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**Integrating Refugee and Asylum-seeking Children in the Educational  
Systems of EU Member States: Evaluation and Promotion of Current Best  
Practices**

**Report on identification of best practices in  
GERMANY**

**I. Methodological introduction**

This country report forms part of the “Integrace project” on the “educational integration of refugees and asylum seeking children in the EU through sharing of best practices and developing common standards in programme development and evaluation”. The report contains the results of our research in order to identify relevant best integration practices for these children in Germany.

As far as conceptual and terminological considerations (e.g. on educational integration, “best practices” etc) are concerned, reference may be made to the explanations given in the Methodological Guidelines for Best Practices Identification and Preparation of Country Reports, as agreed upon by the project team in 2010, as well as to the documentation of the Sofia Seminar organised by the Center for the Study of Democracy in January 2011. Furthermore, what has already been emphasized in the country report on best practices in Austria, holds true for the German context as well, in particular in regard to the human rights based approach to educational integration:

“Human rights highlight empowerment of right-holder – here: child refugees and asylum-seeking children – and accountability of duty-bearers – here: primarily the government, with its relevant authorities in areas such as asylum and migration, education, social assistance and child and youth welfare services. In all these matters of competence policies, laws and other instruments for sustainable implementation of human rights standards



are required to meet those obligations. The human rights-based approach, however, also adds qualitative elements to educational integration of child refugees and asylum-seeking children, by establishing principles of equality and non-discrimination, and of participation in decision-making, but also in regard to questions such as how appropriate/child-friendly are integration services, including psychosocial assistance, for instance, offered to children or families, to what extent do mainstream educational programmes reflect educational aims of inter-cultural learning or a non-violent learning environment, and are there specific support services addressing needs of specific target groups, such as unaccompanied/separated children or child victims of crime (e.g. of child trafficking).”<sup>1</sup>

The Methodological Guidelines identified four main dimensions for educational integration of refugee and asylum-seeking children (in the following: RASC), namely access to education, quality of education, enhanced protection and empowerment and participation. These dimensions are reflected both in the selection and presentation of the best practices (chapter 5) and the ensuing recommendations (chapter 6).

Similar to what has been explained in the Austrian country report in relation to methods used for identifying best practices, it should be taken into account that given the objective of establishing first a broad overview of services available, followed by careful selection, and at the same time given the limited time frame for this undertaking within the context of a country situation, which is marked by extensive decentralisation of state services and hundreds of private/non-state initiatives to provide integration support to RASC, this Country report does not claim to having reviewed exhaustively “all” activities in Germany past and present. Similarly, qualitative elements such as impact and efficiency of programmes require a different level of assessment, and such more in-depth evaluation of selected examples will be part of the second stage of the Integrate project in selected countries (but not in Germany). Research for this report is based, firstly, on a review of existing literature and materials on the subject, including extensive research on the internet; and secondly, through a series of personal contacts and telephone interviews and discussions with representatives of leading German refugee organisations and institutions from December 2010 to April 2011.<sup>2</sup>

## **II. Refugees and asylum-seekers: general background**

In the context of this project the target group of refugee and asylum-seeking children in Germany actually consists of several sub-groups, including:

- asylum seekers,
- recognised refugees,
- beneficiaries of subsidiary protection,

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<sup>1</sup> Ludwig Boltzmann Institute of Human Rights, Report on identification of best practices in Austria, Integrate project, Vienna 2011.

<sup>2</sup> In this regard, helpful comments and suggestions gained also from a meeting in the framework of the German National Coalition for the Implementation of the UN Convention on the Rights of the Child in Kassel in early March 2011 should be noted. Further details on the best practice selection process will be given in chapter 5 of this report.



- persons with “tolerated stay” (*Duldung*),
- persons with a right of continued abode after several years of “tolerated stay” (*Bleiberecht*)
- persons with other forms of regular stay in Germany (e.g. residence permit according to Sec. 25 (5) Residence Act)
- persons with “irregular stay”.

The present chapter deals with key statistical data and other factual information available whereas the following chapter presents an overview about the legal and political framework.

First of all, it has to be noted that statistics on RASC remain available only to a limited extent: **official statistical data** of the Federal Authority for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge, BAMF*)<sup>3</sup> collects data with regard to the number of initial asylum applications of children under 18 and of unaccompanied minors (although up to 2007, only asylum applications of unaccompanied minors up to 15 years were listed separately, i.e. data on children of the age of 16 and 17 did not distinguish between unaccompanied children and children accompanied by their parents);<sup>4</sup> furthermore, BAMF-data on the decisions taken with regard to unaccompanied minors are available (see tables below).

It was argued that as of 31 December 2007 there were **almost 100,000 RASC** living in Germany with an **insecure residence title**: out of a total of 131,593 children (thereof 107,735 under 16) who had applied for asylum or were involved (via their parents) into an asylum application, only 23,002 were granted asylum<sup>5</sup> and 4,493 received a residence permit on other grounds (such as the “grandfather clause” or on account of humanitarian reasons, see below). The remaining majority consisted of 42,137 children living with a *Duldung* residence title or had their expulsion suspended, whereas 45,612 children were immediately under threat of deportation and 10,787 children lived with a temporary residence permit (*Gestattung*) during their asylum procedure pending. These young persons – three quarters of them below 16 – have not been secured full protection of their fundamental children’s rights on account of their non-German nationality.<sup>6</sup>

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<sup>3</sup> The Federal Authority for Migration and Refugees is responsible for the Ausländerzentralregister [Aliens’ Central Register] which contains data on aliens who live not only temporarily in Germany. However this register does not contain data on beneficiaries of subsidiary protection.

<sup>4</sup> Compare BAMF (2009) *Unbegleitete minderjährige Migranten in Deutschland – Aufnahme, Rückkehr und Integration*, 41. Germany/*Bundesamt für Migration und Flüchtlinge (BAMF)* [Federal Authority for Migration and Refugees], *Asyl in Zahlen 2009*. In 2008 for the first time, minors at the age of 16 and 17 were covered as minors by statistics of the BAMF. Awareness has risen that the legal capacity to act in asylum and aliens’ law issues does not weigh heavier than minority. Protection rate for minors has risen (2005 total 6.5 % vs. of UMRs under 16 5.6 %; in 2009 protection rate for minors under 18 48.6% vs. 36.1% of all initial asylum applicants). Berthold T./Espenhorst N. (2011) ‘Mehr als eine Anhörung – Perspektiven für das Asylverfahren von unbegleiteten minderjährigen Flüchtlingen’, in: *Asylmagazin* 1-2/2011, 4.

<sup>5</sup> 11,190 children were granted protection according to Art. 16a Basic Law; 11,812 persons obtained GRC refugee status.

<sup>6</sup> Weiss K. (2009), ‘Lebenslagen von jungen Flüchtlingen in Deutschland’, in: Bohmeyer A./Krappmann L./Lob-Hüdepohl A./Kurzke-Maasmeier S. (Hg.) (2009) *Bildung für junge Flüchtlinge – ein Menschenrecht*.



**Table: asylum applications**

Year	Asylum applications (initial and subsequent applications)		
	Total	children	
	Total no. of applications (thereof initial applications) and top 5 countries of origin (initial applications)	Under 18 years (initial applications)	Unaccompanied minors (initial applications) and top 5 countries of origin
2001	118,306 (88,287) IRQ, TK, SER, AFG, RUS		<b>1,075</b> (up to 15)
2002	91,471 (71,127) IRQ, TK, SER, RUS, AFG		<b>873</b> (up to 15) AFG (138), VIE (83), ANG (76), ETH (57), IRQ (55)
2003	67,848 (50,563) TK, SER, IRQ, RUS, CHI		<b>977</b> (up to 15) VIE (154), SER (93), TK (83), IRQ (64), AFG (48)
2004	50,152 (35,607) TK, SER, RUS, VIE, IRN		<b>636</b> (up to 15) VIE (152), ETH (53), TK (31), ERI (28), AFG (23)
2005	42,908 (28,914) SER, TK, IRQ, RUS, VIE		<b>331</b> (up to 15) VIE (91), ERI (28), ETH (27), AFG (19), IRN (14)
2006	30,100 (21,029) IRQ, TK, SER, VIE, RUS	Total: <b>9,581</b> <u>under 16</u> : 8,652 (41.1 %) <u>16-18</u> : 929 (4.4 %)	<b>186</b> up to 15) ETH (22), VIE (20), AFG (15), PAK (13), GUI (11)
2007	30,303 (19,164) IRQ, SER, TK, VIE, RUS	Total: <b>7,506</b> <u>under 16</u> : 6,538 (34.1 %) <u>16-18</u> : 968 (5.1 %)	<b>180</b> (up to 15) IRQ (23), ETH (17), ERI (14), GUI (11), AFG (9)
2008	28,018 (22,085) IRQ, TK, VIE, KOS, IRN	Total: <b>7,302</b> <u>under 16</u> : 5,996 (27.1 %) <u>16-18</u> : 1,306 (5.9 %)	<b>763</b> (324 up to 15; 439 16-17) IRQ (228); VIE (68); AFG (61), GUI (48), ETH (36)
2009	33,033 (27,649) IRQ, AFG, TK, KOS, IRN	Total: <b>9,359</b> <u>under 16</u> : 7,625 (27.6 %) <u>16-18</u> : 1,734 (6.3 %)	---
2010	48,589 (41,332)	---	---

*Erfahrungen, Grundlagen und Perspektiven*, Bielefeld: Bertelsmann, 59-70; she refers to data of the *Ausländerzentralregister*.

<sup>7</sup> No data from the *Bundesamt für Migration und Flüchtlinge* available; according to Eurostat in 2010 there were 48,490 applicants; 25.3 % aged between 0 and 13; 9.1 % aged between 14 and 17, see Eurostat, Asylum applicants and first instance decisions on asylum applications in 2010, Data in focus 5/2011, available at:



As the figures reveal the **total number of asylum applications** has decreased significantly over the last decade: from 118,306 applications (thereof 88,287 initial applications) in 2001 to 28,018 (22,085 initial applications) in 2008. Only recently, though, there is an upward trend again since 2008, leading from 28,018 (initial app: 22,085) to 33,033 (initial app: 27,649) in 2009 and to 48,589 (initial app: 41,332) in 2010.<sup>8</sup> At the end of 2009, a total of 38,932 persons had their applications pending at any stage in the asylum procedure in Germany.<sup>9</sup>

The **share of children** within the total of *initial* asylum applications has similarly decreased since 2006: from 45.5 per cent (children <16: 41.1 per cent; children 16-18: 4.4 per cent) to 33.9 per cent in 2009 (children <16: 27.6 per cent; children 16-18: 6.3 per cent).

