

LoGoSO

中德 Germany China

Models of Co-operation
between Local
Governments and Social
Organizations –
Migration: Challenges
and Solutions

LoGoSO Research Papers Nr. 4

Social Assistance for Refugees in Germany

Danielle Gluns, University of Münster

March 2018

LoGoSO Research Papers Nr. 4

ISSN: 2570-2351

The Publication Series

LoGoSO Research Papers is the publication series of the LoGoSO Germany China Research Project, edited by Prof. Dr. Katja Levy, Assistant Professor for Chinese Politics and Law at Freie Universität Berlin.

The LoGoSO Research Papers Series serves to disseminate first results of the ongoing research in the LoGoSO Germany China Project (www.logoso-project.com). Inclusion of a paper in the LoGoSO Research Papers should not limit publication in any other venue. Copyright remains with the authors.

Contact

Freie Universität Berlin
Fabeckstr. 23-25, R. 1.1124
14195 Berlin
katja.levy@fu-berlin.de

Authors:
<https://logoso-project.com/team/>

www.logoso-project.com

The Research Project

Models of Co-operation between Local Governments and Social Organizations in Germany and China– Migration: Challenges and Solutions (LoGoSO Germany China) is a comparative research project of the Freie Universität Berlin, the Westfälische Wilhelms-Universität Münster and the Chinese Academy of Governance, funded by Stiftung Mercator.

This comparative research project looks at the co-operation between state and social organizations (SOs) in China and Germany. It focusses on social service delivery in the area of integration of migrating populations with special attention to the fields of education, employment, vulnerable groups and social assistance (incl. legal aid) as a crosscutting issue to all of the fields. Within this subject area, the project wants to identify different models of state-SO co-operation and analyze which models are successful and why and where this co-operation is problematic. It aims to capture the different models of co-operation in Germany and China, to analyze and compare the underlying structures and to show potentialities for development.

Contents

- 1 Introduction 1
- 2 Social assistance – objectives and responsibilities..... 1
 - 2.1 Goals of social assistance to refugees 1
 - 2.2 Responsibilities of different federal levels..... 2
- 3 Social assistance to different groups..... 3
 - 3.1 Asylum seekers and persons with exceptional leave to remain 3
 - 3.1.1 Financial assistance..... 4
 - 3.1.2 Accommodation 4
 - 3.1.3 Counselling 6
 - 3.1.4 Other fields of social assistance 7
 - 3.2 Recognized refugees 8
 - 3.2.1 Financial assistance..... 8
 - 3.2.2 Accommodation and housing 8
 - 3.2.3 Counselling 9
 - 3.2.4 Other fields of social assistance 9
- 4 Involvement of non-profit organizations and voluntary initiatives 10
 - 4.1 Engagement for refugees in general 10
 - 4.2 Engagement and non-profit organizations in social assistance 11
- 5 Conclusion..... 13

1 Introduction

Social assistance for refugees comprises different policy areas. The report will focus on the fields of financial benefits, support regarding the accommodation of refugees, counselling and language support.¹ Responsibilities for these tasks are shared between the different federal levels in Germany, and non-profit organizations (NPOs)² are involved in their provision in various ways. The level and type of social assistance depends on the legal status of refugees. Asylum seekers, persons who were granted an exceptional leave to remain, and recognized refugees can be distinguished (see task 11, report on employment policy). Other differentiations within and across these broad categories have been introduced for particular fields of assistance and will be outlined in the respective sections of this report where they become relevant.

The report will start by outlining social assistance in general, discussing first its overall objectives (section 2.1) before describing the responsibilities of the Federal Government, the länder and the municipalities (section 2.2). Afterwards, the different policies and their implementation will be outlined, distinguishing between policies directed at asylum seekers and “tolerated” persons on the one (section 3.1) and recognized refugees on the other hand (section 3.2). Section 4 will then discuss the involvement of non-profit organizations and volunteers in the fields of social assistance. A concluding section will sum up the findings and consider the main issues of social assistance to refugees in Germany.

2 Social assistance – objectives and responsibilities

2.1 Goals of social assistance to refugees

Generally, the German constitution (Art. 1 in combination with Art. 20) postulates that the state needs to ensure everyone’s physical existence as well as a minimum of participation in social, cultural and political life. The minimum standards to be granted shall be defined by the Federal Government in a transparent procedure, taking into account all necessities of daily life as well as potential additional needs (Bundesverfassungsgericht 2010). The basic support provisions for ensuring this minimum standard are laid out in the German Social Code which is divided into twelve books for different fields of assistance. However, since 1993, this law applies only to German citizens and legally present migrants, including recognized refugees, whereas

¹ The fields of education and labour market integration are examined in two different reports (see tasks 10 and 11 of this project, respectively) due to their central importance for the structural integration of refugees in Germany. The field of health care is covered in task 12 (report on vulnerable groups). All reports of the project will be made available at www.logoso-project.com.

² Non-profit organizations can be defined as entities that are organized, non-governmental, limited profit-distributing, self-governing, and voluntary (Salamon and Anheier 1997; Salamon and Sokolowski 2014). In Germany, they comprise a broad variety of organizations such as the free welfare associations (*Wohlfahrtsverbände*, confederations of organizations active in various fields of social assistance, organized along ideological and religious lines), voluntary associations (*Vereine*), private law foundations (*Stiftungen des Privatrechts*), cooperatives (*Genossenschaften*), and non-profit private limited corporations (*gGmbH*) (cf. Zimmer *et al.* 2016). Besides these non-profit organizations, the non-profit sector also encompasses less organized voluntary initiatives or movements.

asylum seekers and persons having been granted exceptional leave to remain are covered by a separate law.

