPD. Online: https://www.bmjbv.de/SharedDocs/Gesetzgebungsverfahren/Dokumente/Formulierungshilfe_Menschenhandel.html (14.02.2017).
- Bundesregierung** (2016e): Strategie für Migration und Entwicklung. Aktionsplan für die Außendimension der Migrations- und Flüchtlingspolitik. Online: https://www.bundesregierung.de/Content/Infomaterial/AA/MigrationEntwicklung_752470.html (23.02.2017).
- Bundesregierung** (2016f): Zwischenbilanz Mitte Februar. Merkel: Flüchtlingszahlen spürbar reduzieren, 20.01.2016. Online: <https://www.bundesregierung.de/Content/DE/Artikel/2016/01/2016-01-18-flucht-und-asyl-aktuell.html> (27.04.2016).
- Bundesregierung** (2016g): Bund entlastet Länder und Kommunen, 14.09.2016. Online: <https://www.bundesregierung.de/Content/DE/Artikel/2016/09/2016-09-14-finanzausgleichsgesetz.html> (26.04.2017).
- Burkert, Carola/Haase, Marianne** (2017): Westbalkanregelung: Ein neues Modell für die Migrationssteuerung? In: WISO Direkt, Berlin: Friedrich Ebert Stiftung.
- Bündnis 90/Die Grünen/CDU** (2016): Baden-Württemberg gestalten: Verlässlich. Nachhaltig. Innovativ. Koalitionsvertrag zwischen Bündnis 90/Die Grünen Baden-Württemberg und der CDU Baden-Württemberg. 2016-2021.
- BVA – Bundesverwaltungsamt** (2017a): Aussiedleraufnahmeverfahren. Online: <http://www.bva.bund.de/DE/Themen/Staatsangehoerigkeit/Aussiedler/aussiedler-node.html> (30.03.2017).
- BVA – Bundesverwaltungsamt** (2017b): Spätaussiedler und ihre Angehörigen. Monatsstatistik Dezember 2016, Köln: BVA.
- BVerwG – Bundesverwaltungsgericht** (2016a): Anspruch auf Beachtung der Dublin-Zuständigkeitsregelungen bei fehlender Aufnahmebereitschaft eines unzuständigen Mitgliedstaats, BVerwG 1 C 24.15. Pressemitteilung Nr. 34/2016 vom 27.04.2016. Online: <http://www.bverwg.de/presse/pressemitteilungen/pressemitteilung.php?jahr=2016&nr=34> (27.03.2017).
- Cassarino, Jean-Pierre** (2017): Inventory of the bilateral agreements linked to readmission. Online: <http://www.jeanpierrecassarino.com/datasets/ra/> (21.03.2017).
- CDU Deutschland** (2016a): Sonstige Beschlüsse. 29. Parteitag der CDU Deutschlands in Essen. Online: <https://www.cdu.de/cdupt16/antraege-beschluesse> (21.02.2017).
- CDU Deutschland** (2016b): Orientierung in schwierigen Zeiten – für ein erfolgreiches Deutschland und Europa. Beschluss des 29. Parteitags der CDU Deutschlands. Online: <https://www.cdu.de/cdupt16/antraege-beschluesse> (21.02.2017).
- CDU/CSU Fraktion im Deutschen Bundestag** (2016a): Schließung der Balkanroute ist zentrales Element für den Rückgang der Flüchtlingszahlen. Pressemitteilung vom 08.04.2016. Berlin: CDU/CSU Fraktion im Deutschen Bundestag
- CDU/CSU** (2016b): Berliner Erklärung der Innenminister und -senatoren von CDU und CSU zu Sicherheit und Zusammenhalt in Deutschland, 19.08.2016.

- CDU/CSU/SPD** (2013): Deutschlands Zukunft gestalten. Koalitionsvertrag zwischen CDU, CSU und SPD. 18. Legislaturperiode.
- CDU/SPD/Bündnis 90/Die Grünen** (2016): 2016-2021. Koalitionsvertrag. Zukunftschancen für Sachsen-Anhalt – verlässlich, gerecht und nachhaltig. Online: <https://www.sachsen-anhalt.de/lj/politik-und-verwaltung/die-landesregierung/> (06.04.2017).
- CIM - Centrum für Internationale Migration und Entwicklung** (2017): Programm Migration für Entwicklung. Online: <https://www.cimonline.de/de/61.asp> (21.02.2017).
- DAV – Deutscher Anwalt Verein** (2017): Stellungnahme des Deutschen Anwaltvereins durch den Ausschuss Ausländer- und Asylrecht zum Gesetzentwurf der Fraktion BÜNDNIS 90/DIE GRÜNEN zur Änderung des Aufenthaltsgesetzes (Familiennachzug für subsidiär Geschützte). BT-Drs. 18/10044, Stellungnahme Nr.:92/2016. Online: <https://www.bundestag.de/blob/497456/3e485f2e9878d81ba08bf80f9c0698b3/18-4-745-data.pdf> (06.04.2017).
- Der Paritätische Gesamtverband** (2017a): Handreichung. Der Zugang zur Berufsausbildung und zu den Leistungen der Ausbildungsförderung für junge Flüchtlinge und junge Neuzugewanderte. Überarbeitete Auflage 2017, Paritätische Arbeitshilfe 13, Berlin: Der Paritätische Gesamtverband.
- Der Paritätische Gesamtverband** (2017b): Die Ausbildungsduldung nach § 60a Abs. 2 S. 4 ff AufenthG: Praxistipps und Hintergründe. Arbeitshilfe. Online: <http://www.der-paritaetische.de/publikationen/news/arbeitshilfe-die-ausbildungsduldung-nach-60a-abs-2-s-4-ff-aufenthg-praxistipps-und-hintergruen/> (17.02.2017).
- Deutsche Botschaft Kiew** (2017): Info für Jüdische Zuwanderer. Online: <http://www.kiew.diplo.de/Vertretung/kiew/de/Startseite.html> (30.03.2017).
- Deutscher Bundestag** (2011): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Memet Kilic, Josef Philip Winkler, Wolfgang Wieland, weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN. Das Gemeinsame Analyse- und Strategiezentrum illegale Migration – Sachstand 2011. Drucksache 17/6720, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2012): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Jan Korte, Sevim Dağdelen, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 17/8557. Abschiebungen im Jahr 2011. Drucksache 17/8834, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2013): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Jan Korte, Sevim Dağdelen, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 17/12148. Abschiebungen im Jahr 2012. Drucksache 17/12442, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2014a): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Jan Korte, Sevim Dağdelen, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/662. Abschiebungen im Jahr 2013. Drucksache 18/782, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2014b): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Niema Movassat, Heike Hänsel, Christine Buchholz, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/3207. Rückführungspolitik und Strategie für Migration und Entwicklung. Drucksache 18/3419, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2015a): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Korte, Sevim Dağdelen, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/3896. Abschiebungen im Jahr 2014. Drucksache 18/4025, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2015b): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Sevim Dağdelen, Annette Groth, Heike Hänsel, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/6868. Mobilitätspartnerschaften und das Grenzmanagement der Europäischen Union. Drucksache 18/7191, Berlin: Deutscher Bundestag.

