

## Project ESIT

3rd Meeting in Portsmouth/UK 15.09-2014 – 19.09.2014  
Germany contribution:

Subject: Relation to institutions:

- working with organisations with migrant background,
- how works migrant organisations consultation

### 1. Legal framework/law/legal obligations of the state towards newly arrived immigrants/ new citizens

Citizens of a Member State of the European Union can enter Germany without a visa. Foreigners from other countries of origin require a visa as a matter of principle. The European Union has withdrawn the visa requirement for visits of up to three months in a period of six-month for citizens of certain states. One can find out in Germany's representations abroad or on the website of the Federal Foreign Office whether the country of which he/she is a citizen is one of these countries.

<http://www.bamf.de/EN/Migration/Einreisebestimmungen/einreisebestimmungen-node.html>

#### 1.1. Housing/accommodation

The legal situation

After applying for asylum refugees will be brought into a collective accommodation which serves as an admittance institution. They have to remain there until the date of decision. Minimum 6 weeks but by law max. 3 months. If there is no approval after 3 Months they should be brought into a communal accommodation. People with temporary residence permit, that means, who have applied for asylum and whose asylum procedure is in progress, subject to the residence requirements. These residence obligation is an additional requirement for asylum seekers living in Germany and tolerated people. It commits the parties concerned to reside only in the area specified by the competent authority. A residency requirement for the duration of the asylum procedure exist within the European Union only in Germany. The volume of their residence area is regulated differently in the different provinces. The lounge area can be limited to the district, the county or the state in which the applicant must dwell. It can also consist of several districts or states.

#### 1.2. Language learning (courses, etc).

Only approved refugees have the right -but also the duty- to undertake an integration course. This courses consist mainly of German lessons. All other refugees have to take care on their own to learn German or other subjects and to pay for it themselves. Of course lots of them are not able to pay for this courses.

#### 1.3. Education

There is no specific offer of education to the group of immigrants. Except the above-mentioned "integration courses" migrants are allowed to visit private financed courses, but there are no government-funded opportunities.

Initial guidance on available continuing training provision can be obtained by visiting the "[KURSNET Internet portal](#)" operated by the Federal Employment Agency.

<http://www.bmbf.de/en/index.php>

### Pre-school Education

In Germany there is no obligation to attend daycare or preschool. Since August 2013 exists a legal entitlement to a daycare space for the 1-2 years old and the duty on Language development in the recent Kita-Year. Due to the lack of day-care centers this is often not be redeemed. Particularly refugee children are affected. They are attending a day care center only in rare cases and therefore do not receive language training.

### School Education

In Germany compulsory education is regulated on the basis of the cultural sovereignty of countries in the various state constitutions. A distinction is made between full-time compulsory education and compulsory vocational education. The full-time compulsory education extends generally to 10 years of schooling. The compulsory vocational education starts after the full-time compulsory education. In general, the compulsory vocational education ends with the completion of a vocational training or at the end of the 12th school year.

Compulsory education is interpreted differently in relation to refugee children from the provinces. NRW as expressly stated to the 2005 Education Act, which came into force a compulsory education for refugee minors. NRW was doing pioneer among the German states. In several states, children with residence permit or submission no compulsory education, but school attendance law, with the exception of the Saarland, where they have no right to attend school. In Berlin children are of school age with residence permits. Children without residence permits have a right to attend school, but are not subject to compulsory education.

Here, however, is currently rethinking and it can be found at the country level, increasingly, specific deals (especially) for young asylum seekers and refugees. So the BAMF developed and tested 2013 in cooperation with the Bavarian State Ministry of Labour and Social Affairs, Family and Integration, a course concept "initial orientation and learn German for asylum seekers". More deals are due to various initiatives, eg free offer of the working group "Asylum" in Calw (Baden-Württemberg), in which volunteers offer German lessons for asylum seekers. In Berlin, German courses for refugees are offered since August 2014 from folk high schools (e.g. in Marzahn-Hellersdorf, which is also related that in Hellersdorf a large refugee camp is located). These projects are financed by the Senate Department for Labour, Integration and women and were initiated in cooperation with the Berlin community colleges and the local district councilors.