The main goal of the introduction of the so-called “Asylum Seekers Benefit Act” (*Asylbewerberleistungsgesetz, AsylbLG*) was to deter the immigration of “bogus” asylum seekers who were assumed to come to Germany not for fear of persecution but for obtaining a level of welfare they could not attain in their countries of origin (Münch 2014). This “pull factor” of immigration should be abolished by a very low level of support for all persons during the asylum procedure and those with rejected asylum claims. The goal of deterrence was reflected in a number of provisions. Benefits in kind were declared the regular way of disbursing benefits e.g. by providing group accommodations and food. Financial benefits were reduced to a minimum of only 40 Euros per person per month. Moreover, health care for asylum seekers was restricted to treatment for acute or painful illnesses (see task 12 of this project, report on vulnerable groups of refugees in Germany). However, the Federal Constitutional Court ruled in 2012 that the human dignity of asylum seekers cannot be constrained based on the goal of migration management. Therefore, the procedure for setting the level of financial benefits – without any consideration of needs and without any increases since 1993 – was ruled unconstitutional by the Court (Bundesverfassungsgericht 2012). Based on this ruling, social assistance for asylum seekers now needs to consider their physical needs as well as a minimum level of social, cultural and political participation. Even so, only financial assistance levels have been raised; whereas the other provisions have remained untouched (see below).

2.2 Responsibilities of different federal levels

Both the Social Code and the Asylum Seekers Benefit Act are issued by the federal level. They set out the level of assistance to be granted to recognized refugees and asylum seekers, while delegating the implementation of the laws to the *länder*. These, in turn, partly delegate them further to the municipalities (Bendel 2016b: 59). As depicted in the report on employment policy, the responsibility for benefits according to the Second Book of the German Social Code (SGB II) is shared between the federal and local levels. While means-tested unemployment benefits are covered by the federal level, allowances for housing are paid by the municipalities under financial contribution by the Federal Government. The implementation of the Asylum Seekers Benefit Act is generally within the responsibility of the *länder*. They can decide autonomously which tasks to administer themselves and which to assign to the municipalities. This autonomy includes making provisions for financial reimbursements to the municipalities. They are usually organized as lump sum payments for particular municipal tasks.

All *länder* are obligated to receive refugees. Their share is determined by an allocation formula based on tax revenue and number of inhabitants of the *länder*. After registration, asylum seekers are redistributed to the land that has not yet fulfilled its quota and whose respective branch of the Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF) is responsible for the respective country of origin. The refugees are first accommodated in reception centres which are run by the *länder*. Afterwards, the *länder* allocate the refugees to the municipalities according to their own quota systems. The entire redistribution follows criteria of equal distribution and

pragmatic considerations, but not the needs of the refugee nor the land or municipality in question (Müller 2013: 15–20).

In broad terms, the tasks of municipalities can be divided as follows: **Mandatory tasks** comprise the implementation of the aliens law (e.g. conducting deportations), as well as providing accommodation, financial benefits and health care insofar as they are delegated to the municipalities by the länder. In those fields, the länder determine the content, goals and structures of implementation, even if their regulations may leave some discretion to the municipalities. **Obligatory self-administrative tasks** mainly comprise education, which is covered in task 10 of this project. Municipalities can furthermore decide to engage in additional **voluntary tasks** such as language training, qualifications, supporting voluntary engagement, and public relations activities. In those cases, the municipalities decide if and how to take up any tasks (Schammann and Kühn 2016). They can draw on their own funds, for example for opening regular offers – e.g. directed at Germans or other groups of migrants – for asylum seekers. Moreover, the municipalities have different possibilities of fundraising, e.g. using European sources such as the European Social Fund (ESF) or the Asylum, Migration and Integration Fund (AMIF), or utilizing community development programs such as “Social City” (“*Soziale Stadt*”) for refugee-related activities (Aumüller *et al.* 2015: 31f).

In general, the federal sharing of responsibilities contributes to a wide variety of different regulations and policies regarding social assistance for refugees. While the municipalities are not involved in the policy-making process, they play an important role in the refugees’ reception. In some cases, legal provisions leave such a high level of discretion that one could speak of policy-making by individual case workers during the implementation. This is particularly important as local refugee policy is situated in a tension field between fostering integration and managing migration.³ The former often implies favourable conditions and support, whereas the latter is often understood as the need to lower the number of refugees in the municipality by deterring “immigration into the social systems” (a catchphrase in public discourse and even in some federal legislation) by providing only a minimum level of support (Bendel 2016b: 58–61).⁴ However, it is usually acknowledged that integration is taking place at the local level, and many communities contribute by developing their own integration concepts and collaborating with non-profit organizations and groups to ensure the participation of refugees in local life (Aumüller *et al.* 2015: 30f).

3 Social assistance to different groups

3.1 Asylum seekers and persons with exceptional leave to remain

The Asylum Seekers Benefit Act applies to asylum seekers for the duration of their application as well as to persons having been granted exceptional leave to remain, i.e.

³ Migration management is a term widely used by governmental and nongovernmental actors to denote the policies and regulations regarding cross-border movement of persons to gain some level of control over human mobility (cf. Geiger and Pécout 2010).

⁴ While it would be rational not to provide any support at all in order to prevent any welfare-induced migration, this is prohibited both by the German Constitution as outlined above and by obligations deriving from international human rights conventions.

who are “tolerated” in Germany because deportation is legally or practically infeasible (§1 AsylbLG). After 15 months of their stay, these groups are entitled to benefits along the lines of the Twelfth Book of the German Social Code (SGB XII). This law on social welfare grants more favourable conditions e.g. regarding health care and financial benefits. However, tolerated persons who are assumed to have influenced the duration of their stay in violation of the law – e.g. have not contributed to the acquisition of a passport which is needed for their deportation – are exempted from this shift (§2 AsylbLG).