- Deutscher Bundestag** (2016a): Sachstand: Neuregelungen des sog. Asylpakets II zum Familiennachzug, WD 3 - 3000 - 062/16, Ausarbeitung des Wissenschaftlichen Dienstes. Online: <https://www.bundestag.de/blob/425088/8a75472508bbb3f26ee0cf3d291a18a1/wd-3-062-16-pdf-data.pdf> (24.11.2016):
- Deutscher Bundestag** (2016b): Ausarbeitung: Vereinbarkeit der Regelungen des Asylpakets II betreffend die Aussetzung des Familiennachzugs für unbegleitete minderjährige Flüchtlinge mit der VN-Kinderrechtskonvention (KRK). Online: http://www.b-umf.de/images/rechtsgutachten_bundestag_familiennachzug.pdf (24.11.2016).
- Deutscher Bundestag** (2016c): Gesetzentwurf der Abgeordneten Luise Amtsberg, Volker Beck (Köln), Dr. Franziska Brantner, Katja Keul, Renate Künast, Monika Lazar, Irene Mihalic, Özcan Mutlu, Dr. Konstantin von Notz, Corinna Rüffer, Hans-Christian Ströbele und der Fraktion BÜNDNIS 90/DIE GRÜNEN. Entwurf eines Gesetzes zur Änderung des Aufenthaltsgesetzes (Familiennachzug für subsidiär Geschützte). Drucksache 18/10044, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2016d): Antrag der Abgeordneten Ulla Jelpke, Sevim Dağdelen, Frank Tempel, Sigrid Hupach, Nicole Gohlke, Dr. André Hahn, Dr. Rosemarie Hein, Jan Korte, Ralph Lenkert, Cornelia Möhring, Norbert Müller (Potsdam), Petra Pau, Harald Petzold (Havelland), Martina Renner, Kersten Steinke, Halina Wawzyniak, Katrin Werner, Jörn Wunderlich und der Fraktion DIE LINKE. Familiennachzug zu anerkannten Flüchtlingen uneingeschränkt gewährleisten. Drucksache 18/10243, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2016e): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Sevim Dağdelen, Jan Korte, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/8806. Andauernde Probleme beim Familiennachzug zu anerkannten syrischen Flüchtlingen. Drucksache 18/9133, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2016f): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Jan Korte, Harald Petzold (Havelland), Halina Wawzyniak und der Fraktion DIE LINKE. Drucksache 18/9992. Subsidiärer Schutz und Einschränkung des Familiennachzugs bei syrischen Flüchtlingen. Drucksache 18/9657, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2016g): CDU-Parteitagsschluss zur Optionspflicht stößt auf scharfe Kritik, 16.12.2016. Online: <https://www.bundestag.de/dokumente/textarchiv/2016/kw50-de-optionszwang/484810> (21.02.2017).
- Deutscher Bundestag** (2016h): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Andrej Hunko, Herbert Behrens, Frank Tempel, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/7671. Nationale Verlängerung des von der Europäischen Kommission geführten Pilotprojekts „Intelligente Grenzen“. Drucksache 18/7835, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2016i): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Niema Movassat, Annette Groth, Heike Hänsel, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/8220. Migrationskontrolle am Horn von Afrika, Drucksache 18/8384, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2016j): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Uwe Kekeritz, Claudia Roth (Augsburg), Luise Amtsberg, weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN. Drucksache 18/10333. Grenzmanagement und die entwicklungspolitische Dimension der deutschen und europäischen Migrationsagenda. Drucksache 18/10556, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2016k): Beschlussempfehlung und Bericht des Ausschusses für Arbeit und Soziales (11. Ausschuss); a) zu dem Gesetzentwurf der Fraktionen der CDU/CSU und SPD. Drucksache 18/8615. Entwurf eines Integrationsgesetzes; b) zu dem Gesetzentwurf der Bundesregierung. Drucksachen 18/8829, 18/8883. Entwurf eines Integrationsgesetzes; c) zu dem Antrag der Abgeordneten Sabine Zimmermann (Zwickau), Ulla Jelpke, Jutta Krellmann, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/6644 Flüchtlinge auf dem Weg in Arbeit unterstützen, Integration befördern und Lohndumping bekämpfen; d) zu dem Antrag der Abgeordneten Brigitte Pothmer, Luise Amtsberg, Beate Müller-Gemmeke, weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN.

Drucksache 18/7653. Arbeitsmarktpolitik für Flüchtlinge – Praxisnahe Förderung von Anfang an; e) zu dem Antrag der Abgeordneten Luise Amtsberg, Volker Beck (Köln), Kerstin Andreae, weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN. Drucksache 18/7651. Integration ist gelebte Demokratie und stärkt den sozialen Zusammenhalt. Drucksache 18/9090, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2016l): Gesetzentwurf der Fraktionen der CDU/CSU und SPD. Entwurf eines Integrationsgesetzes. Drucksache 18/8615, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2016m): Wortprotokoll der 82. Sitzung, Ausschuss für Arbeit und Soziales, Protokoll-Nr. 18/82, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2016n): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Luise Amtsberg, Volker Beck (Köln), Katja Keul, weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN. Drucksache 18/10704. Befristete Beschäftigungsverhältnisse beim Bundesamt für Migration und Flüchtlinge. Drucksache 18/10786. Berlin: Deutscher Bundestag.

Deutscher Bundestag (2016o): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Wolfgang Gehrcke, Christine Buchholz, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/8555. Reformierung des Gemeinsamen Europäischen Asylsystems und Alternativen zur Dublin-Verordnung. Drucksache 18/8937. Berlin: Deutscher Bundestag.

Deutscher Bundestag (2016p): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Katrin Werner, Ulla Jelpke, Sigrid Hupach, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/7514. Situation von geflüchteten Menschen mit Behinderungen. 18. Wahlperiode. Drucksache 18/7514. Berlin: Deutscher Bundestag. Online: <http://dip21.bundestag.de/dip21/btd/18/078/1807831.pdf> (03.04.2017).

Deutscher Bundestag (2016q): der Bundesregierung auf die Kleine Anfrage der Abgeordneten Maria Klein-Schmeink, Luise Amtsberg, Dr. Wolfgang Strengmann-Kuhn, weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN. Drucksache 18/8499. Verbesserungen der gesundheitlichen und psychosozialen Versorgung von Geflüchteten zur Umsetzung der EU-Aufnahmerichtlinie. 18. Wahlperiode. Drucksache 18/9009. Berlin: Deutscher Bundestag. Online: <http://dipbt.bundestag.de/doc/btd/18/090/1809009.pdf> (03.04.2017).

Deutscher Bundestag (2016r): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Frank Tempel, Jan Korte, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/7347. Abschiebungen im Jahr 2015. Drucksache 18/7588. Berlin: Deutscher Bundestag.

Deutscher Bundestag (2016s): Beschlussempfehlung des Innenausschusses (4. Ausschuss) zu dem Gesetzentwurf der Fraktionen der CDU/CSU und SPD. Drucksache 18/7537. Entwurf eines Gesetzes zur erleichterten Ausweisung von straffälligen Ausländern und zum erweiterten Ausschluss der Flüchtlingsanerkennung bei straffälligen Asylbewerbern. Drucksache 18/7646, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2016t): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Frank Tempel, Jan Korte, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/10006. Vereinbarungen mit der afghanischen Regierung zur Abschiebung afghanischer Flüchtlinge. Drucksache 18/10336, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2016u): Entwurf eines Gesetzes zur Regulierung des Prostitutionsgewerbes sowie zum Schutz von in der Prostitution tätigen Personen. Drucksache 18/8556, 25.05.2016, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2016v): Wortprotokoll der 64. Sitzung. Ausschuss für Familie, Senioren, Frauen und Jugend. Berlin, den 6. Juni 2016. Protokoll-Nr. 18/64, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2016w): Beschlussempfehlung und Bericht des Ausschusses für Recht und Verbraucherschutz (6. Ausschuss) zu dem Gesetzentwurf der Bundesregierung -Drucksache 18/4613 - Entwurf eines Gesetzes zur Umsetzung der Richtlinie 2011/36/EU des Europäischen Parlaments und des Rates vom 5. April 2011 zur Verhütung

und Bekämpfung des Menschenhandels und zum Schutz seiner Opfer sowie zur Ersetzung des Rahmenbeschlusses 2002/629/JI des Rates. Drucksache 18/9095, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2016x): Antrag der Fraktionen der CDU/CSU und SPD. Fluchtursachen bekämpfen, Aufnahmestaaten um Syrien sowie Libyen entwicklungspolitisch stärken. Drucksache 18/8393, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2017a): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Frank Tempel, Jan van Aken, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/11085. Proteste gegen und Übergriffe auf Flüchtlingsunterkünfte im vierten Quartal 2016. Drucksache 18/11298, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2017b): Gesetzentwurf der Bundesregierung. Entwurf eines Gesetzes zur besseren Durchsetzung der Ausreisepflicht. Drucksache 18/11546, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2017c): Stenografischer Bericht. 225. Sitzung, 23.03.2017. Plenarprotokoll 18/225, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2017e): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Brigitte Pothmer, Luise Amtsberg, Volker Beck (Köln), weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN. Drucksache 18/11018. Arbeitsvisa für Menschen vom Westbalkan – Bilanz, Probleme, Perspektiven. Drucksache 18/11124, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2017f): Stenografischer Bericht. 221. Sitzung. Berlin, Donnerstag, den 9. März 2017. Plenarprotokoll 18/221, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2017g): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Volker Beck (Köln), Özcan Mutlu, Luise Amtsberg, weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN. Drucksache 18/10719. Zukunft des Optionszwangs im Staatsangehörigkeitsrecht nach dem Beschluss des CDU-Parteitags. Drucksache 18/10788, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2017h): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Jan Korte, Sevim Dağdelen, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/10955. Abschiebungen im Jahr 2016. Drucksache 18/11112, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2017i): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Wolfgang Gehrcke, Frank Tempel, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/11218. Polizei- und Zolleinsätze im Ausland (Stand: viertes Quartal 2016). Drucksache 18/11391, Berlin: Deutscher Bundestag.

