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THREE YEARS INTO THE REFUGEE DISPLACEMENT CRISIS

Where Does Germany Stand?

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Executive Summary

In 2015–16, Germany experienced a massive spike in people seeking protection. During this timeframe, no other European nation received as many people fleeing conflict and destitution. Providing shelter and offering protection are tasks that require global and EU responses. This report, however, focuses on the unique impact of the recent displacement crisis on Germany at the federal level. Three years after the start of the crisis, one can now begin to assess how the needs of both those seeking protection and the society receiving them were met — as well as which gaps and challenges remain. As migratory pressure from Europe’s neighborhood builds unabated, it is important to utilize post-crisis moments to reflect upon hard lessons learned since 2015 so that potential foreseeable challenges can be met instantly with targeted policy responses moving forward.

This report presents information in two parts. The first briefly summarizes the main events of 2015–16. It highlights central legal changes to Germany’s protection law occurring in response to as well as public reaction to those changes. Most of the important policy changes pertaining to protection, such as Asylum Packages I and II or the 2016 Integration Act, served to streamline processing and integration procedures. While public support for protection seekers prevails among Germans, 2015–16 was a stress test that challenged public attitudes toward newcomers and launched a right-wing backlash in Germany.

Germany’s process for receiving protection seekers has undergone a major transformation. Whereas the country’s first task was to gain proficiency in meeting newly-arrived protections seekers’ most basic needs, now its focus lies on integration: how to fit those with a high chance of attaining a resident permit into the country’s social fabric and its institutions. The second part explores these integration challenges in sectors such as the labor market, education, and housing. The German government spends large sums to provide adequate emergency accommodation for those seeking protection and has passed legislation to make its labor market more accessible to newcomers. The country

is also struggling to integrate hundreds of thousands of young protection seekers into its education system. This part further highlights current policy challenges linked to protection seekers, such as providing legal pathways for seeking protection, family reunification, and deportations of those whose protection requests were denied. Here, the government must address various issues ranging from deals with countries of origin to increasing numbers of appeal cases to making deportation procedures more efficient. If legal pathways (e.g., resettlement programs) are meant to impact protection seekers’ behavior, quotas need to be adjusted accordingly. This logic, however, must be weighed against the financial and social costs of such initiatives. Finally, this part also includes a look at volunteer management and communication, two issues that are often overlooked despite their significance. Volunteers do much of the integration work on the ground with newly-arrived protection seekers. More research on volunteer management and additional qualification courses (specifically for volunteer coordinators) are needed. Media outlets must strive to report all facets of protection-related migration (positive and negative), while being as inclusive as possible when representing differing viewpoints and actors. At the same time, policymakers are faced with the task of how to talk about migration and protection with the public and especially those who have concerns about migration.

“ *As migratory pressure from Europe’s neighborhood builds unabated, it is important to utilize post-crisis moments to reflect upon hard lessons learned.* ”

Three Years into the Refugee Displacement Crisis

Where Does Germany Stand?

TIMO TONASSI, ASTRID ZIEBARTH

Germany was not adequately prepared for the number of people arriving at its borders in the summer of 2015, and the numbers kept climbing. Between 2015 and 2016, the country received more than one million protection seekers¹ without much preparation. Both German society and the government struggled to find solutions, and after three years they have had some success: The sense of emergency has partially receded. It would be shortsighted, however, to think that the crisis is now over, that challenges will stop, and that business will continue as usual.

Given the scope and the speed of the events that unfolded in 2015–16, Germany has coped relatively well. It managed to set up additional infrastructure and processes to manage the high numbers of newcomers it received. The country's strong economy supported massive expenditures and investments on their behalf. Although greatly criticized for her decision to take in so many protection seekers, Chancellor Angela Merkel won reelection in September 2017. At the same time, however, the election marked the entry of a right-wing party into parliament, a development which has contributed to a changed tone and mood in public and parliamentary debates about migration, protection seekers, and integration. In "post-crisis"² Germany, the situation

1 A note on terminology: With the increase of people coming to Germany in recent years to seek protection, many official government reports, public opinion polls, and newspaper articles have tried to capture these movements. They talk about "asylum seekers" coming to Germany, the integration of "refugees," and about "asylum applicants" from Eastern Europe or Syria. While these terms are generally used synonymously, that can be misleading in the German context. Anyone coming to Germany to seek protection should be labeled a "protection seeker" rather than "asylum seeker" or "refugee." This is because "asylum" and "refugee protection" are only two out of four subcategories of protection which can be granted to individuals applying for protection in Germany. The other two subcategories are "subsidiary protection" and "national ban on deportation."