3.1.1 Financial assistance

Financial assistance to asylum seekers and “tolerated” persons is divided into “basic necessities” (*notwendiger Bedarf*) and “personal necessities” (*persönlicher Bedarf*). Basic necessities comprise e.g. nutrition, accommodation, clothing, health care and certain consumer goods. Personal necessities include e.g. expenses for mobility or communication. The level of assistance depends on the age and family status of the persons concerned. For example, lower financial needs are assumed for children or for adults who share a household. Moreover, the disbursement of benefits is further divided into periods of stay in the initial reception centres and after redistribution to the municipalities. As a rule, basic necessities are provided in kind in reception centres, and personal necessities shall be provided in kind “if possible with a justifiable administration effort” (*“soweit mit vertretbarem Verwaltungsaufwand möglich”*, §3 sec. 1 AsylbLG). After redistribution, personal necessities shall generally be provided as cash benefits whereas accommodation and household expenses can be provided either in cash or in kind (§3 sec. 2 AsylbLG). As many of these provisions are formulated as “shall” provisions, they give the länder and municipalities the authority to decide on the form of benefits. Usually, a mixture of in kind and cash benefits is provided in the initial reception centres, whereas the practice of communities after redistribution varies (Alicke 2016: 23f; Scholz 2016: 141; Schammann and Kühn 2016: 15f).

Additional benefits can be granted if they are required to secure the life and health of a person, or if they are needed to cover the additional needs of children (§6 AsylbLG). At the same time, the general level of benefits can be reduced for “tolerated” persons who are suspected of having entered Germany “in order to obtain benefits according to this law” (*“die sich in den Geltungsbereich dieses Gesetzes begeben haben, um Leistungen nach diesem Gesetz zu erlangen”*) or for asylum seekers who do not contribute adequately to their asylum procedure (i.e. not providing information on their identity). In those cases, only those benefits that are “irrefutably necessary” (*“unabweisbar geboten”*) for not violating human rights are provided (§1a AsylbLG). Both of these provisions give municipal authorities significant discretion regarding the level of benefits (Aumüller *et al.* 2015: 32).

3.1.2 Accommodation

Asylum seekers are required to reside in one of the 60 reception centres managed by the länder for the initial three to six months of their stay. Persons from so-called safe countries of origin are obligated to remain there for the entire duration of their stay, because it is expected that their applications will be rejected and that they can more

easily be deported if they remain in the centres.⁵ For the first three months, all asylum seekers have to remain within the district ("*Residenzpflicht*"), needing permission of the responsible aliens department for temporary absence (Schmid and Kück 2017: 73). Afterwards, the requirement is relaxed and allows asylum seekers to move freely within the land they have been allocated to. Only Bavaria has maintained the former strict provision limiting the stay to the respective district (Scholz 2016: 139f). Moreover, in mid-2016 the so-called "integration law" ("*Integrationsgesetz*"), a reform of existing laws, has introduced an obligation to reside in the municipality that refugees have been allocated to as long as they do not earn a living ("*fixed abode*", "*Wohnsitzauflage*"). The länder can furthermore mandate that they reside in a particular area or place such as a group accommodation (§60 AsylG). This shall help to distribute costs for social benefits more evenly between municipalities, because some areas – particularly the larger cities – attract more refugees than others. Additional residence requirements can be imposed as sanctions by the local Aliens Departments. Violations of the requirements can be sanctioned by a withdrawal of social benefits, fines, or even deportation (Scholz 2016: 140).

In the city states (*Stadtstaaten*) such as Berlin, the land usually remains responsible for the accommodation of asylum seekers for the entire duration of their application (Wendel 2014: 14–17; see also Task 2 of this project, Report on traditions and structures of local public administration in Germany). In the area states (*Flächenländer*), the municipalities have wide discretion in deciding on the type of accommodation for asylum seekers and tolerated persons after redistribution, despite some provisions in federal and state laws. Accommodation types can be distinguished into group accommodations and "decentral accommodation". The latter is understood here as the accommodation of asylum seekers in apartments as individual units, whereas the former refers to larger structures where asylum seekers usually share sanitary facilities and space for leisure activities. Some länder prioritize either group or decentral accommodations. Others prioritize the allocation of decentral accommodations to vulnerable groups such as families with children. Other länder make no general provisions at all (Wendel 2014: 65–69). In addition, some municipalities⁶ have developed their own accommodation concepts, partly setting a legal priority for decentral accommodation. For example, Cologne has devised a concept that underlines the reception and integration of refugees as part of the international and intercultural metropolis, underlining the integrating function of decentral accommodations. The case of Cologne has been understood as a best practice example for a long time (Aumüller *et al.* 2015: 51–54).

Where group accommodations are used, their actual situation and living standards vary widely. No federal requirements exist regarding the quality of accommodation or

⁵ Moreover, particular reception centres for persons from safe countries of origin have been created since 2015. There, the applications for asylum shall be decided in accelerated procedures within one week and highly restrictive residence requirements apply (Scholz 2016: 139f). As asylum seekers within these centres are usually not included in integration policy, they will not be covered in more detail here.

⁶ Some of these concepts have been developed by the municipalities under participation of welfare associations and social groups.

quantity of space to be made available. Some, but not all länder have set requirements or minimum standards regarding group accommodations (partly including reception centres). For example, Berlin determines that adults need to have 6m² and children below six years of age 4m² of space, that sanitary facilities need to be separated by sex, and that at least one children's playroom has to be made available per building. However, non-compliance with such standards is not sanctioned by all länder (Wendel 2014: 36–51). Some municipalities have determined their own standards, sometimes surpassing the requirements of the länder (Schammann and Kühn 2016: 11–13).

Some group accommodations and reception centres are located in rather secluded places such as former military barracks with a lack of public transit into the nearest cities.⁷ Several other disadvantages of group accommodations prevail: The close proximity and partly shared living spaces of persons from many different backgrounds, together with psychosocial strains resulting from the flight and the asylum procedure in Germany can lead to conflicts. The lack of security and leisure facilities further hinders the well-being of the asylum seekers. The bad state of repair of many facilities and their spatial isolation contribute to stigmatization and rejection on the part of the local population. Moreover, group accommodations are partly more expensive than decentral accommodation, implying economic disadvantages for the municipalities (Aumüller *et al.* 2015: 35–43). Even so, group accommodations can help to provide a first orientation for newly arriving refugees who may be unable to live independently immediately after arriving. They enable a focused provision of services, counselling and information, but may lead to a loss of independent living skills if persons remain there for long periods of time.