Deutscher Bundestag (2017j): Basisinformationen über den Vorgang. Gesetz zur Einstufung der Demokratischen Volksrepublik Algerien, des Königreichs Marokko und der Tunesischen Republik als sichere Herkunftsstaaten. Online: <http://dipbt.bundestag.de/extrakt/ba/WP18/721/72170.html> (30.03.2017).

Deutscher Bundestag (2017k): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Brigitte Pothmer, Luise Amtsberg, Volker Beck (Köln), weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN. Drucksache 18/10835. Flüchtlingsintegrationsmaßnahmen – Aktueller Stand, Probleme, Perspektiven. Drucksache 18/11103. Berlin: Deutscher Bundestag.

Deutscher Bundestag (2017l): Unterrichtung durch die Bundesregierung. Bericht über die Situation unbegleiteter ausländischer Minderjähriger in Deutschland. Drucksache 18/11540. Berlin: Deutscher Bundestag.

Deutscher Bundestag (2017m): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Corinna Rüffer, Luise Amtsberg, Maria Klein-Schmeink, weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN. Drucksache 18/11271. Zur Lage von geflüchteten Menschen mit Behinderungen. Drucksache 18/11603 - Vorabfassung. Online: <http://dipbt.bundestag.de/doc/btd/18/116/1811603.pdf> (03.04.2017).

- Deutscher Bundestag** (2017n): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Ulla Jelpke, Wolfgang Gehrcke, Frank Tempel, weiterer Abgeordneter und der Fraktion DIE LINKE. Drucksache 18/11218. Polizei- und Zolleinsätze im Ausland (Stand: viertes Quartal 2016). Drucksache 18/11391, Berlin: Deutscher Bundestag.
- Deutscher Bundestag** (2017o): Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Volker Beck (Köln), Luise Amtsberg, Katja Keul, weiterer Abgeordneter und der Fraktion Bündnis 90/Die Grünen. Drucksache 18/10931. Evaluierung der Bleiberechtsregelungen. Drucksache 18/11101. Berlin: Deutscher Bundestag.
- Deutscher Landkreistag** (2016): Landkreistag für praktikables Integrationsgesetz – keine Einzelfallentscheidungen bei Wohnsitzzuweisung. Pressemitteilung vom 20.06.2016. Online: <http://www.landkreistag.de/presseforum/pressemitteilungen/1912-pressemitteilung-vom-20-juni-2016.html> (04.04.2017).
- Deutscher Richterbund** (2017): Stellungnahme des Deutschen Richterbundes zum Entwurf eines Gesetzes zur besseren Durchsetzung der Ausreisepflicht. Stellungnahme Nr. 10/17, Berlin: Deutscher Richterbund. Online: http://www.drb.de/fileadmin/docs/Stellungnahmen/2017/DRB_170217_Stn_10_Durchsetzung_Ausreisepflicht.pdf (24.03.2017).
- Deutschlandfunk** (2017): "Wir sollten aufhören, uns erpressbar zu machen". Claudia Roth im Gespräch mit Tobias Armbrüster, in: Deutschlandfunk, 14.03.2017. Online: http://www.deutschlandfunk.de/fluechtlingsdeal-mit-der-tuerkei-wir-sollten-aufhoeren-uns.694.de.html?dram:article_id=381182 (27.04.2017).
- DGB – Deutscher Gewerkschaftsbund Bezirk Bayern** (2016): Stellungnahme zum Entwurf der Bayerischen Staatsregierung vom 23.02.2016 „Bayrisches Integrationsgesetz“ im Rahmen der Verbandsanhörung. Online: <http://bayern.dgb.de/service/stellungnahmen/++co++4aa9053a-5af3-11e6-a528-525400e5a74a> (06.04.2017).
- Diakonie Deutschland** (2015): Von Arbeitsausbeutung bis Menschenhandel. Grundlagen und Praxistipps für die Beratung. Berlin: Diakonie. Online: <https://fachinformationen.diakonie-wissen.de/beitrag/5379> (13.02.2017).
- Die deutschen Auslandsvertretungen in der Türkei** (2017): IOM Familienunterstützungsprogramm. Online: <http://www.tuerkei.diplo.de/Vertretung/tuerkei/de/02-visa/08-visa-fuer-syrien/iom-familienunterstuetzungsprogramm.html> (27.03.2017).
- Die Landeswahlleiterin für Berlin** (2016): Wahlen zum Abgeordnetenhaus 2016. Online: <https://www.wahlen-berlin.de/wahlen/be2016/afspraes/index.html> (28.11.2016).
- Die Landeswahlleiterin Mecklenburg-Vorpommern** (2016): Landtagswahl am 4. September 2016. Online: <http://www.laiv-mv.de/Wahlen/Landtagswahlen/2016/> (06.04.2017).
- DIK – Deutsche Islam Konferenz** (2014): Das Arbeitsprogramm der DIK, 24.03.2014. Online: <http://www.deutsche-islam-konferenz.de/DIK/DE/DIK/1UeberDIK/Arbeitsprogramm/arbeitsprogramm-node.html> (30.01.2017).
- DIM – Deutsches Institut für Menschenrechte** (2016a): Asylpaket II: Aussetzung des Familiennachzugs für minderjährige Flüchtlinge verstößt gegen UN-Kinderrechtskonvention. Pressemitteilung vom 09.02.2016. Online: <http://www.institut-fuer-menschenrechte.de/aktuell/news/meldung/article/pressemitteilung-asylpaket-ii-aussetzung-des-familiennachzugs-fuer-minderjaehrige-fluechtlinge-verstoe/> (06.04.2017).
- DIM – Deutsches Institut für Menschenrechte** (2016b): „Versteckte Einschränkung des Asylrechts im Entwurf des Integrationsgesetzes grund- und menschenrechtswidrig“, 01.06.2016. Online: <http://www.institut-fuer-menschenrechte.de/aktuell/news/meldung/article/pressemitteilung-versteckte-einschraenkung-des-asylrechts-im-entwurf-des-integrationsgesetzes-grund/> (31.01.2017).

DIM- Deutsches Institut für Menschenrechte (2016c): Entwicklung der Menschenrechtssituation in Deutschland Januar 2015 – Juni 2016. Bericht an den Deutschen Bundestag gemäß § 2 Absatz 5 DIMRG, Berlin: DIM.

DIM – Deutsches Institut für Menschenrechte (2016d): Konzeptentwurf für eine nationale Berichterstattungsstelle Menschenhandel und eine Koordinierungsstelle Menschenhandel, Berlin: DIM.

DIM – Deutsches Institut für Menschenrechte (2016e): Stellungnahme. Die EU-Türkei-Vereinbarung vom 18. März 2016: Umsetzung und Konsequenzen aus menschen- und flüchtlingsrechtlicher Perspektive. Empfehlungen an die Bundesregierung, Berlin: DIM.

Diözesanrat der Katholiken der Erzdiözese München und Freising (2016): Stellungnahme zum Entwurf eines Bayerischen Integrationsgesetzes.
Online: <https://www.erzbistum-muenchen.de/media/pfarreien/media34909020.PDF> (06.04.17).

DStGB – Deutscher Städte- und Gemeindebund (2016): Umsetzung der Wohnsitzauflage in den Ländern (Stand 09.11.2016). Online: <http://www.dstgb.de/dstgb/Homepage/Schwerpunkte/Asyl%20und%20Fl%C3%BChtlinge/Aktuelles/Zu%20wenige%20L%C3%A4nder%20nutzen%20Wohnsitzauflage/%C3%9Cbersicht%20Umsetzung%20der%20Wohnsitzauflage%20in%20den%20L%C3%A4ndern1.pdf> (17.02.2017).

DStGB – Deutscher Städte- und Gemeindebund (2017): Stellungnahme zur Öffentlichen Anhörung des Innenausschusses des Deutschen Bundestages am 20.3.2017, Berlin: Deutscher Bundestag

EAD - Europäischer Auswärtiger Dienst (2016a): Factsheet on EU Border Assistance Mission (EUBAM) in Libya, 12.12.2016.
Online: https://eeas.europa.eu/csdp-missions-operations/eubam-libya/10978/factsheet-eu-border-assistance-mission-eubam-libya_en (10.04.2017).

EAD - Europäischer Auswärtiger Dienst (2016b): „Joint Way Forward on migration issues between Afghanistan and the EU“. Online: https://eeas.europa.eu/headquarters/headquarters-homepage_en/11107/Joint%20Way%20Forward%20on%20migration%20issues%20between%20Afghanistan%20and%20the%20EU (21.03.2017).