The number of **unaccompanied asylum seeking children** is considerably lower than children arriving in Germany with parents. The number of asylum applications filed by unaccompanied minors has starkly decreased between 2001 and 2007, going down from 1,075 to 180 children (all referring to persons up to 15 years). Only in 2008, the trends changed with figures raised to 324 applications (up to 15; and with further 439 cases of young people at the age of 16 and 17, making a total of 763 applications by minors). In 2009 German youth welfare offices took custody of at least 3,000 unaccompanied minor refugees, of which there were still some 1,300 cases of pending asylum applications. In 2010 the number of applications filed by minors has continued to rise, with an increase expected to be similar to the increase in the total number of applications (i.e. some 47 per cent).<sup>10</sup>

According to UNHCR, at the end of 2009, there were **in total 593,799 recognised refugees and persons granted a complementary form of protection** in Germany.<sup>11</sup> This data does not contain persons in need of protection who have obtained German citizenship in the meantime. Moreover, data is not disaggregated with regard to children.

In 2010 there were in total 643 **recognitions** according to Art. 16a Basic Law<sup>12</sup> (i.e. 1.3 per cent of all decisions taken in 2010) and 7,061 regarding Geneva Refugee Convention (GRC) refugee status<sup>13</sup> (i.e. 14.7 per cent of all decisions taken). Data here is only disaggregated with regard to **unaccompanied minors (UM)**: In 2008, out of 233 recognitions according to Art. 16a Basic Law there were 3 recognitions of UMs; out of 7,058 recognitions

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[http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-QA-11-005/EN/KS-QA-11-005-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-11-005/EN/KS-QA-11-005-EN.PDF)  
(16.05.2011).

<sup>8</sup> Germany/*Bundesamt für Migration und Flüchtlinge, Aktuelle Zahlen zu Asyl*, February 2011. There were peaks in 1992 (438,191 asylum applications) and in 1995 (166,951 applications). In 2009, Germany ranked 18th with regard to the ratio of the number of asylum applications and number of inhabitants (0.3 asylum applicants per 1,000 inhabitants; in comparison Liechtenstein: 8.5 asylum applications per 1,000 inhabitants).

<sup>9</sup> UNHCR, '2009 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons', 15.06.2010, available at: <http://www.unhcr.org/4c11f0be9.pdf> (29 April 2011).

<sup>10</sup> Berthold T./Esenhorst N. (2011) 'Mehr als eine Anhörung – Perspektiven für das Asylverfahren von unbegleiteten minderjährigen Flüchtlingen', in: *Asylmagazin* 1-2/2011, 3.

<sup>11</sup> UNHCR, '2009 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons', 15.06.2010, available at: <http://www.unhcr.org/4c11f0be9.pdf> (29 April 2011).

<sup>12</sup> Recognition as *Asylberechtigte* according to Art. 16a *Grundgesetz* [Basic Law] (including family asylum).

<sup>13</sup> Sec. 60 (1) *Aufenthaltsgesetz* [Residence Act].



as GRC refugee status there were 104 recognitions of UMs. Out of 562 decisions granting subsidiary protection, 9 decisions were taken with regard to UMs. In total, 268 decisions dealt with unaccompanied minors. In 2009 and 2010, Iraqi refugees from Syria and Jordan were resettled (out of 2,501 refugees there were 879 under 16 years).<sup>14</sup>

**Table: asylum decisions**

Year	Asylum decisions				
	Granting of protection			Other decisions	Total
	Recognised refugees ( <i>Asylberechtigte</i> ) based on Art. 16a Basic Law	Recognised refugees based on GRC/Sec. 60 (1) Residence Act	“Subsidiary protection” (prohibition of refoulement -Sec. 60 (2), (3), (5), (7) Residence Act)		
2001	5,716 (5.3 %)	17,003 (15.9 %)	3,383 (3.2 %)	Negative: 55,402 (51.7 %), Neg. on formal grounds: 25,689 (24.0 %)	107,193
2002	2,379 (1.8 %) <b>UM: 7</b>	4,130 (3.2 %) <b>UM: 12</b>	1,598 (1.2 %) <b>UM: 44</b>	Neg.: 78,845 (60.6 %), Formal: 43,176 (33.2 %)	130,128 Total UM decisions: 518
2003	1,534 (1.6 %) <b>UM: 22</b>	1,602 (1.7 %) <b>UM: 12</b>	1,567 (1.7 %) <b>UM: 102</b>	Neg.: 63,002 (67.1 %), Formal: 26,180 (27.9 %)	93,885 Total UM decisions: 1,367
2004	960 (1.5 %) <b>UM: 12</b>	1,107 (1.8 %) <b>UM: 2</b>	964 (1.6 %) <b>UM: 64</b>	Neg.: 38,599 (62.3 %), Formal: 20,331 (32.8 %)	61,961 Total UM decisions: 690
2005	411 (0.9 %) <b>UM: 2</b>	2,053 (4.3 %) <b>UM: 4</b>	657 (1.4 %) <b>UM: 12</b>	Neg.: 27,452 (57.1 %), Formal: 17,529 (36.4 %)	48,102 Total UM decisions: 319
2006	251 (0.8 %) <b>UM: 0</b>	1,097 (3.6 %) <b>UM: 5</b>	603 (2.0 %) <b>UM: 16</b>	Neg.: 17,781 (57.8 %), Formal: 11,027 (35.8 %)	30,759 Total UM decisions: 157
2007	304 (1.1 %) <b>UM (up to 15): 1</b>	6,893 (24.1 %) <b>UM (up to 15): 7</b>	673 (2.4 %) <b>UM (up to 15): 10</b>	Neg.: 12,749 (44.6 %), formal 7,953 (27.8 %)	Total: 28,572 Total UM decisions: 111
2008	233 (1.1 %)	7,058 (33.9 %)	562 (2.7%)	Neg.: 6,761 (32.5 %)	Total: 20,817

<sup>14</sup> Sec. 23 (2) Residence Act. Germany/*Bundesamt für Migration und Flüchtlinge* [Federal Authority for Migration and Refugees], *Asyl in Zahlen 2009*, (as of 31.12.2009), 67.



8	<b>UM (incl. 16, 17): 3</b> (2 RUS, 1 IRN)	<b>UM: 104</b> (82 IRQ)	<b>UM: 9</b>	); formal dec. 6,203 (29.8 %)	Total UM decisions: 268
2009	452 (1.6 %) (IRN, IRQ, TK)	7,663 (26.6 %) (IRQ)	1,611 (5.6 %) (AFG)	Negative decisions 11,360 (39.4 %); formal decisions (7,730 (26.8 %))	28,816
2010	643 (1.3 %)	7,061 (14.7 %)	2,691 (5.6 %)	Negative decisions 27,255 (56.6 %); formal decisions 10,537 (21.9 %)	48,187

#### *UM ... unaccompanied minors*

Sources: Germany/Bundesamt für Migration und Flüchtlinge, *Aktuelle Zahlen zu Asyl*, February 2011; Germany/Bundesamt für Migration und Flüchtlinge, *Asyl in Zahlen 2009*, (as of 31.12.2009); *Asyl in Zahlen 2008*; *Asyl in Zahlen 2007*. Data on unaccompanied minors: BAMF (2009) *Unbegleitete minderjährige Migranten in Deutschland – Aufnahme, Rückkehr und Integration*.

Unfortunately there are no further statistics on the exact number of how many foreign children are living in Germany with “tolerated stay” or with a right of “continued abode”. The German refugee organization “Separated Children” estimates that there are about 5.000 unaccompanied refugee children in Germany. Most of them are between 16 and 17 years old, many of them coming from Afghanistan. “Pro Asyl”, another non-governmental organization working with refugees, estimates that there are about 8.000 asylum-seeking children and 30.000 “tolerated” refugee children in Germany.<sup>15</sup>

### **III. Institutional set-up, legal and policy framework**

#### **III.1. Human rights framework**

Germany has ratified all major international and European instruments in the field of refugee protection and human rights protection, including the Convention relating to the Status of Refugees (date of ratification: 1 December 1953) and its Protocol (5 November 1969) and the UN Convention on the Rights of the Child (6 March 1992).

Already in the process leading to signature and ratification of the UN CRC, however, the German government had issued declarations and reservations on the status of the UN CRC in relation to its own domestic legislation. On the one hand it had declared “that domestically the Convention does not apply directly”, and on the other hand, in order to protect its domestic legislation on asylum and alien law, it had stated that “nothing in the Convention

<sup>15</sup> Schädler, K. (2010) “Rechtlos in Deutschland” (Without rights in Germany), in: taz.de (die Tageszeitung/Daily newspaper), <http://www.taz.de/1/politik/deutschland/artikel/1/rechtlos-in-deutschland/> (29 April 2011). For information regarding educational statistics, see chapter 4.3.



may be interpreted as implying that unlawful entry by an alien into the territory of the Federal Republic of Germany or his unlawful stay there is permitted; nor may any provision be interpreted to mean that it restricts the right of the Federal Republic of Germany to pass laws and regulations concerning the entry of aliens and the conditions of their stay or to make a distinction between nationals and aliens.”<sup>16</sup> On 15 July and 1 November 2010 the German government notified the UN of the withdrawal of these declarations and reservations. Thus, the CRC is now directly applicable in Germany, although not in the rank of Constitutional law. Since then, there is a controversy between the government and NGOs on the implications of these withdrawals, with the government claiming no need for adaptation of existing legislation, including asylum and alien matter legislation.<sup>17</sup>

In its General Comment No. 6 on Treatment of unaccompanied and separated children outside their country of origin (2006)<sup>18</sup>, the UN Committee on the Rights of the Child issued guidance on interpretation of CRC standards also in regard to educational integration of those children (and equally applicable to any RASC). Next to the four child rights General Principles (best interests as a primary consideration, child right to participation, non-discrimination, right to life and development), the Committee called on governments to ensure that:

- access to education is maintained **during all phases of the displacement**,
- every child irrespective of status has **full access** to education, **without discrimination**, in particular, unaccompanied **girls**,
- access to quality education should also be ensured for **children with special needs**, in particular for children with disabilities,
- any child should be **registered with appropriate school authorities as soon as possible** and get **assistance** in maximizing learning opportunities,
- children have the right to **maintain their cultural identity** and values, including the maintenance and development of their **native language**,
- adolescents should be allowed to enrol in **vocational/professional training** or education,
- **early learning programmes** should be made available to young children,
- children are provided with **school certificates or other documentation** indicating their level of education, in particular in preparation of relocation, resettlement or return.<sup>19</sup>

Following its last examination of the situation in Germany in 2004, the UN Committee noted several areas of concern in relation to refugee and asylum-seeking children, including

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<sup>16</sup> For information on ratification status as well as declarations and reservations, see the United Nations Treaty Collection, at <http://treaties.un.org/> (29 April 2011).

<sup>17</sup> For a critical review of the government position, see the legal assessment undertaken by Ralph Alexander Lorz and commissioned by the German National Coalition for the CRC, as well as the recommendations contained in the latest 2010 Supplementary Report by the National Coalition in relation to Germany’s Third and Fourth Report under Art 44 CRC, both documents available at <http://www.national-coalition.de> (29 April 2011).

<sup>18</sup> Available at: <http://tb.ohchr.org/default.aspx?Symbol=CRC/GC/2005/6> (29 April 2011).