In contrast, decentral accommodations usually facilitate the integration into the neighbourhoods and the acceptance by the local population (Aumüller *et al.* 2015: 61f). Some municipalities afford asylum seekers the right to seek for decentral accommodation themselves and be reimbursed for their expenses if they remain below a certain level which is set by the municipality (Schammann and Kühn 2016: 13). However, the use of decentral accommodation is currently inhibited by the increase in asylum applications as well as by tightening housing markets in many larger cities such as Berlin and Cologne. Moreover, rising prices on the free housing market are not always covered by the lump sum reimbursements of the länder, putting a strain on local budgets. As a consequence, most municipalities currently use a mix of different types of accommodations, depending on local market conditions, structures and preferences (Aumüller *et al.* 2015: 40).

3.1.3 Counselling

Counselling for asylum seekers and refugees is a cross-cutting issue that touches upon many of the other fields regarding the integration of refugees. When refugees arrive in Germany, many of them are unfamiliar with both the language and the societal structures. Therefore, they depend on access to the right information, e.g. regarding employment, educational opportunities or leisure activities. Some of the information can

⁷ In 2014, the federal level furthermore introduced the legal possibility to establish group accommodations in industrial areas, where building permits for residential structures are usually not allowed, to respond to the lack of refugee accommodations (Aumüller *et al.* 2015: 70f).

be accessed independently (e.g. on the web or through information brochures), whereas other matters or individuals might require more outreach and guidance activities to pervade the jungle of legislative matters and different organizations involved (Riemer 2016b).

The most important field for the asylum seekers themselves is the asylum procedure. While some information on the procedure itself is provided by the public authorities (pursuant to §24 sec. 1 Asylum Law/*Asylgesetz*), most refugees state a lack of understanding regarding the official documents issued, the sequence of steps to be followed, and potential legal action in the case of rejection (Speth and Becker 2016: 10; Riemer 2016b: 315f). Legal counselling is usually provided by organizations independent of the public authorities (Wendel 2014: 75) and will thus be covered in section 4 of this report.

Another field consists of social counselling and support. There are no federal requirements prescribing any counselling on everyday life – e.g. regarding access to education, the labour market etc. – by the länder or municipalities (Schmid and Kück 2017: 74f). Even so, it is usually provided directly in the group accommodations by social workers employed by or on behalf of the municipalities. The content of the assistance, ratio of asylum seekers per social worker, their qualifications and employment conditions diverge between the länder and municipalities. For example, some public authorities understand integration work as an explicit task of the social workers whereas Bavaria seeks to “maintain the possibilities for reintegration” into the country of origin, understanding the stay of many asylum seekers as temporary and therefore not supporting their integration for the duration of the application (Wendel 2014: 76–81). Some municipalities establish their own standards, funding e.g. a better ratio between social workers and asylum seekers than covered by reimbursements from the respective land or engaging in outreach activities for asylum seekers in decentral accommodations (Aumüller *et al.* 2015: 55–58).

One problem is that the counsellors employed in the group accommodations fulfil a dual role: on the one hand, they shall assist and empower the asylum seekers, on the other, they shall ensure a smooth running of the facility and contribute to social order on behalf of the public or private operators of the accommodations (Wendel 2014: 75f).

3.1.4 Other fields of social assistance

Another field of social assistance that touches upon all the integration fields covered in this project is language support and tutoring. Knowledge of the German language is a crucial resource in accessing education, employment, health care etc. However, the federally funded integration and language courses are only open to recognized refugees and to asylum seekers from countries of origin that are attested a “positive prospect of remaining” (“*positive Bleibeperspektive*”)⁸. However, some municipalities understand language courses at an early stage of the asylum process as helpful for later steps of

⁸ This prospect is derived from the recognition rates of asylum applications from those countries. In 2016, they comprised Eritrea, Iraq, Iran, Syria and Somalia (<http://www.bamf.de/DE/Infothek/FragenAntworten/IntegrationskurseAsylbewerber/integrationskurse-asylbewerber-node.html>, last accessed 15 May 2017).

integration. They use their own funds to open these courses or support non-profit organizations in providing additional courses for groups not covered by this regulation. Moreover, EU funding or funding by some länder can also be used for language courses (Aumüller *et al.* 2015: 75f).

3.2 Recognized refugees

Refugees whose asylum applications have been granted, i.e. who have a status according to the German Constitution (asylum), the Geneva Convention (refugee) or under the EU Qualification Directive (2011/95/EU, subsidiary protection), are usually treated similar to German nationals. This is also mirrored in the provisions regarding social assistance.

3.2.1 Financial assistance

Recognized refugees can receive financial assistance according to the Second Book of the German Social Code (SGB II) if they are generally able to work but are currently unemployed or if their salaries do not suffice to reach the minimum standard guaranteed by the law (see task 11 of this project). If they are unable to work at least three hours per day, e.g. due to a disability or old age, they can receive financial benefits according to the Twelfth Book (SGB XII) which covers welfare payments. These welfare payments are fully covered by the municipalities, whereas the costs of SGB II are shared between the federal and local levels (cf. Deutscher Städtetag 2014: 4).

3.2.2 Accommodation and housing

Refugees are usually expected to find their own apartments after their application for asylum has been granted. Their housing costs are covered by social benefits if they are unable to pay for them from earned income. The municipalities pay a certain allowance for housing-related expenses, as long as these are considered “reasonable” in relation to the size of the household and the size of the apartment (Jacobs *et al.* 2009). Moreover, additional housing subsidies (“*Wohngeld*”) are available for persons whose income from work does not suffice to cover housing costs but who do not qualify for SGB II benefits.⁹ A main problem regarding the housing of recognized refugees regards the availability of affordable dwellings. The housing market has tightened considerably in many cities in the past 15-20 years, with rising housing costs narrowing the market segment available to low-income households. This can lead to a competition between different groups such as unemployed persons, students, young families, and persons in precarious employment (BBSR 2013: 3–7).