Eckendorff, Roman/Stock, Markus (2016): Statistik über die Arbeitsgenehmigungen-EU und Zustimmungen, Nürnberg: BA.

European Council on Refugees and Exiles (2016): EU strong-arms Afghanistan to accept back people in exchange for aid, 07.10.2016. Online: <http://www.ecre.org/eu-strong-arms-afghanistan-to-accept-back-people-in-exchange-for-aid/> (27.03.2016).

Elkenberg, Susanne/Keßler, Stefan (2016): Protection in Turkey? Can the protection provided under Turkey's existing framework, both in theory and in practice be considered "sufficient"? Jesuiten-Flüchtlingsdienst Background Paper, 27.06.2016, Berlin: Jesuiten-Flüchtlingsdienst.

EMN/BAMF – Europäisches Migrationsnetzwerk/ Bundesamt für Migration und Flüchtlinge (2013a): Politikbericht 2012 der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN), Nürnberg: BAMF.

EMN/BAMF – Europäisches Migrationsnetzwerk/Bundesamt für Migration und Flüchtlinge (2013b): Die Identifizierung von Opfern von Menschenhandel im Asylverfahren und im Fall der erzwungenen Rückkehr. Fokus-Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 56 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.

EMN/KOM – Europäisches Migrationsnetzwerk/Europäische Kommission (2014): Asylum and Migration. Glossary 3.0. Online: <http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/EMN/Glossary/emn-glossary.html?nn=6144894> (02.05.2017).

- EMN/BAMF – Europäisches Migrationsnetzwerk/Bundesamt für Migration und Flüchtlinge (2016a):** Migration, Integration, Asyl. Politische Entwicklungen in Deutschland. Jährlicher Bericht der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN), Nürnberg: BAMF.
- EMN/ BAMF - Europäisches Migrationsnetzwerk/Bundesamt für Migration und Flüchtlinge (2016b):** Umgang mit abgelehnten Asylbewerbern in Deutschland. Fokusstudie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN), Working Paper 69 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.
- EuGH – Europäischer Gerichtshof (2017):** Das Gericht der EU erklärt sich für unzuständig, über die Klagen von drei Asylbewerbern gegen die „Erklärung EU-Türkei“ zur Bewältigung der Migrationskrise zu entscheiden, Pressemitteilung Nr. 19/17 vom 28.02.2017. Online: <http://curia.europa.eu/jcms/upload/docs/application/pdf/2017-02/cp170019de.pdf> (04.04.2017).
- Europäische Kommission (2016a):** Solidere und intelligentere Grenzen in der EU: Kommission schlägt Einreise-/Ausreisystem vor. Pressemitteilung vom 06.04.2016. Online: http://europa.eu/rapid/press-release_IP-16-1247_de.htm (20.02.2017).
- Europäische Kommission (2016b):** Umsetzung des Gemeinsamen Europäischen Asylsystems: EU-Kommission geht in neun Fällen zur nächsten Verfahrensstufe über, Pressemitteilung vom 10.02.2016. Online: http://europa.eu/rapid/press-release_IP-16-270_de.htm (27.03.2017).
- Europäische Kommission (2016c):** Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, COM(2016) 271 final, Brüssel: Europäische Kommission.
- Europäische Kommission (2016d):** Umverteilung und Neuansiedlung: Positive Ergebnisse sollten Mitgliedstaaten zu mehr Engagement ermutigen, Pressemitteilung vom 8. Februar 2017. Online: http://europa.eu/rapid/press-release_IP-17-218_de.htm (27.03.2017).
- Europäische Kommission (2016e):** Communication from the Commission to the European Parliament, the European Council and the Council. Back to Schengen - A Roadmap, COM(2016) 120 final, Brüssel: Europäische Kommission.
- Europäische Kommission (2016f):** Communication from the Commission to the European Parliament and the Council on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration. COM(2016) 85 final, Brüssel: Europäische Kommission.
- Europäische Kommission (2016g):** Kommission stellt neuen Migrationspartnerschaftsrahmen vor: Zusammenarbeit mit Drittländern verstärken, um Migration besser zu steuern. Pressemitteilung vom 07.06.2016. Online: http://europa.eu/rapid/press-release_IP-16-2072_de.htm (21.02.2017).
- Europäische Kommission (2016h):** Communication from the Commission to the European Parliament, the European Council and the Council. First Progress Report on the Partnership Framework with third countries under the European Agenda on Migration. COM(2016) 700 final, Brüssel: Europäische Kommission.
- Europäische Kommission (2016i):** Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU. COM(2016) 467 final, Brüssel: Europäische Kommission.
- Europäische Kommission (2016j):** Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast). COM(2016) 465 final, Brüssel: Europäische Kommission.
- Europäische Kommission (2017a):** Relocation and Resettlement – State of Play, Stand: 28. Februar 2017. Online: https://ec.europa.eu/commission/news/migration-european-commission-reports-progress-made-under-relocation-and-resettlement-schemes_en (27.03.2017).

- Europäische Kommission** (2017b): Report from the Commission. Second Report from the Commission to the European Parliament, the European Council and the Council on the Operationalisation of the European Border and Coast Guard. 02.03.2017, COM(2017) 201 final, Brüssel: Europäische Kommission.
- Europäischer Rat** (2015): Wichtigste Ergebnisse, Pressemitteilung, Rat (Justiz und Inneres), 22.09.2015. Online: <http://www.consilium.europa.eu/de/meetings/jha/2015/09/22/> (27.03.2017).
- Evangelisch-Lutherische Kirche Bayern** (2016): Diakonie Bayern. Ausgrenzung statt Integration. Online: <https://www.bayern-evangelisch.de/wir-ueber-uns/Ausgrenzung-statt-Integration.php> (06.04.17).
- FAZ – Frankfurter Allgemeine Zeitung** (2017a): Gewalt von Rechts. Mehr als 700 Angriffe auf Politiker. Online: <http://www.faz.net/aktuell/politik/inland/mehr-als-700-rechte-angriffe-auf-politiker-14867328.html> (08.02.2017).
- FAZ – Frankfurter Allgemeine Zeitung** (2017b): Kaum Interesse an Ein Euro Jobs für Asylbewerber, in: Frankfurter Allgemeine Zeitung, 03.02.2017, S. 17.
- Fehsenfeld, Ulrike/Hecht, Heiko/Abo Kadira, Benjamin/Lentschig, Rudolf/Schulte, Wilhelm** (2008): Bericht 2007 über Migration und Asyl. Nationaler Kontaktpunkt Deutschland im Europäischen Migrationsnetzwerk, Nürnberg: BAMF.
- Flüchtlingsrat NRW** (2017a): Informationen zur Wohnsitzregelung für anerkannte Flüchtlinge gemäß § 12a AufenthG für Nordrhein-Westfalen – Stand 28.02.2017. Online: <http://www.fnrnw.de/top/artikel/f/r/informationen-zur-wohnsitzregelung-fuer-anerkannte-fluechtlinge-gemaess-12a-aufenthg-fuer-nordrhein-west.html> (03.04.2017).
- Flüchtlingsrat NRW** (2017b): LSBTI*-Flüchtlinge in NRW – Ein Merkblatt für Kommunen. Online: http://www.fnrnw.de/fileadmin/frnrw/media/downloads/Projekt_LSBTI/LSBTI-Fluechtlinge_in_NRW_-_Ein_Merkblatt_fuer_Kommunen.pdf (03.04.2017).
- Flüchtlingsrat Schleswig-Holstein** (2016): Offener Brief an die Landesregierung Schleswig-Holstein: Wohnsitzauflage für anerkannte Flüchtlinge: ein integrationsfeindliches Bürokratiemonster. Flüchtlingsrat SH fordert Landesregierung zur Ablehnung des Integrationsgesetzentwurfs auf, 24.05.2016, Kiel: Flüchtlingsrat Schleswig-Holstein.
- Förderprogramm "Integration durch Qualifizierung (IQ)"** (2016): IQ Flyer. Online: <http://www.netzwerk-iq.de/foerderprogramm-iq/programmuebersicht.html> (01.02.2017).
- Freie Wohlfahrtspflege Landesarbeitsgemeinschaft Bayern** (2016): Stellungnahme der Freien Wohlfahrtspflege Bayern zum Entwurf des Bayrischen Integrationsgesetz. Online: http://www.freie-wohlfahrtspflege-bayern.de/fileadmin/user_upload/downloads_positionen/16-04-18_SN_BayIntG.pdf (06.04.17).
- GEW - Gewerkschaft Erziehung und Wissenschaft Landesverband Bayern** (2016): Bayerisches Integrationsgesetz – Stellungnahme der GEW Bayern, 06.04.2016. Online: <https://www.gew-bayern.de/aktuelles/detailseite/neuigkeiten/stellungnahme-der-gew-bayern-zum-bayerischen-integrationsgesetz/> (06.04.2017).
- GGUA Flüchtlingshilfe – Gemeinnützige Gesellschaft zur Unterstützung Asylsuchender e. V.** (2013): Aufnahme syrischer Familienangehöriger – Verpflichtungserklärung und Krankenversicherung. Online: http://www.asyl.net/fileadmin/user_upload/redaktion/Dokumente/Arbeitshilfen/130912_GGUA_verpflichtungserklaerung.pdf (19.05.2016).
- GGUA Flüchtlingshilfe – Gemeinnützige Gesellschaft zur Unterstützung Asylsuchender e. V.** (2015): Die Privatisierung der Humanität. Die Folgen der Aufenthaltserlaubnis nach § 23 Abs. 1 AufenthG „wegen des Krieges im Heimatland“ mit Verpflichtungserklärung in den Länder-Aufnahmeprogrammen für syrische Familienangehörige. Online: http://www.ggua.de/fileadmin/downloads/tabellen_und_uebersichten/verpflichtungserklaerung-neu.pdf (19.05.2016).