### Vocational Education

For young asylum seekers and refugees, there are increasing educational opportunities in vocational schools that offer German lessons in addition also offers pre-employment and the obtaining of the school leaving. However, there is as yet no legal right to this education.

### Recognition of foreign education

#### *- Degrees*

Basically, academic recognition procedures in Germany can be applied irrespective of the nationality. On the recognition of qualifications acquired abroad, decide the certificate recognition offices of the Federal States. For the recognition of qualifications for the purpose of admission to higher education, the universities are generally responsible. For services from a not yet completed school career no official recognition process takes

place. In general, it decides the respective school administration in consultation with the appropriate school authority.

*- Vocational qualifications*

The possibilities for the recognition of professional qualifications acquired abroad have improved considerably. This is mainly due to efforts to secure supply of skilled labor in Germany. With the so-called Recognition Act ("Act to improve the detection and recognition abroad acquired professional qualifications") have immigrant professionals since April 2012 the opportunity to have their professional qualifications or to determine the equivalence of the foreign professional qualification with the German degree. This is in many professions the prerequisite to work in this profession or to become self-employed.

**Recognition procedure of foreign qualification**

If people have gained professional or vocational qualifications abroad and would like to work in Germany, they have the option of having their foreign qualification recognised and in some cases will need to do so.

It is useful to clarify whether one is entitled to migrate to Germany and work here before he/she initiates a recognition procedure from abroad. People can use a "migration check service" to verify the status. In the recognition procedure, the relevant authority will check whether a foreign professional or vocational qualification is equivalent to a German qualification. The equivalence check takes place on the basis of stipulated formal criteria such as content and duration of training. Any relevant vocational experience is also taken into account.

Preconditions for a recognition procedure: People must be able to show that they have completed a professional or vocational qualification which was not obtained in Germany. They also must intend to work in Germany. It is not necessary to hold German citizenship or a residence permit for Germany in order to obtain recognition of a professional or vocational qualification. There is also no need to be resident in Germany at the time of application. It's possible to submit an application before entering the country from abroad. If differences are identified in regulated occupations, people will need to successfully complete the compensatory measures stipulated by the competent authority, i.e. an adaptation period or test, in order to work in the occupation in question.

<http://www.anerkennung-in-deutschland.de/html/en/index.php>

#### **1.4. Employment**

Refugees are not allowed to work and to do a vocational education without a work permit. For asylum seekers and tolerated foreigners work is banned in the first nine months of their stay. Even from that time they usually have barely chances of getting a job, because there are so called "privileged workers". These are German citizens, but also EU - foreigners. Not until four years of residence in Germany asylum seekers and refugees - without the limitations described above – are allowed to work in Germany.

The new Employment Regulation has inter alia the goal of well-trained foreign workers to facilitate the immigration for employment and counteract a shortage of skilled workers. Workers in the EU Member States Austria, Belgium, Bulgaria, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Austria, Poland, Portugal, Romania, Sweden, Slovakia, Slovenia, Spain,

Czech Republic, Hungary and Cyprus enjoy full free movement of workers and can start work without having to obtain a work permit in Germany.

Other foreigners need a valid residence permit ( visa ) in order to pursue gainful employment in Germany can. This residence permit is obtained from the competent foreigners authority. Residence permit are the (temporary granted ) residence permit and (granted unlimited ) settlement permit. When applying for a residence permit checks the immigration authority, whether it is one requiring approval or approval-free activity. With few exceptions, requires an operating principle of the consent of the consortium. This is done in an internal approval process. The consortium will grant such permission generally, if the following conditions are met:

If the employment of foreigners found no adverse effects on the labor market , particularly in terms of employment structure , the regions and industries and are available for employment any German workers or those assimilated EU citizens available to foreigners on less favorable working conditions than comparable German workers are employed and a concrete job offer has been made.

#### **1.5. Health care and social services, family matters (what happens when family arrive, what one must do to bring his/her family)**

Claim for regular benefits have only recognized refugees. The social benefits to asylum seekers, tolerated and partly preserved , other refugees , are governed by the Asylbewerberleistungsgesetz. Around 20 years were the benefits under this Act about 30 percent lower than the unemployment benefit II and thus far below what is considered decent living wage in Germany. In July 2012, the Federal Constitutional Court has the benefits " evident inadequate " and criticized as they raised significantly. But still get a majority of the Refugees benefits generally as so-called " care". These are shopping vouchers or smart cards, which you can only buy certain things in certain stores. In some provinces refugees get ready food or hygiene boxes.