<sup>19</sup> Similarly, the Statement of Good Practice by the Separated Children in Europe Programme, (2009, D8.3 Education, Language and Training) asks for refugee children: access to **the same** statutory education as national children; schools need to take a **flexible**, welcoming approach; provide **second language support**; prepare an **individual education plan**; ensure **regular school attendance**; education authorities must be vigilant concerning peer violence and **bullying** towards separated children and measures to prevent it; preserve identity/ensure access to **mother tongue teaching**; **vocational and professional training** should be available to older separated children.



the – then still valid, but in the meantime withdrawn (see above) - reservations and declarations to the CRC; to prevent and eliminate de facto discrimination against foreign children or children belonging to minorities; to further disseminate information about children’s rights „to reach vulnerable groups such as asylum-seekers, refugees and ethnic minorities“ and to develop systematic training programmes on these standards for professionals; to „fully apply the provisions of the Youth Welfare Act to all refugee children below the age of 18 years“ (and not just until the age of 16); “to review its legislation and policies regarding Roma children and other children belonging to ethnic minorities seeking asylum in the State party; to consider the recruitment of children as soldiers as a child-specific persecution to be accepted in asylum procedure; to ease refugee family reunification requirements and procedures, in particular for those covered by the refugee Convention of 1951;“ and “to ensure that birth certificates are issued for all children of refugees and asylum-seekers born in the territory of the State party.”<sup>20</sup>

## III.2. Refugee protection framework – status and procedures

### 1. Asylum Seekers

The German Federal Authority for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge (BAMF)*) acts as the state authority of first instance in the **asylum procedure**, by examining upon application whether a person qualifies for refugee status<sup>21</sup> under the German Constitution (Art. 16a *Grundgesetz (GG)*) or under the Geneva Refugee Convention (GRC), or for “subsidiary protection”. A decision of the first instance authority can be appealed at an Administrative Court (*Verwaltungsgericht*), Administrative Appeals Tribunal (*Oberverwaltungsgericht*), Higher Administrative Court (*Verwaltungsgerichtshof*) or finally at the Federal Administrative Court (*Bundesverwaltungsgericht*). The Federal Authority for Migration and Refugees is obliged to revoke (“*Widerruf*”) a granted protection status if the grounds resulting in the decision do not exist anymore and if no new persecution grounds came into existence. A decision has to be rescinded (“*Rücknahme*”) if it came into existence through false data etc.

In relation to the **duration of the asylum procedure**, most cases (43.0 per cent) were concluded within six months in 2009; 63.0 per cent lasted less than one year; 83.0 per cent of all asylum seekers lasted in total less than two years; 3.9 per cent of all procedures lasted longer than five years.<sup>22</sup> At the end of 2009, a total of 22,170 procedures was pending at the first instance.<sup>23</sup>

As far as **residence status** is concerned, asylum seekers obtain a temporary residence permit for the duration of the asylum procedure (*Aufenthaltsgestattung*) upon application for

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<sup>20</sup> UN Committee on the Rights of the Child, Concluding Observations: Germany, UN Doc. CRC/C/15/Add.226 (26 February 2004).

<sup>21</sup> Sec. 3 (1) *Asylverfahrensgesetz* [Act on Asylum Procedures] taken together with Sec. 60 (1) *Aufenthaltsgesetz* [Residence Act]).

<sup>22</sup> Germany/*Bundesamt für Migration und Flüchtlinge*, *Asyl in Zahlen 2009*, (as of 31/12/2009), 55.

<sup>23</sup> Germany/*Bundesamt für Migration und Flüchtlinge*, *Asyl in Zahlen 2009*, (as of 31/12/2009), 56.



asylum; freedom of movement, however, is restricted to a specific territorial district within Germany (so-called *Residenzpflicht*).<sup>24</sup> The regulation of residence during and after an asylum procedure is in the competency of aliens' authorities of the German provinces ((*Bundes-*) *Länder*). Asylum seekers are distributed to provinces according to a certain ratio of distribution (*Königsteiner Schlüssel*), based on annual tax revenue and population number (e.g. in 2009 North Rhine-Westphalia 21.4 per cent, Bavaria 14.9 per cent).<sup>25</sup>

**Unaccompanied minors** do not have to file an application immediately after arrival. They have the possibility to undergo a clearing procedure (checking different options for securing residence), which may last several months. Interviews and decisions should be conducted by designated officials of the BAMF for unaccompanied minors (they require „special legal, cultural and psychological knowledge in order to conduct procedures in a sensitive way“).<sup>26</sup> In practice, however, problems exist with regard to implementation of these standards in refugee status determination.<sup>27</sup>

## 2. Recognised refugees

There are two types of granting asylum in Germany: firstly, on the basis of the German constitutional right to asylum provided for in Art. 16a *Grundgesetz* (German Constitution); secondly, according to Sec. 3 (1) Asylum Procedures Act in conjunction with Sec. 60 (1) Residence Act (*Aufenthaltsgesetz*) under the GRC. Children receive the same status as their parents (if they do not have their own asylum grounds). Recognised refugees receive a residence permit for three years. Thereafter an unrestricted settlement permit may be granted (if no conditions for revocation/withdrawal apply).

## 3. Beneficiaries of subsidiary protection

Persons who cannot be returned to their countries of origin for non-refoulement grounds (e.g. danger of threats to life, torture etc) receive a residence permit<sup>28</sup> for at least one year (Sec. 25 (3) Residence Act). After seven years – under certain circumstances – a settlement permit may be issued (Sec. 26 (4) Residence Act).

## 4. Persons with “tolerated stay”

These are persons without a residence right in Germany (who are obliged to leave the country) but who cannot be expelled to their countries of origin either due to the difficult

<sup>24</sup> Secs. 55-56 Asylum Procedures Act.

<sup>25</sup> Germany/*Bundesamt für Migration und Flüchtlinge*, *Asyl in Zahlen 2009*, (as of 31/12/2009), 16.

<sup>26</sup> Berthold T./Espenhorst N. (2011) ‚Mehr als eine Anhörung – Perspektiven für das Asylverfahren von unbegleiteten minderjährigen Flüchtlingen‘, in: *Asylmagazin* 1-2/2011, 4, referring to *Dienstanweisung des Bundesamtes zu »Unbegleitete Minderjährige«* of May 2010, available at the website of the *Bundesfachverbands UMF*: [www.bumf.de/images/da\\_unbegleiteteminderjaehrige2010.pdf](http://www.bumf.de/images/da_unbegleiteteminderjaehrige2010.pdf) (29 April 2011).

<sup>27</sup> See chapter VIII.A. on refugee and asylum-seeking children in National Coalition for the CRC in Germany, Supplementary Report in relation to Germany's Third and Fourth Report under Art 44 CRC, 2010, available at <http://www.national-coalition.de> (29 April 2011).

<sup>28</sup> Legal bases are Secs. 60 (2), (3), (7) sentence 2 Residence Act (EU subsidiary protection) or Sec. 60 (5) and (7) sentence 1 Residence Act (National subsidiary protection).



situation in the country of origin or due to other difficulties e.g. in getting documentation necessary for return. They may be issued a tolerated stay (*Duldung*) if „urgent humanitarian or personal reasons or considerable public interests require his or her temporary further presence in Germany“ (Sec. 60a (2) Residence Act); such permit is valid for a maximum period of six months, which is extendable.<sup>29</sup>

## 5. Persons with a right of continued abode after “tolerated stay” status

Persons were granted a specific “right of continued abode” (*Bleiberecht*) based on the so-called “grandfather clause” (*Altfallregelung*) if on 1<sup>st</sup> July 2007 they had been living in Germany for at least eight years (in case of families or unaccompanied minors: six years) based on a “chain of tolerated stays” (*Kettenduldungen*), and if they fulfilled certain additional conditions (e.g. sufficient language skills; ability to sustain him/herself, no criminal convictions).<sup>30</sup> This regulation was criticised since it did not create any permanent possibility to access a right of continued abode for persons with multiannual stay. Furthermore, if only one family member did not fulfil all conditions, a *Bleiberecht* was excluded for the whole family (Sec. 104a Residence Act).

Children who were at least 14 years old on 1<sup>st</sup> July 2007 could be granted a *Bleiberecht* on the conditions that their parents left Germany voluntarily, they had lived in Germany for at least six years on a lawful or tolerated basis, they were proficient in the German language, and that it is ensured that the person will integrate into living conditions in Germany and the custody rights (*Personensorge*) are clear (Sec. 104b Residence Act).<sup>31</sup>

## 6. Persons with a right to stay on humanitarian grounds

Residence permits on humanitarian reasons may be issued:

- if an obligation to leave the country is not enforceable and an urgent humanitarian or personal reasons or considerable public interests requires temporary presence in Germany (residence permit for up to six months); under certain circumstances the permit can be extended (Sec. 25 (4) Residence Act).
- if an obligation to leave Germany is enforceable but return is due to legal or factual reasons impossible and if it cannot be expected that these reasons discontinue anytime soon (residence permit for up to six months); the residence permit shall be issued if deportation has been suspended for 18 months (unless the alien was responsible for hindrances) (Sec. 25 (5) Residence Act).

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<sup>29</sup> Germany/Bundesamt für Migration und Flüchtlinge (2009) *Unbegleitete minderjährige Migranten in Deutschland – Aufnahme, Rückkehr und Integration*, 51.

<sup>30</sup> *Richtlinienumsetzungsgesetz 2007* [Act for the implementation of EU directives]; through this act 11 EU directives were transposed into German law.

<sup>31</sup> Weiss K. (2009) ‚Lebenslagen von jungen Flüchtlingen in Deutschland‘, in: Bohmeyer A./Krappmann L./Lob-Hüdepohl A./Kurzke-Maasmeier S. (Hg.) (2009) *Bildung für junge Flüchtlinge – ein Menschenrecht. Erfahrungen, Grundlagen und Perspektiven*, Bielefeld: Bertelsmann, 66-67.



### III.3. Social assistance and integration framework

Minor asylum seekers may receive benefits through child and youth welfare services (*Kinder- und Jugendhilfe*) under chapter 8 of the Social Security Code, under the Asylum Seekers' Benefits Act (*Asylbewerberleistungsgesetz*) or along both legal grounds. If a residence permit is issued on account of humanitarian reasons or on account of impossibility of return (alien is responsible for impossibility) benefits are granted according to the Asylum Seekers' Benefits Act only.

After being granted refugee status children receive public welfare benefits comparable to German citizens (same access to the labour market and measures according to Social Security Code, chapter 2).

In March 2011 the *Bundestag* [Lower House of German Parliament] decided on the introduction of Sec. 25a Residence Act, which regulates a **residence right for „well-integrated adolescents“**. Adolescents who are “tolerated” (*Duldung*) and who have been living in Germany for at least six years and have attended successfully school for six years may be issued a residence permit; parents may obtain also a residence right if they secure their living on their own through employment.<sup>32</sup>

#### 1. Benefits deriving from the Act on Asylum Seekers' Benefits and from the Children and Youth Welfare Act

##### *Unaccompanied minor asylum seeking children*

Unaccompanied minor asylum seeking children are protected under the Social Security Code, chapter 8, (*Sozialgesetzbuch (SGB) Achtes Buch (VIII)*) and are thus entitled to regular benefits and child and youth welfare services (*Kinder- und Jugendhilfe*, Sec. 42 Child and youth welfare Act). While children over 16 are normally accommodated in regular communal accommodation for asylum seekers, UMRs (below 16) are accommodated in special shelters and specialised personnel take care of them.<sup>33</sup>

At least UMRs under the age of 16 are (materially and legally) in a better position than other asylum seeking children (due to specialised legislation). UMRs must obtain a legal guardian who determines whether the adolescent can be treated like an adult<sup>34</sup> and adolescents should be housed in clearing centres during this initial phase; in practice, however, this is not ensured in every case and age determination often is decided solely based on visual inspection without further assessment e.g. by a psychologist. In Germany, some provinces apply stricter

<sup>32</sup> <http://dipbt.bundestag.de/dip21/btd/17/050/1705093.pdf> (29 April 2011).