- GIZ - Gesellschaft für Internationale Zusammenarbeit** (o. J.): Verbessertes Migrationsmanagement. Projektbeschreibung. Online: <https://www.giz.de/de/weltweit/40602.html> (21.02.2017).
- GIZ – Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH** (2016a): Jahresabschluss 2015. Bonn und Eschborn: GIZ.
- GIZ – Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH** (2016b): Chancen im Heimatland. Pressemitteilung vom 09.12.2016. Online: <https://www.giz.de/de/presse/42057.html> (21.02.2017).
- GIZ – Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH** (2017): Gut beraten – Informationszentren zeigen Job-Perspektiven im Westbalkan auf. Online: <https://www.giz.de/de/html/43061.html> (22.02.2017).
- Goethe-Institut** (2017): „Auszeichnung durch globale Plattform: World Government Summit in Dubai zeichnet ‚Ankommen‘-App für Geflüchtete aus“, 13.02.2017. Online: <https://www.goethe.de/de/uun/prs/prm/20925050.html> (04.04.2017).
- GRETA - Sachverständigengruppe zur Bekämpfung des Menschenhandels** (2015): Bericht über die Umsetzung des Übereinkommens des Europarats zur Bekämpfung des Menschenhandels durch Deutschland, Straßburg: Europarat.
- Grote, Janne** (2015): Irreguläre Migration und freiwillige Rückkehr – Ansätze und Herausforderungen der Informationsvermittlung. Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 65 des Forschungszentrums des Bundesamtes. Nürnberg: BAMF.
- Grote, Janne** (2017): Familiennachzug von Drittstaatsangehörigen nach Deutschland. Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 73 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.
- Grote, Janne/Vollmer, Michael** (2016): Wechsel zwischen Aufenthaltstiteln und Aufenthaltszwecken in Deutschland. Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 67 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.
- Grote, Janne/Bitterwolf, Maria/Baraulina, Tatjana** (2016): Resettlement und humanitäre Aufnahme in Deutschland. Fokusstudie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Paper 68 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.
- Hailbronner, Kay** (2017): Stellungnahme zur öffentlichen Anhörung des Innenausschusses des Deutschen Bundestags am 20.3.2017. Online: <https://www.bundestag.de/blob/497660/9efc44b42b6ecf35b34b4a9f7289d5d2/18-4-807-a-data.pdf> (04.04.2017).
- Hanganu, Elisa/Heß, Barbara** (2016): Die Blaue Karte EU in Deutschland. Kontext und Ergebnisse der BAMF-Befragung. Forschungsbericht 27, Nürnberg: BAMF.
- Höland, Christoph** (2016a): Hilfe für papierlose Flüchtlinge: Anonymer Krankenschein ab heute. In: Stadtradio Göttingen. Online: http://www.stadtradio-goettingen.de/beitraege/politik/archiv/2016/hilfe_fuer_papierlose_fluechtlinge_anonymer_krankenschein_ab_heute/index_ger.html (19.02.2016)..
- Höland, Christoph** (2016b): Medizinische Flüchtlingshilfe. Krankenschein für Papierlose. In: Göttinger Tageblatt. Online: <http://www.goettinger-tageblatt.de/Goettingen/Uebersicht/Krankenschein-fuer-Papierlose> (19.02.2016).
- HRK – Hochschulrektorenkonferenz** (2017): Studium für Flüchtlinge. Online: <https://www.hrk.de/themen/internationales/internationale-studierende/fluechtlinge> (23.03.2017).
- Humpert, Stephan** (2015): Fachkräftezuwanderung im internationalen Vergleich. Working Paper 62 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.

- IOM – Internationale Organisation für Migration** (2016): IOM's Familienunterstützungsprogramm. Online: http://germany.iom.int/sites/default/files/FAP/FAP_infosheet_GERMAN_2016.pdf (27.03.2017).
- IOM – Internationale Organisation für Migration** (2017): European Reintegration Network (ERIN) Specific Action Program. Online: <http://erin-iom.belgium.iom.int/> (13.03.2017).
- Jansen, Frank** (2016): Silvesternacht in Köln. Nur wenige Täter werden bestraft, in: [tagesspiegel.de](http://www.tagesspiegel.de/politik/silvesternacht-in-koeln-nur-wenige-taeter-werden-bestaft/14488686.html). Online: <http://www.tagesspiegel.de/politik/silvesternacht-in-koeln-nur-wenige-taeter-werden-bestaft/14488686.html> (27.03.2017).
- JMD - Jugendmigrationsdienste** (2017): Die Jugendmigrationsdienste. Online: <https://www.jugendmigrationsdienste.de/ueber-jmd/> (30.03.2017).
- Karpenstein, Ulrich** (2015): „Endet die Verpflichtungserklärung mit der Asylanerkennung?“ Eintrag vom 30.06.2015. Online: <http://fluechtlingspaten-syrien.de/endet-die-verpflichtungserklaerung-mit-der-asylanerkennung/> (23.05.2016).
- Klingert, Isabell/Block, Andreas H.** (2013): Ausländische Wissenschaftler in Deutschland. Analyse des deutschen Arbeitsmarktes für Forscherinnen und Forscher. Working Paper 50 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.
- Klingst, Martin/Venohr, Sascha** (2017): Wie kriminell sind Flüchtlinge? In: Zeit Online, 19.04.2017. Online: <http://www.zeit.de/2017/17/kriminalitaet-fluechtlinge-zunahme-gewalttaten-statistik> (27.04.2017).
- Kohnen, Klaus** (2017): Das Bayerische Integrationsgesetz (BayIntG) – Konzeption, Inhalt und (verfassungs-)rechtliche Kontroverse, 24.01.2017, in: Bayerischer Rechts- und Verwaltungsreport. Online: <https://bayrvr.de/2017/01/24/das-bayerische-integrationsgesetz-bayintg-konzeption-inhalt-und-verfassungs-rechtliche-kontroverse/> (25.04.2017).
- Kölner Stadtanzeiger** (2017): Nach Kölner Silvesternacht 2015: Bundeskriminalamt entlastet die Kölner Polizei, 25.01.2017. Online: <http://www.ksta.de/25609648> (20.04.2017).
- KOK – Bundesweiter Koordinierungskreis gegen Menschenhandel** (2016a): Flucht & Menschenhandel. Schutz- und Unterstützungsstrukturen für Frauen und Minderjährige. Online: <https://www.kok-gegen-menschenhandel.de/kok-projekte/flucht-menschenhandel/> (11.04.2017).
- KOK – Bundesweiter Koordinierungskreis gegen Menschenhandel** (2016b): Information zum Gesetz zur Umsetzung der Richtlinie 2011/36/EU des Europäischen Parlaments und des Rates vom 5. April 2011 zur Verhütung und Bekämpfung des Menschenhandels und zum Schutz seiner Opfer sowie zur Ersetzung des Rahmenbeschlusses 2002/629/JI des Rates (BT-Drs. 18/9095 vom 06.07.2016). Stand 13.10.2016, Berlin: KOK e.V.
- KOK – Bundesweiter Koordinierungskreis gegen Menschenhandel** (2016c): Stellungnahme des Bundesweiten Koordinierungskreis gegen Menschenhandel – KOK e.V. zu dem Änderungsantrag der Fraktionen CDU, CSU und SPD des Entwurfs eines Gesetzes zur Umsetzung der Richtlinie 2011/36/EU des Europäischen Parlaments und des Rates vom 5. April 2011 zur Verhütung und Bekämpfung des Menschenhandels und zum Schutz seiner Opfer sowie zur Ersetzung des Rahmenbeschlusses 2002/629/JI des Rates, Drucksache 18/4613, mit den Beschlüssen des Ausschusses für Recht und Verbraucherschutz vom 06.04.2016. Online: <https://www.kok-gegen-menschenhandel.de/kok-informiert/detail/news/stellungnahme-zur-umsetzung-der-eu-richtlinie-gegen-menschenhandel/> (11.04.2017).
- KOK – Bundesweiter Koordinierungskreis gegen Menschenhandel** (2016d): Newsletter 4/2016. Online: <https://www.kok-gegen-menschenhandel.de/kok-informiert/kok-newsletter/> (12.04.2017).