Since the 1990s, the state, the länder and communities have withdrawn from public and subsidized housing construction. As a consequence, the share of dwellings that is rent-restricted due to public subsidies shrank to 3.5 percent of the entire housing stock

⁹ Housing subsidies are targeted at persons with an earned income – i.e. they do not apply for unemployed persons, who can receive social benefits according to the Social Code – whose income does not cover housing costs (rents or liabilities of owner-occupied dwellings). The level of subsidies depends on the number of household members, total household income, and the level of allowable housing costs (see <http://www.bmub.bund.de/themen/stadt-wohnen/wohnraumfoerderung/wohngeld/>, last accessed 18 May 2017).

in 2013.¹⁰ It is estimated that 350,000 dwellings would need to be constructed every year to meet housing needs (Deutscher Bundestag 2016). This need is concentrated in some areas, in particular growing cities, whereas other regions suffer from population decline and vacancies.¹¹ The state has acknowledged the need for affordable housing construction and has made additional subsidies available. The regular budget for housing subsidies that is disbursed to the länder every year has been nearly doubled for 2016-2018. In addition, tax benefits shall be made available to private developers who construct affordable dwellings in regions with high needs of new construction (Bundeskabinett 2016).¹² To achieve a more equal distribution of refugees and mitigate the unequal housing demand in different regions, the fixed abode (*Wohnsitzauflage*) for recognized refugees has been established in 2016.

3.2.3 Counselling

A crucial field for many recognized refugees is the question of family reunification. Some groups of refugees have a privileged right to bring close family members such as minor children and spouses to Germany based on humanitarian visa.¹³ However, the procedure for obtaining the necessary permits and documents is highly complicated and requires legally knowledgeable advice. The situation has further been complicated by the decision to suspend family unification for persons enjoying only subsidiary protection for two years (until March 2018). Counselling on such matters is usually provided by non-profit organizations and will therefore be discussed in section 4. In addition, refugees are supported by the regular offers of migration counselling (*Migrationsberatungsstellen*) by NPOs (Riemer 2016b).

3.2.4 Other fields of social assistance

In parallel to asylum seekers, language training is a key field of assistance for recognized refugees. The obligatory¹⁴ language and integration courses of the federal level shall achieve a level of language knowledge sufficient to enable refugees to participate in German society. The state acknowledges that there are groups which might need particular support measures, such as illiterate adults, women and parents, or youth. For

¹⁰ The state has engaged in subsidizing housing construction since the late 19th century. Different models of housing construction subsidies were implemented over the years. Usually, the subsidy was granted in exchange for limits on the maximum level of rents to be charged for a subsidized dwelling. These restrictions applied for a certain period, often 20-30 years, after construction. Upon expiration of this period, the dwellings can be rented out at market rents without any further restrictions (Kirchner 2007; Einem 2016; Heinelt and Egner 2006).

¹¹ Vacancy rates in different regions according to the latest census can be accessed at <https://service.destatis.de/zensuskarte/index.html#!p=3&s=1> (last accessed 23 Jan 2017).

¹² See also <https://www.bundesregierung.de/Content/DE/Artikel/2016/07/2016-07-07-bund-laender-treffen-integrationskosten.html> (last accessed 11 May 2017).

¹³ In general, any legally present third country national in Germany can apply for family unification. However, pursuant to §29 Residence Law (Aufenthaltsgesetz), the sponsor usually needs to demonstrate that he or she disposes of the necessary means to sustain his or her family members. This provision does not apply for recognized refugees.

¹⁴ Participation in those courses is compulsory for all third country nationals whose residence status has been conferred after 2005 and who are unable to communicate in German; see <http://www.bamf.de/DE/Infothek/TraegerIntegrationskurse/Organisatorisches/TeilnahmeKosten/Auslaender/auslaender-node.html#doc1367488bodyText3> (last accessed 15 May 2015).

them, specific courses can be made available.¹⁵ In addition, some municipalities provide additional courses, either in general or for particular groups of refugees (Aumüller *et al.* 2015: 76–79). However, such particular courses are not available throughout the country, and some refugees voice the need for more tailored language courses and criticize the regular one-size-fits-all model (Bendel 2016a: 338f).

Other measures aim at fostering the self-organization and empowerment of the refugees themselves, e.g. by envisaging the establishment of refugee advisory councils (e.g. in Berlin) to be involved in policy-making (Hamann *et al.* 2016: 37f).

4 Involvement of non-profit organizations and voluntary initiatives

The involvement of NPOs and volunteers in social assistance depends on the respective activities. Financial assistance for refugees and asylum seekers is a predominantly public responsibility.¹⁶ Assistance in the other fields is often implemented with the help of non-profit organizations, whereas some activities are conducted predominantly by volunteers or non-profit organizations. In the following, a short general outline on volunteer engagement for refugees in Germany and their collaboration with public actors will be provided (4.1), before the roles of volunteers and NPOs in the fields of social assistance will be outlined in more detail (4.2). As voluntary activities are usually not differentiated by the residence status of the refugees, the involvement of non-profit organizations and volunteers will be described here without any distinction between asylum seekers, refugees and “tolerated” persons.

4.1 Engagement for refugees in general

The Federal Government acknowledges that the often-cited “welcome culture” („*Willkommenskultur*“) is sustained mainly by civil society, and that it is intensified by the close collaboration between public authorities and privately engaged persons in the municipalities (BMFSFJ, cited in Speth and Becker 2016: 6). Voluntary engagement has increased significantly in 2015, partly in response to a failure of public actors to meet the immediate needs of the incoming refugees. Engagement in refugee-related work is taking place both within established non-profit organizations and in newly formed initiatives or even individually. This individual and often informal engagement will possibly become more institutionalized over time, when initiatives consolidate and develop formal structures (Hamann *et al.* 2016: 22f; Karakayali and Kleist 2016: 22). Volunteering has developed in two stages: At first, many initiatives were concerned with immediate and emergency assistance, including e.g. the organization of donations such as clothes or toys, as well as meeting immediate accommodation needs. Later on, engagement centred on support for refugees with different legal titles and questions of their integration (Speth and Becker 2016: 11f). The time volunteers spend on their

¹⁵

Cf.