<sup>33</sup> Weiss K. (2009) ‚Lebenslagen von jungen Flüchtlingen in Deutschland‘, in: Bohmeyer A./Krappmann L./Lob-Hüdepohl A./Kurzke-Maasmeier S. (Hg.) (2009) *Bildung für junge Flüchtlinge – ein Menschenrecht. Erfahrungen, Grundlagen und Perspektiven*, Bielefeld: Bertelsmann, 60-61.

<sup>34</sup> Sec. 42 *Kinder- und Jugendhilfe* [children and youth welfare services] (*Sozialgesetzbuch (SGB) Achtes Buch (VIII)*) [Social Security Code, chapter 8]).



rules than others in dealing with cases of minors (e.g. restrictions in Rhineland Palatinate in relation to age limits for receiving applications from minors). Medical care for unaccompanied minor refugees (*Kinder- und Jugendhilfegesetz*) is better than for children arriving in Germany with their parents.<sup>35</sup>

### *Asylum-seeking children arriving in Germany with their parents*

Those children are not dealt with under the Act on Children's and Youth Care but under the *Asylbewerberleistungsgesetz* [Act on Asylum Seekers' Benefits]. They receive basic welfare support (*Regelleistungen* [standard benefits]) which is less than compared to child and youth welfare benefits. This act applies to asylum seekers and tolerated persons.

As far as the scope of benefits is concerned, basic welfare covers food, accommodation, heating, clothes, body and health care, consumer and household goods, pocket money (€ 40.90/month for personal needs); benefits in case of sickness (medical support in emergency cases or acute pains), pregnancy, birth; under special circumstances also further benefits dependent on the single case. In kind-benefits and accommodation in groups are the rule;<sup>36</sup> children with their families are usually accommodated in communal accommodation where they have to share one room; there are no retreat areas; often bath and kitchen are shared. Different languages are spoken. Many people have psychological problems, or are traumatised. Accommodation is often located far away from cities and transportation to school is not for free. Most communal accommodation shelters do not have adequate rooms for children.<sup>37</sup>

Asylum seekers receive considerably (one third) less than German recipients of social assistance (the head of a household receives approx. €184.70; for household members after eight years €158.50<sup>38</sup> – in comparison, German recipients would receive €351.00).<sup>39</sup> As of 31.12.2008 127,865 persons received benefits according to the Act on Asylum Seekers' Benefits – thereof 34.1 per cent were under 18 years.<sup>40</sup>

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<sup>35</sup> Weiss K. (2009) 'Lebenslagen von jungen Flüchtlingen in Deutschland', in: Bohmeyer A./Krappmann L./Lob-Hüdepohl A./Kurzke-Maasmeier S. (Hg.) (2009) *Bildung für junge Flüchtlinge – ein Menschenrecht. Erfahrungen, Grundlagen und Perspektiven*, Bielefeld: Bertelsmann, 64-66.

<sup>36</sup> According to the Act on Asylum Seekers' Benefits *Landkreise* [administrative districts] must not deviate from regulation of in kind benefits in the case of accommodation in *Gemeinschaftsunterkunft* [communal accommodation] except for justified single cases. This rule dates back to a time with high numbers of asylum application, i.e. was created as deterrence of asylum applications. Given high administrative costs for in kind provisions change to in cash contributions – but still vouchers etc common practice.

<sup>37</sup> Determination of minimum standards for equipment of communal accommodation falls under the competence of the provinces, i.e. there is no common standards across the country.

<sup>38</sup> Tariffs according to Sec. 3 Act on Asylum Seekers' Benefits.

<sup>39</sup> The tariff of *Grundsicherung* [basic welfare support] was determined in 1993 and has not been increased ever since – despite increased living costs. Benefits are to be accorded primarily in kind. Germany/BAMF, *Asyl in Zahlen 2009*, 62, 63. The number of recipients and net expenditure has considerably decreased in the last decade (from €1.9 billion in 2000 to €0.8 billion in 2008). In 1997 the Act was amended leading to reduced benefits.

<sup>40</sup> 5.1 % under 3 years; 7.4 % 3-7 years; 7.7 % 7-11 years; 7.7 % 11-15 years; 6.2 % 15-18 years. See Germany/BAMF, *Asyl in Zahlen 2009*, 64.



Only after four years of having received benefits according to the Act on Asylum Seekers' Benefits (*Duldung* [toleration/suspension of deportation] or *Aufenthaltsgestattung* [permission of residence]) under certain conditions an entitlement to the full rate of basic welfare support can be established, which means equal treatment with German recipients<sup>41</sup> (i.e. Social Security Code, chapter XII is applicable, i.e. the alien receives higher benefits (Sec. 2 Act on Asylum Seekers' Benefits)). If the alien is "responsible" for the impossibility of return, a tolerated status is granted only, with benefits being granted also only to a limited extent according to Asylum Seekers' Benefits Act.<sup>42</sup>

Living in collective accommodation may have several **negative consequences** for minors regarding

- **school career:** persons have no possibility to retreat; accommodation is often located far away from cities and transportation to school is not for free; it often remains unclear who has to pay for school books etc. Also the *Residenzpflicht* [obligation to stay within a certain area] constitutes an obstacle for accessing university/vocational training/education. Exemptions are made only if a public interest exists (which is generally not assumed with regard to visit of educational facilities/schools).
- **access to education and sports facilities** and social contacts to children of same age outside of accommodation are strongly limited and social contacts with school friends are difficult to sustain. Additionally, the obligation to stay within a certain area also negatively affects minors living with toleration in a *Landkreis* [administrative district] resp. municipality as they must not leave it without consent of the aliens' authority.<sup>43</sup>

## 2. Access to education, training/apprenticeship, employment

There is no uniform regulation of school attendance in all provinces. Even though all provinces provide for **schooling for all children** including those without a right of continued abode, attendance of *Regelschulen* [regular schools] is still not taken for granted. While in areas of high population density special remedial classes (support classes) or complementary support in regular schools exist, in other provinces – especially in rural areas – this is not the case.

There exist three groups of persons who face particular obstacles in accessing education, training/apprenticeship in Germany:

- **Minors with insecure residence status**, i.e. tolerated persons and asylum seekers (persons with *Aufenthaltsgestattung*): Obstacles derive from their living conditions (see above) and from the **transition from the school to the labour market**: Both groups are generally **prohibited to access the labour market and vocational training** during the first 12 months; afterwards they may access the labour market - persons with tolerated

<sup>41</sup> Weiss K. (2009) ‚Lebenslagen von jungen Flüchtlingen in Deutschland‘, in: Bohmeyer A./Krappmann L./Lob-Hüdepohl A./Kurzke-Maasmeier S. (Hg.) (2009) *Bildung für junge Flüchtlinge – ein Menschenrecht. Erfahrungen, Grundlagen und Perspektiven*, Bielefeld: Bertelsmann, 61-62.

<sup>42</sup> Germany/Bundesamt für Migration und Flüchtlinge (2009) *Unbegleitete minderjährige Migranten in Deutschland – Aufnahme, Rückkehr und Integration*, 56.

<sup>43</sup> Weiss K. (2009) ‚Lebenslagen von jungen Flüchtlingen in Deutschland‘, in: Bohmeyer A./Krappmann L./Lob-Hüdepohl A./Kurzke-Maasmeier S. (Hg.) (2009) *Bildung für junge Flüchtlinge – ein Menschenrecht. Erfahrungen, Grundlagen und Perspektiven*, Bielefeld: Bertelsmann, 63-64.



status for four years (already after one year priority assessment for educational purposes free access) and for asylum seekers until the end of the asylum procedure - if the Federal Agency for Labour consents. However, priority is given to German or EU citizens.<sup>44</sup> After four years no priority assessment is made anymore. However, the residence permit may be withdrawn if one “opposes” the expulsion (i.e. even if a legal remedy is made use of).<sup>45</sup> Even then, hindrances on account of unclear residence with unclear perspectives make it difficult to obtain an apprenticeship place - only a highly committed employer may take the risk to accept somebody in vocational training who can be deported any time. In the past years some measures relating to employment promotion were taken to facilitate transition from school to training or labour market – however, they are not accessible for RASC without a right of continued abode. From almost all these measures envisaged in the *Sozialgesetzbuch III (SGB III)* [Social Security Code, chapter 3; “*Arbeitsförderung*”]<sup>46</sup> RASC are excluded.<sup>47</sup>

- **Children at the age of 16 or older (schooling after compulsory schooling):** from 16 onwards there is no more general compulsory schooling and consequently no more financial support for educational measures. The state does not envisage possibilities to graduate from school afterwards. Often it is argued that immediately after compulsory schooling a “vocational“ compulsory schooling exists (1-3 years). However, in practice access to further schooling is hampered due to a lack of information and support (in particular due to *Residenzpflicht* [restricted freedom of movement to one administrative district], the fact that transportation to school is not for free, and difficult living conditions in communal accommodation. Promotional measures would be necessary for young asylum seekers but also other groups of RASC to make up for their gaps due to their individual education history (related to their country of origin) and their experience of flight. Most of them leave school without qualified graduation in Germany. No education in the language and culture of the country of origin is offered. However, in Hamburg two vocational schools offer the possibility to graduate from three different branches of school.
- **Children without any status, “illegalised“ persons** (parents have no residence title at all – not even toleration or *Gestattung*): such children are often not even registered at schools. In case they are, they are sometimes denied access to schooling which has to do with legal uncertainty whether they are allowed or have to be accepted. They may face frequent reporting obligations and statutory offences will endanger their means for personal subsistence.<sup>48</sup>

<sup>44</sup> Sec. 10 *Beschäftigungsverfahrensverordnung* [Decree on Employment Procedure].

<sup>45</sup> Sec. 11 Decree on Employment Procedure: Aliens with „tolerated status“ must not be allowed to access employment if they entered Germany in order to obtain benefits according to the Act on Asylum Seekers’ Benefits or if they are responsible for the non-execution of measures terminating sojourn (in particular if this is due to the fact that the alien has deceived about his or her identity or citizenship or has provided other wrong information).

<sup>46</sup> [http://bundesrecht.juris.de/sgb\\_3/index.html#BJNR059500997BJNE026205308](http://bundesrecht.juris.de/sgb_3/index.html#BJNR059500997BJNE026205308) (29 April 2011).

<sup>47</sup> Weiss K. (2009) ‚Lebenslagen von jungen Flüchtlingen in Deutschland‘, in: Bohmeyer A./Krappmann L./Lob-Hüdepohl A./Kurzke-Maasmeier S. (Hg.) (2009) *Bildung für junge Flüchtlinge – ein Menschenrecht. Erfahrungen, Grundlagen und Perspektiven*, Bielefeld: Bertelsmann, 67-68.