The Asylum Seekers Benefits Act also regulates medical care. The law speaks of " acute illness and pain " - this is true in practice as a limitation. Therefore, refugees hospital bills , drugs , medicines and medical aids such as glasses or crutches and many others are often denied The right to have a spouse or children come from the vanishing land , have also only recognized refugees. Asylum seekers , tolerated and people receiving a humanitarian residence permit , this family reunion is not allowed.

#### **2. The Main Actors/Institutions that deal with the above mentioned issues**

##### Federal Office for Migration and Refugees (BAMF)

As a competence center for migration and integration in Germany it is responsible for processing asylum applications and refugee protection. The broad remit of the BAMF includes, inter alia, responsibility for the implementation of the migration advisory services for immigrants, the implementation of integration courses and occupational German lessons. An important conceptual task is to develop recommendations for improving the advancement under the national integration program. As part of the project funding by the BAMF it's promoting projects for social inclusion - tested and necessary according to local conditions. This model projects are especially encouraged to gain insights into the development or testing of methods and concepts in the integration work. To an increasing extent, the BAMF also promotes multipliers seminars - especially training of volunteers

and the professionalization of migrant organizations. The office of the German Islam Conference (dialogue between the government and Muslims) is also located in the BAMF. Under its various tasks, the BAMF cooperates with other organizations or municipalities and provinces. In the nationwide integration program the BAMF brings together key players in the integration work. Involved are here: countries, municipalities, Immigration and Integration Commissioner of federal, state and local governments, the Federal Government Commissioner for Matters Related to Repatriates, religious communities, trade unions, employers' organizations, support the voluntary welfare and other social interest groups, especially migrant organizations, support of integration programs and representatives of the science. Recipients of funding under the Funding: associations, displaced facilities, churches, recognized providers of political education, migrant organizations, communities and institutions that are active in working with immigrants to cross-regional, regional or local level.

### Federal Employment Agency

Until now, work placement for asylum seekers in Germany is a taboo subject. But in connection with the shortage of skilled workers currently on a political level discussions take place, according to which asylum seekers are allowed to work after three months in the future. Highly qualified asylum seekers should also be prepared shortly after their asylum application for a working life in Germany, so they can work faster as professionals. In February 2014 launched a pilot project of the Federal Employment Agency and the BAMF that is initially limited to six German cities (Augsburg, Bremen, Dresden, Freiburg, Hamburg and Cologne). Asylum seekers with a recognition is very likely as political refugees or as so-called tolerated and have a vocational qualification may be taught in the pilot project and thus jobs. The selection of participants exceeds the BAMF, the local employment agency shall review the qualifications. These activities relate only to (highly) qualified asylum seekers.

### Federal Police

The Federal Police is working closely with the security agencies of the federal and state together, securing the border guards, implements decisions of the Federal Office and cooperates with foreign border authorities. She is also responsible for border protection, directly at the border or in border areas, but also at airports and seaports with international traffic. The Federal Police also enforces decisions of the Federal Office. If a third country is responsible for an asylum application, she transferred to the person there. The federal police subordinate to the Federal Ministry of the Interior.

### Free Welfare

In the voluntary welfare organizations are associations that shape the social community in Germany and look back on a long tradition. The associations of voluntary welfare include the workers' welfare, the German Caritas Association, the German welfare organization, the Social Service Agency of the EKD (Evangelical Church in Germany) and the Central Welfare Office of the Jews in Germany. The associations are united in the Federal Association of Voluntary Welfare (BAGFW). The tasks of the BAGFW include, for example the participation in the legislative and maintaining contacts with relevant political bodies and decision-makers, cooperation in key matters with federal, state and local authorities and other bodies of public self-government and participation in professional organizations and initiatives. As providers of social tasks, the associations are voluntary welfare organizations partner in the welfare state. The idea of subsidiarity is constitutive of the position of the leading associations of voluntary welfare associations in Germany. Many self-help groups search the roof of a peak in Federation of Voluntary Welfare to use the existing organizational structure, without losing their independence. The leading

associations of independent welfare represent currently about 90,000 facilities and social services with approximately 1.1 million employees. With regard to migrants, refugees and asylum seekers the charities took over the recruitment of foreign workers in the 50-ies and 60-ies important care and welfare functions, although they were more focused on care than on participation.