<http://www.bamf.de/DE/Infothek/TraegerIntegrationskurse/Paedagogisches/Kursarten/kursarten-node.html> (last accessed 15 May 2017).

¹⁶ An exemption to this rule is the case of some municipalities that have disbursed some of the financial benefits as vouchers that could only be used in certain shops and for certain goods. Social organizations have formed to exchange these vouchers against cash, thereby affording the refugees a higher level of autonomy (cf. <http://www.papiere-fuer-alle.org/node/233>, last accessed 15 May 2017).

engagement is rather high, and some feel strained by their engagement (Hamann *et al.* 2016: 47f). These findings suggest that voluntary engagement should not be considered a substitute for public tasks, and that further public and professional support may be needed.

Municipalities are currently assisting NPOs and initiatives by coordinating activities, providing financial support as well as training and qualification for volunteers (Hamann *et al.* 2016). In their activities, they shall on the one hand support volunteers while on the other remaining sufficiently open to allow for co-creation and co-design, which is one of the key interests of the volunteers themselves (Aumüller *et al.* 2015: 98f). Some municipalities are providing funds for independent work, e.g. in the form of neighbourhood funds (Aumüller *et al.* 2015: 89–91). Such support for voluntary engagement not only supports the integration of refugees, but can also help to improve the views of the local population towards refugees and thereby prevent conflicts (Aumüller *et al.* 2015: Part II).

4.2 Engagement and non-profit organizations in social assistance

In many cases, the provision of group accommodations is contracted-out to private providers by the municipalities. They draw on both non-profit organizations and private for-profit providers. A problem is that the lump sum reimbursements by the länder induce municipalities to select the cheapest providers. Some private providers have proposed dumping prices, gaining advantage over non-profit providers who often strive to maintain higher standards. Some municipalities have tried to prevent such problems by restricting contracting-out to locally based or non-profit providers. Others have restricted the size of group accommodations since smaller sizes make them less profitable for institutional investors and may at the same time foster integration (Aumüller *et al.* 2015: 47–51). In some cities, voluntary initiatives have formed to support refugees (both during and after their application procedure) in finding private accommodation. They can help to alleviate the reluctance of private landlords, bridge language difficulties, and broker contacts between refugees and e.g. students wishing to share an apartment (Scholz 2016: 157f; Aumüller *et al.* 2015: 63–65).¹⁷

Different non-profit organizations are active in the field of counselling, sometimes focusing on particular fields of assistance such as legal issues, access to the labour market etc. (Hamann *et al.* 2016: 25–31). In particular, legal counselling requires high skills and cannot be provided by inexperienced volunteers. As a solution, refugee law clinics have been established in different cities where law students provide advice under the supervision of a law professor (Aumüller *et al.* 2015: 87f; Riemer 2016b: 318f). In addition, many volunteers accompany refugees to public authorities, helping e.g. with translations, but also by explaining difficult legal matters (Karakayali and Kleist 2016: 24f). In these cases, the relationship between public authorities and volunteers can become conflictual, as volunteers are partly frustrated by the complex bureaucratic procedures and sometimes criticize political actions by the government (Karakayali and Kleist 2016: 31–34; Hamann *et al.* 2016: 53). In some cases, they are even perceived

¹⁷ See also <http://www.fluechtlinge-willkommen.de/>, <https://exilverein.de/projekte/schoener-wohnen/> or <http://www1.wdr.de/nachrichten/westfalen-lippe/drk-wohnlotsen-fluechtlinge-100.html> (all accessed 15 May 2017) for examples of local projects.

as providing assistance for circumventing public authorities. Bavaria's social department, for example, has threatened to withdraw subsidies to counselling organizations if they provide information on legal actions and possibilities to prevent deportation.¹⁸

Social counselling and assistance in the reception centres and group accommodations is based on closer collaboration between the municipalities and the providers. Public authorities usually conclude contracts with the welfare associations or other non-profit organizations that employ the social workers on behalf of the municipality. In many cases, social workers are responsible for assisting 150-200 refugees. This does not allow for e.g. outreach activities and usually restricts the tasks of the social workers to responding to questions and needs raised by the refugees themselves. The institutionalized counselling services are therefore often supplemented by volunteers, for example within the framework of mentoring programs or as "integration pilots" (*"Integrationslotsen"*). The contact between volunteers and refugees in such projects can build social capital which is helpful when looking for work, housing, or having trouble with the administration (Aumüller *et al.* 2015: 85f, 91-94).

Language courses are also commissioned by public actors and provided by for-profit or non-profit entities. In many cases, local *"Volkshochschulen"* provide the courses. They are entities that are owned or sponsored by the municipalities and provide a broad range of adult education courses in different topics. Publicly provided offers of language training are supplemented by different voluntary offers to meet demand. They range from highly structured courses providing a language certificate after completion to unstructured communication circles, language tandems etc. provided by volunteers without any formal qualifications as German teachers (Karakayali and Kleist 2016: 24f). Moreover, volunteers are often involved in language mediation to enhance the access of refugees to different social systems. In some cases, these services are provided by migrants whose language skills are a crucial resource. However, some fields require expert knowledge or culturally and socially sensitive translations – e.g. in the case of psychotherapies – and should therefore be provided by qualified professional interpreters (Riemer 2016b: 322; Joksimovic *et al.* 2017: 296–298). Some municipalities support voluntary language training and mediation by qualifying volunteers, or by providing funding for learning materials (Aumüller *et al.* 2015: 76–79).