- KOK - Bundesweiter Koordinierungskreis gegen Menschenhandel** (2016e): „3. Opferrechtsreformgesetz in Kraft getreten“, 08.01.2016. Online: <http://www.kok-gegen-menschenhandel.de/kok-informiert/detail/news/3-opferrechtsreformgesetz-in-kraft-getreten/> (15.02.2017).
- Kretschmann, Andrea** (2017): Der „Nafri“-Mythos: Kommentar, in: Forum Migration, Newsletter 04/2017, DGB-Bildungswerk. Online: http://www.migration-online.de/data/publikationen_datei_1490685784.pdf (04.04.2017).
- Landtag Baden-Württemberg** (2016): Kleine Anfrage der Abg. Dr. Christina Baum AfD und Antwort des Ministeriums für Inneres, Digitalisierung und Migration Politisch motivierte Kriminalität in Baden-Württemberg. Drucksache 16/411.
- Lehne, Stefan** (2016): Upgrading the EU's Migration Partnerships, Carnegie Europe 21.11.2016. Online: <http://carnegieeurope.eu/2016/11/21/upgrading-eu-s-migration-partnerships-pub-66209> (13.03.2017).
- Mayer, Matthias M./Yamamura, Sakura/Schneider, Jan/Müller, Andreas** (2012): Zuwanderung von internationalen Studierenden aus Drittstaaten. Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 47 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.
- Maor, Oliver** (2017): § 12a AufenthG, in: Kluth, Winfried/Heusch, Andreas (2017): Beck'scher Online-Kommentar Ausländerrecht, 13. Edition, Stand: 01.02.2017.
- Ministerium für Wissenschaft, Forschung und Kunst Baden-Württemberg** (2016): Entwurf. Gesetz zur Änderung des Landeshochschulgebührengesetzes und des Akademiengesetzes. Stand: 17.11.2016, Stuttgart: Ministerium für Wissenschaft, Forschung und Kunst Baden-Württemberg.
- Müller, Andreas** (2014): Unbegleitete Minderjährige in Deutschland. Fokus-Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 60 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.
- Munzinger, Paul** (2016): "Anne Will" in der ARD. Merkels verdammte Pflicht, in: Süddeutsche Zeitung Online, 29.02.2016. Online: <http://www.sueddeutsche.de/medien/anne-will-in-der-ard-merkels-verdammte-pflicht-1.2884901> (20.04.2017).
- Mylius, Maren** (2016): Die medizinische Versorgung von ‚Menschen ohne Papiere‘ in Deutschland. Studien zur Praxis in Gesundheitsämtern und Krankenhäusern. Aus der Reihe „Menschenrechte in der Medizin“, Band 2, transcript Verlag, Bielefeld.
- NRO – 131 Nichtregierungsorganisationen** (2016): Joint NGO statement ahead of the European Council of 28-29 June 2016. NGOs strongly condemn new EU policies to contain migration. Online: https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/jointstatementeumigrationresponse.pdf (13.03.2017).
- OECD – Organisation for Economic Co-operation and Development** (2013): OECD-Bericht zur Arbeitsmigration: Deutschland offen für Akademiker, Zuwanderung für Fachkräfte mit mittlerer Qualifikation schwierig. Pressemitteilung vom 4.02.2013. Online: <http://www.oecd.org/berlin/presse/arbeitsmigration-deutschland.htm> (12.04.2017).
- OECD/EU – Organisation for Economic Co-operation and Development/European Union** (2016): Recruiting Immigrant Workers: Europe 2016, Paris: OECD Publishing.
- Öchsner, Thomas** (2017): Der große Job-Flop, in: Süddeutsche Zeitung, 20.04.2017. Online: <http://www.sueddeutsche.de/wirtschaft/integration-ein-euro-job-flop-1.3469454> (26.04.2017).
- Öchsner, Thomas** (2017b): Abschiebung von Azubis empört Firmen, in: Süddeutsche Zeitung, 25.04.2017. Online: <http://www.sueddeutsche.de/wirtschaft/fluechtlinge-in-ausbildung-abschiebung-von-azubis-empoert-firmen-1.3478012> (02.05.2017).

- Parlamentarischer Beratungsdienst Brandenburg** (2016): Rechtliche Vorüberlegungen zu einem Integrationsgesetz für das Land Brandenburg, 30.12.2016, Potsdam: Landtag Brandenburg. Online: https://www.landtag.brandenburg.de/media_fast/5701/30-12-2016_rechtl_Vorueberlegungen_zu_Integrationsgesetz_6-26.pdf (27.03.17).
- PRO ASYL** (2016): Stellungnahme zum Referentenentwurf des Bundesministeriums für Arbeit und Soziales und des Bundesministeriums des Innern. Entwurf eines Integrationsgesetzes. 19.05.2016, Frankfurt: PRO ASYL.
- PRO ASYL** (2017): Aufnahmeprogramme.
Online: <https://www.proasyl.de/thema/aufnahmeprogramme/syrien-aufnahmeprogramme/> (04.04.2017).
- Rat der Europäischen Union** (2017): Schengen area: Council recommends prolongation of internal border controls. Pressemitteilung vom 07.02.2017. Online: <http://www.consilium.europa.eu/en/press/press-releases/2017/02/07-prolongation-border-controls/> (09.02.2017).
- Reimann, Anna** (2016): Wo sind sie geblieben? In: Spiegel online, 11.04.2016. Online: <http://www.spiegel.de/politik/deutschland/vermisste-minderjaehrige-fluechtlinge-wo-sind-sie-geblieben-a-1086509.html> (03.04.2017).
- Rheinische Post** (2016): Arbeitsmarktexperten kritisieren Nahles-Plan für 100.000 Flüchtlings-Jobs, in: Rheinische Post, 12.02.2016. Online: <http://www.presseportal.de/pm/30621/3249731> (04.04.2017).
- Schmitz, Nadja/ Wünsche, Tom** (2016): Auswertung der amtlichen Statistik zum Anerkennungsgesetz des Bundes für 2015, Bonn: BIBB.
- Schneider, Jan** (2012a): Die Organisation der Asyl- und Zuwanderungspolitik in Deutschland. Fokus-Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 25 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.
- Schneider, Jan** (2012b): Maßnahmen zur Verhinderung und Reduzierung irregulärer Migration. Fokus-Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 41 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.
- Schuler, Katharina** (2016): Asylpaket II: Viel Härte, wenig Wirkung, in: Zeit Online, 25.02.2016.
Online: <http://www.zeit.de/politik/deutschland/2016-02/asylpaket-ii-abschiebungen-familiennachzug> (27.04.2017).
- SH – Schleswig-Holstein** (2016): Urteil des Schleswig-Holsteinischen Obergerichts zum Schutzstatus syrischer Flüchtlinge: Das Gericht bestätigt die Entscheidungspraxis des BAMF und ändert die Entscheidung des Verwaltungsgerichts. Pressemitteilung vom 23.11.2016. Online: http://www.schleswig-holstein.de/DE/Justiz/OVG/Presse/PI_OVG/2016_11_23_OVG_Syrien.html (03.04.2017).
- SPD Bundestagsfraktion** (2016): So soll das Einwanderungsgesetz funktionieren, 07.11.2016.
Online: <http://www.spdfraktion.de/eckpunkte-einwanderungsgesetz> (27.02.2017).
- SPD/CDU** (2016): Koalitionsvereinbarung zwischen SPD und CDU Mecklenburg-Vorpommern für die 7. Wahlperiode 2016 – 2021.
- SPD/DIE LINKE/BÜNDNIS 90/DIE GRÜNEN** (2016): Berlin gemeinsam gestalten. Solidarisch. Nachhaltig. Weltoffen. Koalitionsvereinbarung 2016-2021.
- SPD/FDP/Bündnis 90/Die Grünen** (2016): Koalitionsvertrag. Sozial gerecht – wirtschaftlich stark – ökologisch verantwortlich. Rheinland-Pfalz auf dem Weg ins nächste Jahrzehnt. Rheinland-Pfalz 2016-2021.
- Spiegel Online** (2016): Streit um Asylpaket II. Koalition verschiebt erneut Kabinettsbeschluss, 18.01.2016. Online: <http://www.spiegel.de/politik/deutschland/asylpaket-ii-koalition-wird-sich-nicht-einig-a-1072623.html> (27.04.2017).