<sup>48</sup> However, the right to equal chances for development of personality derives from Art. 1 (1), Art. 2 (1), taken together with Art. 3 (1) Basic Law. Peter E. (2009) ‚Das Recht des statuslosen Kindes auf Bildung‘, in: Bohmeyer A./Krappmann L./Lob-Hüdepohl A./Kurzke-Maasmeier S. (Hg.) (2009) *Bildung für junge*



## IV. Overview of the educational system and the education status of refugees and asylum seekers in the country

### IV.1. General matters of competence

In the Federal Republic of Germany, legal competences regarding matters of education are determined by the federal, decentralized structure of the state. Under the Constitution (**Basic Law**, *Grundgesetz* – R1), the execution of governmental power and the fulfilment of governmental responsibility, are incumbent upon the individual *Länder* as far as the Basic Law does not provide or allow for any other arrangement. The Basic Law contains a few fundamental provisions on educational questions, culture and science: thus, for example, it guarantees the freedom of art and scholarship, research and teaching (Art. 5, Paragraph 3), the freedom of faith and creed (Art. 4), free choice of profession and place of training (Art. 12, Paragraph 1), equality before the law (Art. 3, Paragraph 1) and the rights of parents (Art. 6, Paragraph 2).

The entire school system is placed “under the supervision of the state” (Art. 7, Paragraph 1). Unless the Basic Law awards legislative power to the Federation, the *Länder* have the right to legislate. Within the educational system, this applies to the school sector, the higher education sector, adult education, as well as further education. Administration of the education system in these areas falls almost exclusively under the competence of the *Länder*. Detailed regulations are laid down in the Constitutions of the *Länder* (R14-R29) and in separate laws of the *Länder* on pre-school education, on the school system, on higher education, on adult education and on further education. Hence, arranging and legislating for school, university and adult education is almost solely the responsibility of the *Länder*.<sup>49</sup>

However, the “Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* (*Kultusministerkonferenz* – *KMK*) coordinates the education policies to ensure basic common features and mobility by mutual recognition among the 16 education systems, based on common resolutions of the ministers of education. The integration of children with a migrant background into school, has been more and more considered a very important step also by the *KMK* and educational leaders.

Since 2002, the *Länder* have been focusing on the following fields of action in integration: German language skills as a basis for integration, expansion of school activities for the entire day, and training and employment of teachers with a migration background. For all the *Länder*, integration is the key educational aim for migrant students. Nevertheless, experts have noted that public discussion regards education of migrant children more as a burden than a desirable challenge or enrichment. The debate conducted in educational institutions and the media seems to focus on how can improved support mechanisms foster

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*Flüchtlinge – ein Menschenrecht. Erfahrungen, Grundlagen und Perspektiven*, Bielefeld: Bertelsmann, 169-175.

<sup>49</sup> The Education System of the Federal Republic of Germany, Eurydice, Secretariat of the Standing Conference of the Ministries of Education and Cultural Affairs of the *Länder* of the Federal Republic of Germany (ed.), Bonn, 2009, pp. 34-35.



children's success in the existing education system, rather than explore possibilities for changing the structure of the system itself.<sup>50</sup>

## IV. 2. Educational system in Germany

Given the **strongly decentralised** system of government in educational matters, this implies that there are 16 different acts of legislation on education, 16 ministries of education and 16 school systems with their different support structures.

**Mandatory schooling** starts at the age of six years. All children attend primary school (*Grundschule*) up to grade 4. The set-up of the next level of education leads to one of the most controversial discussions about the German school system, namely its tripartite, or multi-track, secondary school structure (see chart below).

In fact, after primary school, at the age of 10 (or 12 in Berlin and Brandenburg), children are divided according to their performance into one of the three different forms of secondary schools, with different qualitative levels and educational aims. Secondary general schools (*Hauptschulen*) cover grades 5-9, and grade 10 is based on voluntary participation in most of the federal states. This type of school provides general education as a basis for practical vocational training. Intermediate schools (*Realschulen*) encloses grades 5-10, leading to a certificate which provides the basis for training in all types of mid-level occupations. Secondary Academic schools (*Gymnasien*) cover grades 5-13 (or 12 in some federal states). The final certificate awarded by the Secondary Academic schools (*Abitur*), is a qualification for further study in all institutions of tertiary education. There are also comprehensive schools (*Gesamtschulen*), which combine different types of secondary schools, either as integrated schools (with joint classes for all pupils, irrespective of their performance) or as additional or cooperative schools (with various types of secondary schools on the same premises). Not all school types exist in all federal states.

Over the last few decades, more and more parents have sought to reach higher social levels by sending their children to the *Gymnasium*, whereas the *Hauptschule* has become, in a way, a school for the “leftovers” of the education system. Migrants and children of families with lower social status, are highly over-represented in the *Hauptschule*. No matter what kind of schools a pupil attends, he/she must complete at least nine years of education. In order to enter university, students are, as a rule, required to have passed the *Abitur* examination.<sup>51</sup>

### **Table: Basic Structure of the Educational System in the Federal Republic of Germany**

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<sup>50</sup> Storost, U.: Access to Quality Education for Asylum-seeking and Refugee Children in Europe. Germany Country Report. UNHCR (ed.), January 2009, p.21.

<sup>51</sup> Access to Quality Education for Asylum-seeking and Refugee Children in Europa. Germany Country Report (Ulrike Storost), by UNHCR, January 2009, p. 21.



Age	Educational level			
3	Qualification of vocational further education	General Qualification for University Entrance	Pre-school education	Doctorate (Promotion)
4			Diplom Bachelor	Degree or examination after a first course of study (Diplom, Magister, Staatsprüfung, Bachelor, Master)
	<b>Compulsory schooling</b>			
	<b>Further education</b>			
6	<b>Primary education</b> Continuing Education (Various forms of continuing general, vocational and academic education)			
7				
8				
9				
10	<b>Secondary Level I</b>			
11	<i>Orientation phase</i>			
12	Secondary General School ( <i>Hauptschule</i> )	Intermediate School ( <i>Realschule</i> )	Comprehensive School ( <i>Gesamt-Schule</i> )	Lower Secondary Academic ( <i>Gymnasium</i> )
13				
14				
15				
Graduation for Secondary Education after 9 years.				
16	Intermediate School Leaving Certificate after 10 years.			
<b>Secondary Level II</b>				
15	Vocational school ( <i>Berufsschule</i> ) and on-the-job-training (dual system of vocational education)	Full-time-vocational school ( <i>Berufsfachschule</i> )	Technical school ( <i>Fachober-Schule</i> )	Upper Academic School ( <i>Gymnasiale Oberstufe</i> ) three types ( <i>Gymnasium/ Fachgymnasium, Gesamtschule</i> )
16				
17				
18				
19	Vocationally Qualifying Degree		Specialist University Qualification Examination	General Qualification for University Entrance
<b>Tertiary Education</b>				
	Technical college ( <i>Fachschule</i> )	Evening Secondary Academic School / College ( <i>Abendgymnasium/ Kolleg</i> )		
			Vocational Academy ( <i>Berufsakademie</i> )	University/Technical University/Technical College/ Pedagogical University/Art college/ Academy of Music/ University of Applied Science ( <i>Fachhochschule</i> )/ Management College



### IV.3. Overview of refugee and asylum-seekers' educational situation

#### 1. Education Statistics

The statistical offices of the federal state and the *Länder* (*Statistische Bundes- und Landesämter*) compile overall population data at regional and national levels. Statistical reports are also available on schools, vocational training and university education. School children are registered by nationality and type of school, but no distinction is made regarding the type of residence permit. It is not possible, therefore, to arrive at an approximate figure for refugee and asylum-seeking children in Germany's schools. In the school year 2008/2009, the overall share of foreigners in primary, secondary and vocational schools was 8,9 per cent (in total 800.000)<sup>52</sup>. The Program for International Student Assessment (PISA)<sup>53</sup> in 2009 revealed that the percentage of pupils aged 15 with a migration background<sup>54</sup> – 25,6 per cent - was almost more than three times that of foreign pupils.

#### 2. Educational integration of refugee and asylum-seeking children

In all of the *Länder*, refugee children with a residence permit<sup>55</sup> have both the right and the obligation to go to school under the same legal conditions as nationals. However, in all other cases of residence status the relevant provisions differ strongly dependent on the provisions of the respective *Länder*. On the one hand, in *Baden-Württemberg*, *Brandenburg*, *Mecklenburg-Vorpommern*, Lower Saxony (*Niedersachsen*), Rhineland-Palatinate (*Rheinland-Pfalz*), Saxony (*Sachsen*), Saxony-Anhalt (*Sachsen-Anhalt*) and Thuringia (*Thüringen*) there is no mandatory schooling. On the other hand, in Bavaria (*Bayern*), North-Rhine-Westphalia (*Nordrhein-Westfalen*), *Bremen*, *Hamburg*, *Schleswig-Holstein* and *Saarland* all pupils are obliged to go to school irrespective of their residency status. However, in some *Länder* - *Baden-Württemberg*, *Berlin*, *Bremen*, *Hamburg* and Hesse (*Hessen*) - there exists a right to access to school, which means that there is no obligation for schooling, but that pupils may attend on a voluntary basis. In *Brandenburg*, *Mecklenburg-Vorpommern*, Lower Saxony (*Niedersachsen*), Saxony (*Sachsen*), Saxony-Anhalt (*Sachsen-Anhalt*) and Thuringia (*Thüringen*) there is neither a school obligation nor an optional opportunity for schooling.<sup>56</sup>

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<sup>52</sup> Germany / 8. Migration Review on behalf of the Federal Commissioners for Migration, Refugee and Integration about the situation of foreigners in Germany, June 2010, p. 90.

<sup>53</sup> Programm for International Student Assessment (PISA) in 2009, Klieme, E./Artelt, C./Hartig, J / Jude, N / Köller, O/ Prenzel, M./ Schneider, W./ Stanat, P. (ed.), Waxman 2010, Münster/New York/München/Berlin, p. 214.

<sup>54</sup> With migration background includes 8,1% of those where one parent is born abroad; 11,7% "second generation" where both parents are born abroad and adolescent is born in Germany; 5,8% "first generation" where both parents and adolescent are born abroad.

<sup>55</sup> People recognized as entitled to asylum, such as Convention refugees, quota refugees and refugees under subsidiary protection.

<sup>56</sup> Handbook on illegal residency 2010, German Red Cross, Caritas (ed.), Berlin/Freiburg, January 2011, p.p. 14-15.