Apart from such activities directed at the particular needs of refugees, integration into leisure activities such as sports or cultural associations can improve the overall emotional well-being of refugees, foster German language capacities and help to reduce prejudices and reservations on the side of the German population. Moreover, it provides refugees with the opportunity to bring their own resources into the German society and share their own cultures (Riemer 2016a: 304f). Such activities comprise offers directed at refugees in particular as well as those open to the entire population. While the latter are generally better equipped to foster integration into the majority society, there are also significant barriers hindering the access of refugees to these offers. These are not of a legal nature – no regulations prevent refugees from joining associations – but more of a cultural and social nature. For example, different perceptions of leisure activities or

¹⁸ Cf. <http://www.sueddeutsche.de/bayern/asylopolitik-empoeerung-ueber-sozialministerium-1.3410753>, (last accessed 09 May 2017).

free time can make adaptations on both sides necessary. Moreover, a self-perceived lack of language capacity, the uncertainty of the duration of the stay and a lack of mobility can hinder participation in activities. Sports associations, religious communities and cultural institutions try to bridge this divide by directly addressing refugees or utilizing multipliers for engagement. Moreover, developing activities not *for* but *with* the refugees helps to foster participation (Riemer 2016a). This underlines the need for grass-roots activities in the fields of social assistance and integration.

5 Conclusion

Social assistance to refugees comprises different activities that are distributed between public and private actors as well as between different federal levels. Financial assistance to asylum seekers and refugees is rather exclusively a task of the public authorities without any involvement of non-profit organizations. Even so, some of the immediate emergency provision with basic necessities such as food or clothes during the main months of immigration in 2015 and 2016 has been conducted by volunteers. In the long run, volunteers and NPOs become more involved in other fields of assistance, such as legal counselling or mentoring. Moreover, the tradition of subsidiarity in Germany is reflected in the involvement of non-profit organizations in e.g. the provision of group accommodations, language courses and social counselling based on contracts with public authorities.

The division of responsibilities between public, non-profit, and individual actors depends on the particularities of the respective activities as well as on the particular strengths of each actor. Public authorities and non-profit organizations have different skills that complement each other if tasks are assigned appropriately and interfaces between different support systems and providers are adequately managed (Aumüller *et al.* 2015: 98). In particular, **public authorities** should ensure that the basic provisions for social assistance in terms of adequate living standards are made, including assistance with nutrition, accommodation, and basic personal needs. Moreover, they should safeguard access to language training courses to ensure that refugees will eventually be able to live independently. **Non-profit organizations**, in contrast, have traditionally been the main providers of support measures such as legal and social counselling, where independence from public authorities may be desirable. Moreover, there is a large infrastructure of associations and organizations active in the fields of sports and cultural activities that can provide a crucial function for the integration of refugees and the opening of the German society. In particular, NPOs that seek to empower refugees and give them a voice in matters regarding them can become an important basis for political activities by the refugees themselves. As many of processes involved in the asylum procedure treat refugees as mere “objects” in a bureaucratic and impersonal structure (Schmid and Kück 2017: 74), this will be crucial in helping refugees to become active and independent citizens in the long run. In addition, engagement by **volunteers** in new initiatives or outside of formal structures of engagement can assist refugees very individually based on particular needs and can be an important resource to foster social contacts and integration.

While these strengths of different organizations and groups are known, less information exists on the current division of tasks between them as well as their relationships at the local level. In particular, the dual role of non-profit organizations as both advocates for refugees' needs and as contractors of the city – which is particularly important in the field of social assistance and counselling – so far remains under-researched. How do organizations solve the potential tensions resulting from these roles? When are conflicts most likely to emerge, and how can they be solved constructively? In addition, the voluntary engagement of (unqualified) persons in sensitive fields raises the question where more professional and long-term staff is needed to provide adequate services.

6 References

- Alicke, T. (2016) *Young Refugees NRW. Wegweiser für Fachkräfte*. Dortmund, available at <http://www.youngrefugees.nrw/files/guide.pdf>, accessed 2 March 2016.
- Aumüller, J., Daphi, P. and Biesenkamp, C. (2015) *Die Aufnahme von Flüchtlingen in den Bundesländern und Kommunen - Behördliche Praxis und zivilgesellschaftliches Engagement. Teilhabe - Vernetzung - Engagement - Integration; Expertise*. Stuttgart: Robert-Bosch-Stiftung.
- BBSR (2013) *Wohnungsengpässe und Mietensteigerungen. Aktuelle Mietenentwicklungen in den Städten und Regionen*. Bonn.
- Bendel, P. (2016a) 'Fazit und Forschungsausblicke', in P. Bendel (ed.) *Was Flüchtlinge brauchen - ein Win-Win-Projekt. Ergebnisse aus einer Befragung in Erlangen*, Erlangen: FAU University Press, pp. 329–341.
- Bendel, P. (2016b) 'Kommune im Spagat: zwischen Pflichtaufgaben und eigenverantwortlichem Handeln, zwischen Ordnungspolitik und Integration, zwischen Verwaltung und Ehrenamt', in P. Bendel (ed.) *Was Flüchtlinge brauchen - ein Win-Win-Projekt. Ergebnisse aus einer Befragung in Erlangen*, Erlangen: FAU University Press, pp. 57–69.
- Bundeskabinett (2016) *Bericht zum Bündnis für bezahlbares Wohnen und Bauen und zur Wohnungsbau-Offensive*. Berlin, available at http://www.bmub.bund.de/themen/stadt-wohnen/wohnungswirtschaft/details-wohnungswirtschaft/artikel/bericht-zum-buendnis-fuer-bezahlbares-wohnen-und-bauen-und-zur-wohnungsbau-offensive/?tx_ttnews%5BbackPid%5D=289.
- Bundesverfassungsgericht (2010) *Urteil des Ersten Senats vom 09. Februar 2010, BVerfGE 125: 175–260*, available at http://www.bundesverfassungsgericht.de/entscheidungen/ls20100209_1bvl000109.html, accessed 14 May 2017.
- Bundesverfassungsgericht (2012) *Urteil des Ersten Senats vom 18. Juli 2012, BVerfGE 132: 134–179*, available at http://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2012/07/ls20120718_1bvl001010.html, accessed 14 May 2017.
- Deutscher Bundestag (2016) *Drucksache 18/8570. Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Christian Kühn (Tübingen), Britta Haßelmann, Markus Tressel, weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN Wohnen und Leben in Deutschland, Drucksache 18/8348*. Berlin.
- Deutscher Städtetag (2014) *Positionspapier. Wohngeld und Kosten der Unterkunft nach dem SGB II*, available at http://www.staedtetag.de/imperia/md/content/dst/extranet/5_stadtentwicklung/wohnen/2014/pp_wohngeld_kosten_unterkunft_sgb_ii.pdf, accessed 25 January 2017.
- Einem, E.v. (ed.) (2016) *Wohnen. Markt in Schieflage – Politik in Not*. Wiesbaden: Springer VS.
- Geiger, M. and Pécout, A. (eds.) (2010) *The Politics of International Migration Management*. Basingstoke: Palgrave Macmillan.
- Hamann, U., Karakayali, S., Wallis, M. and Höfler, L.J. (2016) *Koordinationsmodelle und Herausforderungen ehrenamtlicher Flüchtlingshilfe in den Kommunen. Qualitative Studie des Berliner Instituts für empirische Integrations- und Migrationsforschung*. Berlin.
- Heinelt, H. and Egner, B. (2006) 'Wohnungspolitik - von der Wohnraumzwangsbewirtschaftung zur Wohnungsmarktpolitik', in M.G. Schmidt and R. Zohlhörer (eds.) *Regieren in der Bundesrepublik Deutschland: Innen- und Außenpolitik seit 1949*, Wiesbaden: VS Verlag für Sozialwissenschaften, pp. 203–220.
- Jacobs, T., Klupp, M. and Waiblinger, R. (2009) *Kosten der Unterkunft und die Wohnungsmärkte. Auswirkungen der Regelungen zur Übernahme der Kosten der Unterkunft auf Transferleistungsempfänger und Kommunen*. Berlin: BMVBS 142.