- Statistisches Landesamt Baden-Württemberg** (2016): Wahl zum 16. Landtag von Baden-Württemberg am 13. März 2016. Online: <http://www.statistik-bw.de/Wahlen/Landtag/> (21.10.2016).
- Statistisches Landesamt Rheinland-Pfalz** (2016): Statistische Analysen. Landtagswahl 2016. Teil 1: Analyse der Ergebnisse der Wahlnacht.
- Statistisches Landesamt Sachsen-Anhalt** (2016): Wahl des 7. Landtages von Sachsen-Anhalt am 13. März 2016. Online: <http://www.statistik.sachsen-anhalt.de/wahlen/lt16/> (21.10.2016).
- StBA - Statistisches Bundesamt** (2016a): Volle Anerkennung für rund 12 700 ausländische Berufsqualifikationen im Jahr 2015. Pressemitteilung vom 06.10.2016. Online: https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/2016/10/PD16_358_212.html (20.02.2017).
- StBA – Statistisches Bundesamt** (2016b): Bildung und Kultur - Studierende an Hochschulen. Wintersemester 2015/2016 Fachserie 11 Reihe 4.1, Wiesbaden: StBA.
- StBA - Statistisches Bundesamt** (2016c): Einbürgerungen 2015, Fachserie 1, Reihe 2.1. Wiesbaden: Statistisches Bundesamt. Online: https://www.destatis.de/DE/Publikationen/Thematisch/Bevoelkerung/MigrationIntegration/Einbuengerungen2010210157004.pdf?__blob=publicationFile (27.03.2017)
- Steffen, Tilman** (2016): Einwanderungsgesetz. Migration nach Punkten, in: ZEIT ONLINE, 07.11.2016. Online: <http://www.zeit.de/politik/deutschland/2016-11/einwanderungsgesetz-spd-punktesystem-union> (29.03.2017).
- Süddeutsche Zeitung** (2017): "Die Bevölkerung akzeptiert bestimmte Normübertretungen nicht mehr", 24.04.2017. Online: <http://www.sueddeutsche.de/panorama/straffaellige-fluechtlinge-fuenf-punkte-in-denen-die-kriminalstatistik-oft-missverstanden-wird-1.3476608-2> (27.04.2017).
- SVR - Sachverständigenrat deutscher Stiftungen für Integration und Migration** (2016): SVR zum Integrationsgesetz: Frühe Integrationsförderung und Eingliederung in Regelsysteme konsequent ausweiten, 19.05.2017, Berlin: SVR.
- SVR- Sachverständigenrat deutscher Stiftungen für Integration und Migration** (2017): Rückkehrpolitik in Deutschland. Wege zur Stärkung der geförderten Ausreise. Studie des SVR-Forschungsbereichs 2017-1, Berlin: SVR.
- Tagesschau** (2016): Trotz brisanter Menschenrechtslage: GIZ koordiniert Grenzschutz im Sudan und in Eritrea, 14.05.2016. Online: <https://www.tagesschau.de/ausland/eritrea-sudan-101.html> (30.03.2017).
- Tangemann, Julian/Grote, Janne** (2017): Illegale Beschäftigung von Drittstaatsangehörigen in Deutschland. Fokusstudie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 74 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.
- Thym, Daniel** (2016): Stellungnahme für die Öffentliche Anhörung des Innenausschusses des Deutschen Bundestags am Montag, den 22. Februar 2016 über den Entwurf eines Gesetzes zur erleichterten Ausweisung von straffälligen Ausländern und zum erweiterten Ausschluss der Flüchtlingsanerkennung bei straffälligen Asylbewerbern (Gesetzesentwurf der Fraktionen der CDU/CSU und SPD), BT-Drs. 18/7537 v. 16.2.2016. Ausschussdrucksache 18(4)512 B, Berlin: Deutscher Bundestag.
- Tillack, Anna** (2016): Plötzlich sind sie weg. In: Tagesschau.de, 11.07.2016. Online: <https://www.tagesschau.de/inland/vermisste-fluechtlingskinder-101.html> (03.04.2017).
- UNHCR – UN-Flüchtlingshochkommissariat** (2017): Familiennachzug zu Personen mit subsidiärem Schutz in Deutschland – Anhörung im Innenausschuss am 20. März 2017. Online: <https://www.bundestag.de/blob/498564/2e1985d931e244b34face6c2868f58c1/18-4-816-data.pdf> (04.04.2017).

- Vollmer, Michael** (2015): Mobilitätsbestimmungen für Investoren, Selbständige und sonstige Wirtschaftsvertreter in Deutschland. Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 61 des Forschungszentrums des Bundesamtes, Nürnberg: BAMF.
- Vogel, Dita/Aßner, Manuel** (2011): Umfang, Entwicklung und Struktur der irregulären Bevölkerung in Deutschland. Expertise im Auftrag der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN) beim Bundesamt für Migration und Flüchtlinge, Nürnberg: BAMF.
- Vogel, Dita** (2015): Update report Germany: Estimate number of irregular foreign residents in Germany (2014), Database on Irregular Migration, update report. Online: <http://irregular-migration.net/> (05.04.2016).
- Vogel, Dita** (2016): Kurzdossier: Umfang und Entwicklung der Zahl der Papierlosen in Deutschland. Universität Bremen. Fachbereich 12. Arbeitsbereich Interkulturelle Bildung. AbIB-Arbeitspapier 2/2016. Online: http://www.fb12.uni-bremen.de/fileadmin/Arbeitsgebiete/interkult/Arbeitspapiere/Vogel_2016_Kurzdossier_Umfang_Papierlose_in_Deutschland_Abib-Arbeitspapier_2.pdf (21.03.2017).
- Werner, Christian/Khello, Tarek** (2016): Unbegleitet, minderjährig und vermisst. In: Deutschlandfunk, 05.10.2016. Online: http://www.deutschlandfunk.de/junge-fluechtlinge-in-deutschland-unbegleitet-minderjaehrig.724.de.html?dram:article_id=367682 (03.04.2017).
- Wittrock, Philipp/ Elmer, Christina** (2016): Bilanz der Flüchtlingspolitik. Was haben wir schon geschafft? In: Spiegel Online, 31.08.2016. Online: <http://www.spiegel.de/politik/deutschland/angela-merkels-wir-schaffen-das-bilanz-eines-fluechtlingsjahres-a-1110075.html> (20.04.2017).
- Worbs, Susanne** (2014): Bürger auf Zeit. Die Wahl der Staatsangehörigkeit im Kontext der deutschen Optionsregelung. Beiträge zu Migration und Integration Band 7, Nürnberg: BAMF.
- Worbs, Susanne/Bund, Eva/Kohls, Martin/Babka von Gostomski, Christian** (2013): (Spät-) Aussiedler in Deutschland. Eine Analyse aktueller Daten und Forschungsergebnisse. Forschungsbericht 20, Nürnberg: BAMF.
- Zacharakis, Zacharias** (2014): Integrationsbeauftragte widerspricht De Maizière, in: ZEIT ONLINE, 10.02.2014. Online: <http://www.zeit.de/politik/deutschland/2014-02/doppelte-staatsbuergerschaft-kritik-de-maiziere-oezuguz> (15.03.2017).
- Zeit Online** (2016): Merkel kritisiert Schließung der Balkanroute, 05.10.2016. Online: <http://www.zeit.de/politik/deutschland/2016-10/angela-merkel-fluechtlinge-balkanroute-schliessung> (27.04.2017).