### Migrant organisations

Migrant organizations are founded by immigrant and voluntary organizations, initiatives and associations of "persons with a migration background" for representing their own interests. In addition to specific objectives such as the promotion of sports, language, religion or culture directly or indirectly play always the employment and engagement with the issues of migration, integration and civic engagement a role. An important contribution to integration in particular provide the parents' associations, in which parents with immigrant background engage their children together for education. The members of migrant organizations have mostly themselves on migration experience and know how the life in Germany is working and what is important. They can therefore people who are new in Germany help especially good to settle in Germany. Migrant organizations also represent the interests of its members. They are increasingly becoming important contacts of politics, economics and management.

So far there are no reliable data on the total number of immigrant organizations in Germany. The two largest groups are allocated to the Turkish origin and the ethnic German immigrants-persons due to the recent immigration history of Germany. A common umbrella organization does not exist yet. Among the most important and influential Islamic umbrella organizations include the Turkish-Islamic Union for Religious Affairs, the Central Council of Muslims, the Association of Islamic Cultural Centres, the Islamic Council for the Federal Republic of Germany.

In the German Islam Conference, which met in September 2006 at the initiative of the Federal Minister Schäuble, representatives of associations and a number of Muslim unorganized individual personalities are represented.

### **List of relevant websites and sources of information, projects, publications, internet sites that might be relevant to topic (also in your native language)**

<http://www.bamf.de/EN/Migration/Einreisebestimmungen/einreisebestimmungen-node.html>  
*BAMF*

Mainly responsible for migration and integration in Germany. It is responsible for processing asylum applications and refugee protection. The broad remit of the BAMF includes, inter alia, responsibility for the implementation of the migration advisory services for immigrants, the implementation of integration courses and occupational German lessons. An important conceptual task is to develop recommendations for improving the integration of funding under the national integration program.

[KURSNET Internet portal](http://www.kursnet.arbeitsagentur.de/)  
<http://www.kursnet.arbeitsagentur.de/>  
*KURSNET*

Internet portal of the Federal Employment Agency for seeking opportunities to learn or to improve vocational skills.

<http://www.bmbf.de/en/index.php>

<http://www.anerkennung-in-deutschland.de/html/en/index.php>

*BMBF*

Portal of the Federal Ministry of Education and Research provides information on the procedure for the recognition of foreign professional qualifications.

[www.proasyl.de](http://www.proasyl.de)

*PRO ASYL*

In the mid-80`s, significant restrictions were introduced into German asylum law. Due to these changes, people persecuted for political, ethnic or religious grounds encountered great difficulties in securing lasting and reliable protection. For this reason, the National Working Group PRO ASYL formed in 1986, out of which the Friends of PRO ASYL emerged. The National Working Group, comprised of refugee councils, churches, unions as well as welfare and human rights organizations, have come together to protect refugees rights and to give voice to their concerns.

<http://www.berlin.de/jobcenter/pankow/chancengleichheit>

The commissioners for equal opportunities in the labor market ( BCA ) and Migration Officer of Jobcentres deal with legal and business policy implementation of equal opportunities in terms of gender and diversity concept and represent the jobcenters overarching questions: • Promotion of women and men • equality in the labor market • promotion of people of foreign origin • support for people with disabilities • reconciliation of family and work. Each Jobcenter ( Employment agency) has to implement a BCA.

<http://www.jobstarter.de/de/kausa-21.php>

The aim of the coordinating body vocational training and migration (KAUSA) is to promote local projects that support entrepreneurs with migration background. It provides informations about the dual system of vocational training in Germany. They advise the self-employed to get started with the training , they accompany if required in the implementation and support of working with employment agencies , chambers of commerce and other institutions. Overall, 41 KAUSA projects have created to March 2013, 9,000 training courses mainly in immigrant businesses.