- Joksimovic, L., Karger, A., Kunzke, D. and Schröder, M. (2017) 'Flüchtlinge als Patienten. Über die Notwendigkeit einer ganzheitlichen medizinischen Versorgung', in C. Ghaderi and T. Eppenstein (eds.) *Flüchtlinge*, Wiesbaden: Springer Fachmedien Wiesbaden, pp. 291–304.
- Karakayali, S. and Kleist, O. (2016) *EFA-Studie 2: Strukturen und Motive der ehrenamtlichen Flüchtlingsarbeit in Deutschland, 2. Forschungsbericht: Ergebnisse einer explorativen Umfrage vom November/Dezember 2015*. Berlin.
- Kirchner, J. (2007) 'The Declining Social Rental Sector in Germany', *European Journal of Housing Policy* 7(1): 85–101.
- Müller, A. (2013) *Die Organisation der Aufnahme und Unterbringung von Asylbewerbern in Deutschland. Fokus-Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN)*. Nürnberg.
- Münch, U. (2014) 'Asylpolitik in Deutschland - Akteure, Interessen, Strategien', in S. Luft and P. Schimany (eds.) *20 Jahre Asylkompromiss. Bilanz und Perspektiven*, Bielefeld: transcript, pp. 70–86.
- Riemer, D. (2016a) 'Freizeit und Begegnung', in P. Bendel (ed.) *Was Flüchtlinge brauchen - ein Win-Win-Projekt. Ergebnisse aus einer Befragung in Erlangen*, Erlangen: FAU University Press, pp. 293–312.
- Riemer, D. (2016b) 'Information und Beratung', in P. Bendel (ed.) *Was Flüchtlinge brauchen - ein Win-Win-Projekt. Ergebnisse aus einer Befragung in Erlangen*, Erlangen: FAU University Press, pp. 313–327.
- Salamon, L.M. and Anheier, H.K. (1997) 'Toward a common definition', in L.M. Salamon and H.K. Anheier (eds.) *Defining the nonprofit sector. A cross-national analysis*, Manchester [u.a.]: Manchester Univ. Press, pp. 29–50.
- Salamon, L.M. and Sokolowski, W. (2014) *The third sector in Europe: Towards a consensus conceptualization*. Seventh Framework Programme. Brussels, available at <http://thirdsectorimpact.eu/the-project/working-areas/concept/>, accessed 10 June 2016.
- Schammann, H. and Kühn, B. (2016) *Kommunale Flüchtlingspolitik in Deutschland*. Expertise im Auftrag der Friedrich-Ebert-Stiftung. Bonn, available at <https://www.fes.de/de/gute-gesellschaft-soziale-demokratie-2017plus/artikel-in-gute-gesellschaft-17/fluechtlingspolitik-in-deutschland/>, accessed 27 September 2016.
- Schmid, V. and Kück, S. (2017) 'Access to Housing in Germany', in A. Korntheuer, P. Pritchard and D.B. Maehler (eds.) *Structural Context of Refugee Integration in Canada and Germany*, Köln: Gesis, pp. 73–79.
- Scholz, J. (2016) 'Aufnahme und Unterbringung. Rahmenbedingungen der Aufnahme und Unterbringung von Flüchtlingen in Deutschland', in P. Bendel (ed.) *Was Flüchtlinge brauchen - ein Win-Win-Projekt. Ergebnisse aus einer Befragung in Erlangen*, Erlangen: FAU University Press, pp. 137–181.
- Speth, R. and Becker, E. (2016) *Zivilgesellschaftliche Akteure und die Betreuung geflüchteter Menschen in deutschen Kommunen. Opusculum Nr. 92*. Berlin.
- Wendel, K. (2014) *Unterbringung von Flüchtlingen in Deutschland. Regelungen und Praxis der Bundesländer im Vergleich*. Frankfurt a.M.
- Zimmer, A., Rentzsch, C., Pahl, B. and Hoemke, P. (2016) *National report Germany: Identifying external and internal barriers on third sector development. TSI National Report Series No.6*. Seventh Framework Programme (grant agreement 613034). Brussels, available at <http://thirdsectorimpact.eu/documentation/tsi-national-report-no-6-external-internal-barriers-third-sector-development-germany/>, accessed 19 May 2017.