Furthermore, there are additional groups of foreign children, where access to education is limited:

- Minors aged 15  $\frac{3}{4}$  or older at the day of their arrival in Germany: There is no compulsory school attendance and no opportunities for minors to make up for missed school qualifications (for example, if children didn't go to school for 1 year).
- “Illegal” minors (= *no residence permit*): schooling is not fully ensured to so-called “illegal” children. The schooling of “illegal” children is only possible, if the principal of the school decides to accept them. Some schools do not demand official papers, because they do not want to know about the children's residence status. However, if their “illegal” status is known, these children might not receive official certificates. They also lack insurance.<sup>57</sup>

There is no official data on the actual school attendance of refugee and asylum seeking children in Germany. Care agencies and refugee organizations estimate that most of these children attend school regularly. However, according to information by the German Press Agency (dpa) from the 12<sup>th</sup> of March 2011, e.g. in some districts in Berlin, refugee children did not gain access to school due to the lack of resources for support classes and integrated learning groups (despite the fact that they are obliged to go to school).<sup>58</sup>

There is no explicit data on the performance in school of refugee and asylum seeking children. Data on pupils with migration background, analyzed by the PISA program in 2009, however have revealed less than encouraging findings. Although, in comparison with the results of the year 2000, pupils with a migration background improved their reading skills, the difference between children of the second generation<sup>59</sup> and children without a migration background remains alarming – the gap in their learning progress is estimated to amount up to one year time.<sup>60</sup>

Teaching in the mother tongue is an important instrument for further development of refugee and asylum seeking children's overall linguistic skills. Teaching services in this area depend, however, to a great extent on the *Länder*. In several of the *Länder* the consulates of the countries of origin are responsible for voluntary mother tongue teaching, not least for financial reasons. Germany has already improved its German language support as a consequence of the PISA study, but teaching the mother tongue is not commonly regarded as a state responsibility. If the option exists, lessons in the mother tongue are held mostly in the afternoon.<sup>61</sup>

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<sup>57</sup> Storost, U.: Access to Quality Education for Asylum-seeking and Refugee Children in Europe. Germany Country Report. UNHCR (ed.), January 2009, p. 29.

<sup>58</sup> <http://bildungsklick.de/a/77559/fluechtlingsrat-berlin-verstoesset-gegen-schulpflicht/> (29 April 2011).

<sup>59</sup> Children are born in Germany, parents have been coming from foreign countries.

<sup>60</sup> <http://www.kmk.org/presse-und-aktuelles/meldung/pisa-2009-deutschland-holt-auf.html> (21 April 2011)

<sup>61</sup> Storost, U.: Access to Quality Education for Asylum-seeking and Refugee Children in Europe. Germany Country Report. UNHCR (ed.), January 2009, p. 41.



## V. Good practices description and analysis

Based on the human rights, legal, political, refugee and integration as well as educational framework as presented in the previous chapters, the following one now aims to provide concrete examples of best practices in terms of education integration of refugee and asylums-seeking children in Germany. The selection is grounded in extensive research and review of literature and other documents available as well as on feedback provided by experts from the field. As a result we ended up with a matrix of about 20 programmes and initiatives, which were used then as the basis for further ranking.

“Candidates” for selection covered a broad range of integrational measures, many of them hosted in larger cities with potentially bigger target groups, but also many started by local initiatives of concerned residents; activities include, for instance, career orientation support (Hamburg), exhibitions of refugee children artwork (Mülheim), educational support for Roma children (Cologne), trauma recovery and art therapy (Berlin, Munich), networks of helpdesks (Berlin), study grants for refugees at German universities (UNHCR support), socio-pedagogical consultations (Munich, Chemnitz), support to apprenticeship placement (Bonn), joint German/African support networks (Hamburg), school homework tutoring (Weiden, Münster), exam preparation and complementary schools (Munich), cross-cultural activities, including gardening (Wilhelmsburg), German language training (Chemnitz), just to name a few.

Given the great variety of measures we were grateful for the suggestions and comments we have received from practitioners, including their own recommendations for best practices; having been mentioned several times by different people, such as the “SchlaU-Schule” in Munich, clearly indicated relevance for the purpose of our exercise and assisted us in our assessment in order to finally select best practice examples. Apart from that we tried to follow the Integratec Methodological Guidelines and undertook our assessment on the basis of the information available in regard to criteria such as sustainability, innovation, multi-dimensional approach (versus isolated activities), transferability (non-reliance on particular circumstances), as well as relevance for at least one of the main areas of reference, namely access to education, quality of education, enhanced protection and empowerment and participation.

Similar to the situation in Austria it has to be observed, however, that the majority of services targets migrant children, with less clear focus on refugee children and their distinct experiences; furthermore, availability and types of services depend to a large extent on the current area of stay (with additional restrictions on freedom of movement under asylum and alien legislation), without clear coordination of measures.

The following **four examples of best practices** have been selected because in our view they meet several of the criteria outlined above, while at the same time offering enough distinctiveness in their approaches to hopefully enrich the discussion within the Integratec project on identifying relevant measures for better educational integration of refugee and asylum-seeking children. All examples contain the same basic structure: a basic description of



goals, strategies, target group(s), involved partners/financing, main activities and results, as well as an analysis of their points of strengths and weaknesses.

### **V.1. *Ausbildung statt Abschiebung (AsA) e.V. Bonn* integration programmes (North Rhine-Westphalia)**

**“*Ausbildung statt Abschiebung*” (AsA) - “Education instead of expulsion” refers to an association located in Bonn offering refugee and migrant children with an insecure residence status a comprehensive range of measures such as counseling, education and leisure time activities, but also lobbying and public relations work.**

**Websites:** <http://www.asa-bonn.org/>,  
<http://www.tdh.de/content/themen/schwerpunkte/fluechtlingskinder/projekte/deutschland.htm>.

The association was founded in 2001, with funding by the European Refugee Fund (ERF). Today only running expenses and costs of the contact point are covered by the ERF and the city of Bonn.

The **target group** of the activities of the association are young refugees aged 14-27 years with insecure residence status;<sup>62</sup> more than half of the persons are older than 18 years (but entered Germany as unaccompanied minor refugees).<sup>63</sup> In Bonn there are currently 100-150 UMRs aged between 14 and 27 years (thereof 50-70 adolescents are not taken care of anymore in the context of youth welfare).<sup>64</sup>

AsA has embarked on a comprehensive concept of services, including a variety of complementary measures and projects aiming at educating and empowering young persons with insecure residence status. This includes:

- counselling (daily counselling by social workers on issues relating to residence permits, work permits, social services and everyday issues),
- education (see more detailed description of sub-programmes below):
  - Educational support: individual training, conversation course, writing workshop;
  - Job mentoring and professional qualification: professional orientation and individual support (language, computer skills etc); social and emotional competences; development of networks of potential employers
  - Job application training
  - Qualification measures for volunteers
  - “Learning together”: vacation programme (focus on language skills and other qualifications), with seminars and experimental education

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<sup>62</sup> Residence status according to Sec. 25 (5) Residence Act on humanitarian grounds; persons with tolerated status; adolescents in the asylum procedure.

<sup>63</sup> Telephone interview with office manager Ms Martinez Valdes, 19.04.2011.

<sup>64</sup> Project description “Hilfen für unbegleitete minderjährige Flüchtlinge”, application of 24.03.2010.



- leisure time activities (dance project “B-Stars”, 65 film project “*Schwarz auf Weiß*”,<sup>66</sup> project “*Politik verstehen – Demokratie erleben*” [understanding politics – experiencing democracy])
- lobbying and public relations work: the public should be made aware of the difficult living conditions and inequality of opportunities of the target group (through press releases, TV and radio spots); in that way integration of the target group should be facilitated.

The **duration of projects** varies from a couple of months up to three years.<sup>67</sup>

### **Sub-programmes for educational integration of RASC:**

#### ***Avanti - Individual remedial teaching and language courses***

**Objectives and main activities:** Language skills for unaccompanied minor refugees are promoted by two-weekly “German as foreign language” courses (with 8-10 adolescents participating in each course) in addition to individual teaching. Language and communication skills are strengthened through further courses during vacation. The main objective is to address individual educational difficulties, which may result from accessing the German school system well after the regular school year has already started. Courses take place by single teaching or in small groups by volunteer pedagogues and students. This project followed the earlier “*Nachhilfe für alle!*” [tutoring for all!] <sup>68</sup> project and now lasts for five years.<sup>69</sup>

**Funding:** *Stabstelle Integration der Stadt Bonn*, Foundation *Hilfswerk Deutscher Zahnärzte*, *Aktion Mensch*.<sup>70</sup>

For newly arrived UMRs who do not have the possibility to attend regular or vocational school (since they have arrived during the school year) special language courses are offered until summer in order to enable them (through intensive teaching in German, mathematics and English) to attend the new school year 2011/2012; teaching takes place three days a week (three times five hours). Currently the group comprises of eight adolescents - the

<sup>65</sup> In order to strengthen self-confidence of young refugees through dance, their skills regarding dance and singing are developed by professional dance pedagogues – awareness of own body is experienced and discipline, continuity, creativity and punctuality are objectives to be attained; in addition to performances regular pedagogical care and monthly group meetings take place. In 2010 there were 12 participants. In 2011 dance workshops are scheduled for school vacation in order to facilitate access to weekly dance trainings. Weekly dance trainings; further group conversations (group processes), counselling/coaching (educational promotion) and performances. Duration: 01/01/2010-31/12/2010. Funding: UNHCR, Ballettschule International Bonn, Sterntaler Bonn e.V.

<sup>66</sup> In 2010 9 adolescents participated. In every meeting a new film technique was dealt with; in that way they could increasingly realise their own ideas themselves. Talents in camera work or play could be discovered. Funding by the Robert Bosch foundation.

<sup>67</sup> Telephone interview with office manager Ms Martinez Valdes, 19.04.2011.

<sup>68</sup> Support to young refugees and migrants with insecure residence status aged between 14 and 25 by remedial teaching in the surrounding of Bonn and Rhein /Sieg-Kreis. 36 teachers worked voluntarily and taught mainly German, mathematics, English, French and Spanish. The project reached in 2010 52 pupils. From September 2010 onwards this project was replaced by Avanti!. See Annual Report 2010.

<sup>69</sup> Telephone interview with office manager Ms Martinez Valdes, 19.04.2011.

<sup>70</sup> Annual Report 2010.



youth welfare office in Bonn approached AsA in spring 2011 to offer teaching for UMRs aged between 16 and 17 who need to complete compulsory vocational schooling, but who were not accepted to vocational schools.<sup>71</sup> Target group are young refugees from 16 years onwards; the duration of the measure is only short-term (a few months). The measure is funded by *Aktion Mensch* and the youth welfare office Bonn.

**“Ran an die Bewerbung – Individuelle Bewerbungsunterstützung für junge Flüchtlinge und Migranten”** [Go for the application – individual job application support for young refugees and migrants]

**Objectives and main activities:** comprehensive individual support is offered during the whole application process in following areas:

- Search for school/vocational training/apprenticeship or work placement;<sup>72</sup>
- Development of an application file;
- Practising of conversation situations, preparation for job interviews, specific application training (dependent on individual needs);
- Availability of PCs with access to internet for research and application writing;
- Legal counselling with regard to access to the labour market (e.g. access to work permits);
- Since 2011 workshops for job orientation and professional qualification take place regularly with a personnel trainer: adolescents have the opportunity to practice skills in finding jobs and job interviews. Twice a week a consultation hour takes place in order to ensure individual counselling.