Abbreviations

AA	Foreign Office (Auswärtiges Amt)
AAH-P	Training and equipment programme for foreign police forces (Ausbildungs- und Ausstattungsprogramm für ausländische Polizeikräfte)
ABH	Foreigners authority (Ausländerbehörde)
ADS	Federal Anti-Discrimination Agency (Antidiskriminierungsstelle des Bundes)
AfD	Alternative for Germany (Alternative für Deutschland; German Political Party)
AGG	General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz)
AG Rück	Return Working Group – sub-group of BLK IRM (Arbeitsgruppe Rückführung; Unterarbeitsgruppe der IMK)
AMIF	Asylum, Migration and Integration Fund (Asyl-, Migrations- und Integrationsfonds)
ASMK	Conference of Ministers and/or Senators for Labour and Social Affairs (Konferenz der Ministerinnen und Minister bzw. Senatorinnen und Senatoren für Arbeit und Soziales der Länder)
AsylbLG	Asylum Seekers' Benefits Act (Asylbewerberleistungsgesetz)
AsylG	Asylum Act (Asylgesetz - formerly Asylverfahrensgesetz – AsylVfG)
AsylVfG	Asylum Procedure Act (Asylverfahrensgesetz)
AsylZBV	Ordinance on Determining Asylum Jurisdiction (Asylzuständigkeitsbestimmungsverordnung)
AufenthG	Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory (Residence Act) (Aufenthaltsgesetz)
AufenthV	Ordinance Governing Residence (Aufenthaltsverordnung)
AVwV	Administrative Regulation (Allgemeine Verwaltungsvorschrift)
AWO	Workers' Welfare Association (Arbeiterwohlfahrt)
AZR	Central Register of Foreigners (Ausländerzentralregister)
AZRG	Act on the Central Register of Foreigners (Gesetz über das Ausländerzentralregister)
BA	Federal Employment Agency (Bundesagentur für Arbeit)
BAföG	Federal Training Assistance Act (Bundesausbildungsförderungsgesetz)
BAFzA	Federal Office for Family and Civil Society Functions (Bundesamt für Familie und zivilgesellschaftliche Aufgaben)
BÄK	German Medical Association (Bundesärztekammer)
BAMF	Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge)
BayIntG	Bavarian Integration Act (Bayrisches Integrationsgesetz)
BeschV	Employment Regulation (Beschäftigungsverordnung)
BKA	Federal Criminal Police Office (Bundeskriminalamt)
BLK IRM	Federation-Länder Coordination Agency for Integrated Return Management (Bund-Länder-Koordinierungsstelle zum Integrierten Rückkehrmanagement)
BMAS	Federal Ministry of Labour and Social Affairs (Bundesministerium für Arbeit und Soziales)
BMBF	Federal Ministry for Education and Research (Bundesministerium für Bildung und Forschung)
BMFSFJ	Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (Bundesministerium für Familie, Senioren, Frauen und Jugend)
BMI	Federal Ministry of the Interior (Bundesministerium des Innern)

BMJV	Federal Ministry of Justice and Consumer Protection (Bundesministerium der Justiz und für Verbraucherschutz)
BMWi	Federal Ministry of Economics and Energy (Bundesministerium für Wirtschaft und Energie)
BMZ	Federal Ministry for Economic Cooperation and Development (Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung)
BPB	Federal Agency for Civic Education (Bundeszentrale für politische Bildung)
BPOL	Federal Police (Bundespolizei)
BPolG	Federal Police Act (Gesetz über die Bundespolizei)
BSI	Federal Office for Information Security (Bundesamt für Sicherheit in der Informationstechnik)
BüMA	Asylum-seeker registration certificate (Bescheinigung über die Meldung als Asylsuchender)
BumF	Federal Association for Unaccompanied Minor Refugees (Bundesfachverband unbegleitete minderjährige Flüchtlinge)
BQFG	Vocational Qualifications Assessment Law (Berufsqualifikationsfeststellungsgesetz)
BR	Bayerischer Rundfunk
BVA	Federal Office of Administration (Bundesverwaltungsamt)
BVerwG	Federal Administrative Court (Bundesverwaltungsgericht)
BVFG	Federal Expellees and Refugees Act (Bundesvertriebenen- und Flüchtlingsgesetz)
CDU	Christian Democratic Union (German Political Party)
CEAS	Common European Asylum System
CEFR	Common European Framework of Reference for Languages
CIM	Centre for International Migration and Development (Centrum für internationale Migration und Entwicklung)
COI	Country of Origin (Herkunftsland)
CSU	Christian Social Union (German Political Party)
DAV	German Bar Association (Deutscher Anwaltverein)
DIK	German Islam Conference (Deutsche Islam Konferenz)
DIMAK	German Information Point on Migration, Vocational Training and Career (Deutscher Informationspunkt Migration, Ausbildung, Karriere)
DStGB	German Association of Towns and Municipalities (Deutscher Städte- und Gemeindebund)
EASO	European Asylum Support Office (Europäisches Unterstützungsbüro für Asylfragen)
EASY	IT tool for the initial allocation of asylum seekers
EEA	European Economic Area
EG	European Community (Europäische Gemeinschaft)
EinbTestV	Ordinance on Naturalisation Tests (Einbürgerungstestverordnung)
EMN	European Migration Network
EPS	Early Warning and Prevention System
ESF	European Social Fund
EU	European Union
EUBAM	European Union Border Assistance Mission to Moldova and Ukraine
EuGH	European Court of Justice (Europäischer Gerichtshof)
EURINT	European Integrated Return Management
EURODAC	European Dactyloscopy (European fingerprint database)
Europol	Agentur der Europäischen Union für die Zusammenarbeit auf dem Gebiet der Strafverfolgung

EZ	Development cooperation (Entwicklungszusammenarbeit)
FAP	Family Assistance Programme
FAZ	Frankfurter Allgemeine Zeitung (German newspaper)
FDP	Free Democratic Party (Freie Demokratische Partei)
FIM	Measures to integrate refugees (Flüchtlingsintegrationsmaßnahmen)
FRONTEX	European Border and Coast Guard Agency
GAMM	Global Approach to Migration and Mobility
GASIM	Joint Analysis and Strategy Centre for Illegal Immigration (Gemeinsames Analyse- und Strategiezentrum illegale Migration)
GEAS	Common European Asylum System (CEAS)
GER/CEFR	Common European Framework of Reference for Languages (CEFR)
GFK	Geneva Convention relating to the Status of Refugees
GG	Basic Law for the Federal Republic of Germany (Grundgesetz für die Bundesrepublik Deutschland)
GIZ	German Society for International Cooperation (Gesellschaft für Internationale Zusammenarbeit)
GRETA	Group of Experts on Action against Trafficking in Human Beings
HAP	Humanitarian admission programmes (Humanitäre Aufnahmeprogramme)
IMK	Permanent Conference of Ministers and Senators for the Interior of the Länder (Ständige Konferenz der Innenminister und -senatoren der Länder)
IntMK	Conference of Ministers and Senators responsible for Integration in the Länder (Konferenz der für Integration zuständigen Ministerinnen und Minister, Senatorinnen und Senatoren der Länder)
IntV	Integration Course Ordinance (Integrationskursverordnung)
IOM	International Organisation for Migration
IQ	Programme "Integration through Qualification (IQ)" (Förderprogramm „Integration durch Qualifizierung“)
JHA Council	Justice and Home Affairs Council
JMD	Youth migration services (Jugendmigrationsdienste)
KOK	Network against trafficking in human beings (Bundesweiter Koordinationskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess)
LGBTTIQ	Lesbian, gay, bisexual, transsexual, transgender, intersexual, queer
MBE	Migration Advisory Service for Adult Migrants (Migrationsberatung für erwachsene Zuwanderer)
NPD	National Democratic Party of Germany (Nationaldemokratische Partei Deutschland)
OVG	Higher Administrative Court (Oberverwaltungsgericht)
PartIntG	Participation and Integration Act of Baden-Württemberg (Partizipations- und Integrationsgesetz von Baden-Württemberg)
PMK	Politically motivated crime (politisch motivierte Kriminalität)
ProstSchG	Prostitute Protection Act (Prostituiertenschutzgesetz)
REAG/GARP	Reintegration and Emigration Programme for Asylum-Seekers in Germany/Government Assisted Repatriation Programme
REG	Return Expert Group
RL	Directive (Richtlinie)
SDG	Sustainable Development Goals
SIS	Schengen Information System
SGB	Social Code (Sozialgesetzbuch)

SPD	Social Democratic Party (Sozialdemokratische Partei Deutschlands)
StAG	Nationality Act (Staatsangehörigkeitsgesetz)
StBA	Federal Statistical Office (Statistisches Bundesamt)
StGB	Criminal Code (Strafgesetzbuch)
UM	Unaccompanied minors (Unbegleitete Minderjährige)
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
VG	Administrative Court (Verwaltungsgericht)
VO	Regulation (Verordnung); Ordinance (Verordnung)
FTE	Full-time equivalent

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