**Target group:** young refugees and migrants with insecure residence status aged between 14 and 25.

**Duration:** 1<sup>st</sup> March 2009 – 28<sup>th</sup> February 2010, but has been extended.<sup>73</sup>

**Funding:** *Terre des Hommes*, foundation *Jugendhilfe* of the *Sparkasse Köln/Bonn*<sup>74</sup>

**“Jobpaten und berufliche Qualifizierung für junge Flüchtlinge”** [job mentors and professional qualification for young refugees]

**Objectives and main activities:** The way towards integration into the labour market of young refugees is often very long and difficult – many employers do not want to get involved in long handling times. Job mentors support adolescents individually to cope with the specific challenges with regard to career entry: they act as permanent contact persons and support young refugees when encountering difficulties in school, enterprises or authorities. The project worked with 11 adolescents in 2010. Activities include:

- Job orientation (during the phase between school and job);

<sup>71</sup> Telephone interview with office manager Ms Martinez Valdes, 19.04.2011.

<sup>72</sup> During 2010, AsA has supported 36 young refugees and migrants with insecure residence status aged between 14 and 27 in their search and placement of a trainee/apprenticeship/job place in the area of Bonn and Rhein-Sieg-Kreis.

<sup>73</sup> According to the office manager, Ms Martinez Valdes, in total for at least three years, telephone interview with office manager Ms Martinez Valdes, 19.04.2011.

<sup>74</sup> Annual Report 2010.



- Support for qualification measures;
- Individual support with job applications;
- Apprenticeship and traineeship placements;
- Availability of contact persons for persons to be educated, teachers and instructors;
- Identification of personal competences/shortcomings;
- Support during education.

**Target group:** young refugees with insecure residence status in Germany (they are particularly disadvantaged on the labour market and with regard to social assistance).

**Duration:** The project exists since 2008.<sup>75</sup>

**Funding:** Foundation *Jugendhilfe* of the *Sparkasse Bonn*, HIT Stiftung, LVR.<sup>76</sup>

### General assessment

As far as integration problems addressed are concerned (see *Integrace Methodological Guidelines*), AsA encompasses all four of the dimensions through its networking approach to ensure comprehensive access to a variety of forms of education, quality of education, enhanced protection and participation.

#### Points of strength

The projects are clearly needs-oriented and offer quick and flexible support for young refugees. Young refugees themselves are directly involved in the planning of new projects (including e.g. in projects relating to leisure time activities). Twice a year youth assemblies elect two speakers who represent the group in all bodies and the public within the association. The projects of AsA address access barriers to German school system and labour market by supporting self-help approaches. Targeted individual support and skills training should allow young people to become integrated into the economic cycle in a sustainable way, including also in the country of origin. A multi-layered approach shall ensure not only support to find work or educational opportunities but also integration and participation in social life as well as compensation for lack of family support.

#### Points of weakness

Due to the only short-term funding of projects sustainability of projects constitutes a challenge.

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<sup>75</sup> Telephone interview with office manager Ms Martinez Valdes, 19.04.2011.

<sup>76</sup> Annual Report 2010.



## V.2. “SchlaU-Schule“, Bavaria<sup>77</sup>

**A supplementary public school in Munich for unaccompanied minor refugees with the goal to provide educational and occupational integration on the basis of the Secondary Educational Graduation.**

**Website:** <http://www.schlau-schule.de>

### **General description and background**

Due to the fact that in general a large number of unaccompanied minor refugees did not receive adequate educational support so far, a group of social workers and teachers developed a particular school concept incorporating the special needs of young refugees, who have often been traumatized by e.g. violence and armed conflict, and established a public supplementary school: “SchlaU-Schule” - recognized by Bavarian Ministry of Education in 2000. The focus lies on ensuring the right to education to UMR and to empower those young people.

### **Objectives**

- Education and vocational training, career orientation;
- Completion of Secondary Education Graduation;
- Preparation for an apprenticeship/internship;
- Psychosocial care during the whole schooling period;
- Conveying key qualifications and skills such as strengthening ones’ identity, conflict management and anti-discrimination training;
- Trying to achieve a high graduation quota/prevent drop-outs.

The primary **target group** are unaccompanied minor refugees, with children from 16 to 20 years of age. At that age, they would actually have already completed mandatory schooling, but following the UN CRC’s right to education for all children and young people below 18, “SchlaU” school encourages participation in secondary school and other academic possibilities. The UMRs are coming from a broad variety of countries of origin, e.g. from African states (Ghana, Eritrea, Republic of the Congo, Somalia, Ethiopia or Sierra Leone), and from Tibet and China; but the majority is originating from Iraq and Afghanistan. “SchlaU” is confronted with the diverse pre-educational paths of the pupils, which poses a challenge of its own. Partly, some children are still illiterates while others already attended higher schools in their country of origin. Those 140 students, who are enrolled for schooling, are divided into ten classes of a maximum of 15 students per class. Since 2000 more than 1.000 pupils attended the school system and since 2004/05 about 200 pupils passed the Secondary Educational Graduation. Over the last years more than 95 per cent finished their

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<sup>77</sup> “SchlaU” stands for the German phrase „*Schulanaloger Unterricht für unbegleitete, minderjährige Flüchtlinge*“, meaning “school-like education for unaccompanied minor refugees”; at the same time, the German word „*schlau*“ means „smart“.



secondary educational carrier with an Secondary Education Certificate. And in the end more than 90 per cent finally conclude their apprenticeship or their further education training.

### **Main activities**

A complete schooling year includes:

- Educational and psychosocial assistance until the graduation
- School materials
- Tickets for public transportation
- Participation at school events, excursions, and learning camps
- Opportunity to join an internship and apprenticeship

Pupils attend school on an average of two to three years depending on their pre-education. Accordingly, they have been divided into groups based on their level of alphabetization and comprehension. Some children may still show some gaps of knowledge in a few areas, but these are taken care of by private lessons/tuition. The school system uses “open-learning” methods which means, beside very individual learning and teaching methods, also that pupils may change to the next higher class during the school year (anti bore-out). All regular subjects are taught, but the school also stresses that not only language, but also mutual respect is one of the most important lessons children have to learn to achieve a good learning atmosphere. In total there are three social pedagogues and 16 teachers, who teach and care for these children coming from different crisis regions from all over the world. To make learning for UMFs as accessible as possible, “*SchlaU-Schule*” adapts regular schooling material to the needs of the children, such as successively revising it before using it in class.

Moreover, school rules (e.g. being on time, doing one’s homework, no cell phones etc) and democratic principles play an important role and it is imperative that there exists a constant further development of these rules, in order to obtain a successful school pedagogy and work, especially for young refugees. School rules are all signed not only by the children, but also by their guardians and supervisors. At least once every half a school year, a so called “parents’ evening” (or parent-teacher coaching) is organized. This involves (legal) guardians and custodians/supervisors of the children.

Children who complete this schooling system, may take up an apprenticeship or attend further education. Besides the educational procedures, a very important role is played by social pedagogical monitoring, which is offered to the children so that they will be able to strengthen their identity and trust in others as well as to restore their self-confidence and support personal empowerment of the young refugees. Even after having successfully completed schooling they do still need additional support. In terms of negative apprenticeships experiences, there are three instruments which aim to counter those difficulties and assist: psychosocial support; accompaniment to immigration authorities and job-centres; support in regard to occupational problems. Networking with schools, companies, public authorities, etc. is also essential in order to keep contact upright, exchange experiences, raise awareness, get financial support and assuring quality and sustainability.



## Partners und funding

“*SchlaU-Schule*” was established by Trägerkreis Junge Flüchtlinge e.V. (support group for young refugees) and financed by social foundations, Departement of Social Affairs of the City of Munich, European Social Fund and the European Refugee Fund. A cooperation partner of “*SchlaU-Schule*” is the DaF-Institute (“*Deutsch als Fremdsprache*”, German as a Foreign Language) of the University of Munich, which supports the project in the area of language teaching and fund-raising (e.g. tuition for the children). Furthermore, the University conducts recognized professional practical training. The students from the University often serve as teaching staff, assisting in classes and supporting children in their weaker subjects. Further partners include: Pro Asyl (major German refugee NGO), Federal Ministries of Education and Science, of Migration and Refugees, of Labour and Social Affairs; European Union; Council of Refugees in Munich (*Münchner Flüchtlingsrat*), Bavarian State Ministry (*Bayrische Staatsministerium*), and others.

## General assessment

The overall goals of the programme clearly underlines its comprehensive approach, which basically covers all areas of Integrate project assessment, including access to education for a specific group of RASC (= unaccompanied minors), (high and flexible, targeted) quality of education, providing safety and stability for young people through a continuous, regular school framework, as well as support in general to empowerment of the target group and child participatory approaches.

### Points of strength

The „*SchlaU-Schule*“ is the only educational facility of this type for unaccompanied refugee and asylum-seeking children in Germany. Since its foundation in 2000 the educational offering in terms of subjects, teaching methods, curriculum etc. has been constantly adapted and improved. The special setting outside the regular school system allows for a certain flexibility and orientation towards the needs and concerns of the unaccompanied refugee and asylum-seeking children. School rules are signed by both children and adults (guardians/ supervisors) to strengthen responsibilities and aftercare services should help young refugees to continue with their job training, supporting them with eventual conflict situations. The educational books and teaching materials produced for regular schools are adapted if required according to the teaching- and learning goals of “*SchlaU-Schule*”. Further qualifications of teachers and pedagogues as well as organisational and structural developments are accompanied by quality management. In carrying out its educational activities the school may have recourse to a wide-ranging network of partners. The 95 per cent number of school leavers receiving a Graduation certificate can be considered evidence for a successful concept.

### Points of weakness

The overall financial instability of the project may have partly a negative impact on the quality of the educational activities. At present there is a lack of staff-members and



infrastructural facilities. In order to achieve economic stability, co-operation with the private sector as well as with private foundations have been established to develop long-term perspectives and ensure sustainability.

### V.3. “Aquaba” and “*Chancen für Flüchtlinge*”

**“Aquaba” has been a network for counselling, skills training and support in vocational training for young refugees and asylum-seeking children (as well as also for adults), and generally for in integration into the labour market in Hamburg. The project lasted from January 2008 to January 2011.**

#### Websites (partners):

- basis & woge (youth/street work, counselling in anti-discrimination matters, intercultural work): <http://www.basisundwoge.de/basiswogecms/Aquaba/seiten--57/index.html>
- “why not” (local youth centre/café/project run by the protestant church/Diakonie): <http://www.why-not.org/>;
- Verikom (*Verbund für internationale Kommunikation und Bildung e.V.* / Association for international communication and education): <http://www.verikom.de/>

#### General description and background

Access to the labour market is severely restricted for refugee children and in particular for asylum-seeking children. At the same time, RASC often lack opportunities to join integration classes and German language courses, which only leads to further disadvantages, including lack of work offerings, due to the lack of German language training. But only after having taken up a job, which allows them to earn their own livelihood, those young people may be granted the right for permanent residence.

Against this background the network “Aquaba” was established by three institutions working in the field of refugees, intercultural work and education. The network was focusing on refugee and asylum-seeking adults and children. The organization “basis & woge” was mainly dealing with the target group of 16 to 27 year old adolescents, which were looking for a job or an apprenticeship. Therefore, the following description and analysis will cover particularly the activities of basis & woge, as a network partner.

#### Objectives

- Reducing and removing barriers to employment by means of qualification measures, counselling and coaching.
- Participants shall receive at first less qualified jobs as well as internship and apprenticeship contracts.
- On the basis of internships in various economic sectors, job opportunities shall emerge.
- Due to the cooperation with businesses, access to the labour market shall be facilitated.
- According to the sustainable cooperation with schools, the transition between school and job integration should be facilitated.



## **Main areas of activities**

Support in:

- vocational orientation
- finding an internship and apprenticeship
- receiving an employment
- preserving an employment

During the period of three years (2008, 2009, 2010), about 294 young refugees have been supported individually through the project. Thereof, some 250 participants have been assisted regularly for up to two years and attended various qualifying measures. Most of them finally signed an apprenticeship contract. An overwhelming majority of the participants took part in the program in a very dedicated and active way.

## **Implementing agencies/funding**

The project was carried out by the non-governmental organization “basis & woge” in Hamburg (offering youth/street work, counselling in anti-discrimination matters, intercultural work), together with two strategic partners: “why not” (local youth centre/café/project run by the protestant church/Diakonie) and Verikom (local association for international communication and education). The project was financially supported by the City of Hamburg and the European Social Fund.

## **General assessment**

The project was mainly oriented towards access to education/vocational training as well as to empowerment of the young people.

### Points of strength

The project aimed to strengthen the individual capabilities of RASC and to facilitate their access to the labour market. Depending on the personal concerns and needs of the participants, the educational measures were individually designed and adjusted to each child and their situation. The project benefitted from the very close integration into the local city context and its tailor-made skills training. The psychosocial support during the whole project had a very positive impact on the personal development of the participants and enhanced their self-determination and confidence.

### Points of weakness

The cooperation with schools could have been intensified and expanded to other schools as well in order to engage more strongly teachers, parents and students. This would help raise awareness of the RASC’s situation, but also allow for better occupational orientation already at an earlier stage, e.g. before completing school.



## **“Chancen für Flüchtlinge” [Opportunities for Refugees] (follow-up program of Aquaba)**

**The project “Opportunities for Refugees” – within the framework of the broader local programme “FLUCHTort Hamburg Plus II” - aims to support refugees, unaccompanied minors, asylum-seeking children, and those with tolerated or temporarily protection status. Activities are especially carried out in the phase of transition between school and employment.**

### **Websites:**

- basis & woge: <http://www.basisundwoge.de/basiswogecms/Aquaba/seiten--57/index.html>;
- FLUCHTort Hamburg Plus II (integration into the labour market for persons with residence permit and refugees): <http://www.fluchtort-hamburg.de/projekte.html>

### **General description and background**

“Opportunities for Refugees” is the follow-up project of “Aquaba”, and is carried out again by the NGO “basis & woge”, running from March 2011 to February 2012. The project is based on similar considerations as Aquaba, such as lack of instruments and measures for vocational qualification as a prerequisite for long-term residence in Germany and thus part of the ESF-funded project “FLUCHTort Hamburg Plus II”, which focuses on the integration of refugees (including with “tolerated stay”) into the labour market.

The **target groups** of “Opportunities for Refugees” are adolescents between 16 and 27 years of age with an unsecure residence status, including asylum-seeking and “tolerated” persons. A precondition for the involvement in the project is a clear commitment of young persons to employment and qualification measures. The following groups are included:

- Participants with no or little schooling;
- students attending the last classes of vocational schools (two-year vocational school focusing on commerce and foreign languages; two-year vocational school focusing on health, nutrition and gastronomy; and two-year vocational school focusing on structural engineering);
- Adolescents who need support during the period of transition of school to employment.

### **Objectives**

- For pupils of the vocational schools to develop a realistic vocational perspective on the basis of their own experiences needs and wishes described in a written individual professional plan.
- Participants will get the opportunity to join in qualification measures, as well as to receive jobs and apprenticeships.
- To provide qualification, counselling and coaching, in order to reduce obstacles on the way to their educational and occupational integration.
- To provide vocational experiences within internships.
- Participants are able to write adequate job applications.



## **Main activities**

In consultation with the Hamburg Institute of Vocational Training, particular educational activities will be provided for refugee and asylum-seeking children who attend classes in different vocational schools. For the vocational school H15 (commercial issues), specific workshop series on the topic of “transition from school to occupation” will be developed and carried out in co-operation with teachers involved in the project. Complementary to this, a comprehensive approach, including the work with parents and confrontation with role models, is integrated. For the other schools, G19 (structural engineering) and G20 (health, nutrition and gastronomy), a regular educational advisory service is implemented. The way of transition from school to work will be discussed individually in coaching sessions, and based on this next steps for vocational or educational integration will be defined together with teachers. It is planned that in total 146 pupils will take part in coaching activities, and that in addition, about 80 of these will participate in workshops on vocational orientation, experiencing work life and application training. Moreover 50 pupils will prepare application files by themselves.

## **Implementing agencies/funding**

“Opportunities for Refugees” is carried out again by the NGO Basis & woge (offering youth/street work, counseling in anti-discrimination matters, intercultural work) in co-operation with Verikom (Association for international communication and education), within the network “FLUCHTort Hamburg”. The project is financed jointly by the Department of Economics and Labour of the City of Hamburg and the European Social Fund.

## **General assessment**

Like its predecessor, the main objectives of the programme relate to ensuring access to education and empowerment.

### Points of strength

There is the big advantage of already having experiences in that field, due to the lessons learnt from the former project “Aquaba”. The project “Opportunities for Refugees” again benefits from its close local integration into the city context and can draw from a well-established network of partners. Furthermore, the project is complementing the network “FLUCHTort Hamburg” in a very valuable way, such as by focusing only on adolescents. Within the project, the participants are given a strong, active role, taking into account their specific biographical background and expectations. With this project, educational support for young refugees and asylum-seeking children in Hamburg should be able to be continued in a sustainable way.

### Points of weakness

Due the fact that this project has been launched only recently, it remains to be seen whether the ambitious goals can be reached in the end, e.g. also in relation to its stronger



focus on school co-operation, so that more pupils would be covered by the programme and benefiting from the educational activities. In addition, the total number of refugee children living in Hamburg has been rising constantly. Moreover, a stable financing of the programme would allow creating long-term perspectives to facilitate strategic planning, quality management and further project development.

## VI. Summary of findings and policy recommendations

### General observations

The educational landscape in Germany is marked by strong **decentralised** state structures, with far-reaching autonomy of *Bundesländer* in educational matters. Given at the same time at least mixed competences between the federal state and the *Länder* on asylum, alien and residence matters, as well as strong *Länder* competences in child and youth welfare services, again, the challenge of establishing clear responsibilities for developing, coordinating and implementing, as well as **monitoring** a comprehensive educational integration programme for refugee and asylum-seeking children becomes evident. It is important from a human rights perspective to stress the need for **establishing clear state responsibilities** – and not just to rely on support for RASC by NGOs, social foundations, church-based organisations or funding from the European Union. Common standards, in particular, in relation to every child's right to education and access to school without discrimination, should be developed to prevent inconsistencies due to different *Länder* policies.

There is a strong need for state-funded **research on education and integration** for refugee children (accompanied and unaccompanied children, assessment of access and impact over time etc), in particular on a nation-wide scale (beyond local initiatives). Child participatory approaches in developing and implementing research projects should be promoted.

### Access to education

**Legal obstacles and restrictions**, such as on freedom of movement (*Residenzpflicht*), insecure residence permits/"tolerated" stay, detention pending deportation for children and young persons and reduced age limits to 16 in asylum matters etc should be reviewed and abolished, in line with the standards mandated by the UN Convention on the Rights of the Child, which is now directly applicable in front of courts and public authorities in Germany, following withdrawal of the government's initial reservations.

As far as access of RASC to **vocational training** is concerned, the need for work permits for such training/apprenticeships should be abolished as a matter of priority.

Possibilities for RASC to complete education/educational careers interrupted by armed conflict/flight in the home country should be expanded, including by easier access to schools



in the midst of the school year and means for **quick recognition of school certificates** from abroad.

Targeted educational integration measures for **specific groups of RASC**, such as unaccompanied children, small children at pre-school age, children with disabilities, girls, trafficked children etc should be expanded.

### **Quality of education**

Investment is needed in quality of education, in particular in **training of teachers** to develop skills and confidence in dealing with classes with diverse cultural backgrounds, to manage conflicts in schools, to have skills in intercultural learning and communication and to promote diversity in society as an asset and opportunity for mutual benefit.

In addition, resources for **team teaching/additional teachers** to support integration efforts in schools, additional teachers for mother tongue instruction and smaller class sizes should be made available. Teachers with migrant background should be actively sought after and supported.

Similarly, dealing with **diversity** and migration should become focus areas of training of social workers as well as for NGOs working in areas of refugee protection, migration and education. New models for easier cooperation between schools and social welfare institutions should be developed.

At the same time efforts to directly **involve parents**, especially fathers, in integration measures (e.g. language training, availability of information in relevant languages) should be intensified.

In general, stronger transparency in the educational system and establishment of a **feedback culture at school** would be necessary, with stronger student-orientation and individual advancement and integrative and inclusive measures for disadvantaged children (including RASC). Such changes would need to be supported by a public debate and political statements highlighting benefits of diversity and commitments to open, inclusive societies.

**Nation-wide standards for integration in education, for data collection and monitoring** should be established.

### **Enhanced protection**

As part of reform efforts in training of teachers, social workers and others likely to work directly with RASC, stronger sensitisation for **psychological needs of support** for RASC should be included.

### **Empowerment and participation**

As noted in the Austrian context, Integrate project research has highlighted the need for more **sustainable integration measures** in education for RASC. Project-driven activities



should be replaced by programmes with medium- and long-term funding by local and state government in order to allow for implementing partners to develop capacities and avoid frequent staff changes in a given project team, also in the interest of continuity of support for the refugee and asylum-seeking children.

Furthermore, the right and principle of **direct involvement of children and young people in decision-making processes** should be emphasized more strongly, both in formal procedures in asylum, alien's law and youth welfare matters as well as in integrational efforts themselves. In this regard, like in Austria, mentoring programmes (refugee children and nationals (children/school classes) linked together to assist each other) have shown promising results in mutual support and empowerment.

## List of abbreviations

AsA	“Ausbildung statt Abschiebung” - “Education instead of expulsion” project
CoO	Country of Origin
CRC	United Nations Convention on the Rights of the Child
EC	European Commission
ECHR	European Convention on Human Rights
EU	European Union
FRA	European Union Agency for Fundamental Rights
GG	“Grundgesetz”, German Constitution
GRC	Geneva Refugee Convention
ILO	International Labour Organization
NPA	National Plan of Action
NGO	Non-governmental organization
OECD	Organisation for Economic Co-operation and Development
OHCHR	United Nations Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
par.	paragraph
PISA	Programm for International Student Assessment
sec.	section
RASC	refugee and asylum-seeking children
UM	unaccompanied minor
UMR	unaccompanied minor refugee
UN	United Nations
UNHCR	UNHCR United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund



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