2 While the events in 2015 and 2016 are commonly referred to as the "refugee crisis," that term can be misleading. It implies that the crisis was solely centered around – and caused by – the increasing arrival of refugees. However, this notion omits the many political and bureaucratic difficulties regarding the management of migration exposed during 2015–16.

is neither dire nor perfect. In some areas, the arrival of protection seekers has worked like a magnifying glass — emphasizing challenges that existed prior to 2015, such as the social housing shortage or the challenge of coordinating services in a federal system. If the German electorate's concerns about newcomers are not properly addressed by policymakers, they can turn into antipathy or even violence, setting movements in motion that may seriously alter the German political landscape.

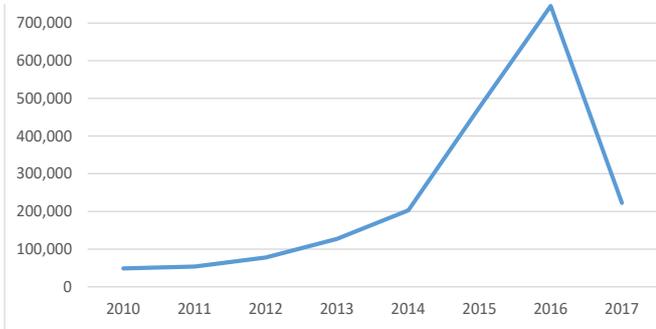
Migration and protection are political issues that are here to stay. Germany must continue to move from ad hoc reactions to an approach built around sustainable, long-term planning. In many areas of integration, this is already underway. Nevertheless, Germany must identify and address its blind spots, areas where conflicts are likely to arise and where strategic planning and innovation are necessary to be better prepared to manage its next migration and protection challenges. This paper therefore provides a summary of the situation that unfolded in 2015–16 to then highlight policy issues that need to be addressed in the short term.

Looking Back: What Happened During the Crisis?

In Numbers

The years 2015–16 will be remembered as a peak time of arrival of protection seekers mainly from Syria, Afghanistan, and Iraq. Within a short timeframe and without preparation, the country received more than a million individuals seeking protection. In 2015,

Figure 1. Applications for Protection (2010-17)



Source: BAMF (2018). Aktuelle Zahlen zu Asyl, 4. Retrieved from <https://bit.ly/2FSLR0H>

about 890,000 protection seekers arrived.³ By 2016, the number had already reduced to 280,000, and in 2017 only 187,000 individuals entered Germany.⁴ The sharp decrease in numbers (Figure 1) can be mainly attributed to the closing of the Balkan routes and the EU–Turkey deal. Of the approximately 890,000 who came to Germany in 2015, 476,649 applied for protection that year. Although fewer newcomers were recorded in 2016, 745,545 individuals applied for protection.⁵ Many of them had arrived in 2015 but were not able to apply for protection in the same year. In 2017, the number of people filing for protection rapidly declined to 222,683.⁶ In the first half of 2018, 110,324 applications for protection were filed, a decrease of 15 percent compared to the year before.⁷

In 2015, the Federal Office for Migration and Refugees (BAMF) granted 140,915 individuals a form of protection. In 2016, this number rose to 433,920. In 2017, 261,642 individuals were granted a form of protection (Figure 2). No other country in the EU hosted as many people applying for protection in 2016 as Germany, both in absolute numbers and per capita

3 Federal Ministry of the Interior (09.30.2016). 890.000 Asylsuchende im Jahr 2015. Press release. Retrieved from <https://bit.ly/2OVYP2I>

4 Federal Ministry of the Interior (01.11.2017). 280.000 Asylsuchende im Jahr 2016. Press release. Retrieved from <http://bit.ly/2jugEH7>; Federal Ministry of the Interior (01.16.2018). 186.644 Asylsuchende im Jahr 2017. Press release. Retrieved from <https://bit.ly/2K0FcDR>

5 Federal Ministry of the Interior (01.11.2017).

6 BAMF (2018). Asylgeschäftsbericht für den Monat Dezember 2017. Retrieved from <https://bit.ly/2N34R05>

7 BAMF (08.03.2018). Asylgeschäftsstatistik Juli 2018. Retrieved from <https://bit.ly/2PXNoaU>

(Figure 3). Germany’s share of all protection seekers within the EU28 rose from 35 percent in 2015 to 60 percent in 2016.⁸

Legal Responses

The years 2015–16 saw comprehensive changes to Germany’s migration law. These changes range from laws and regulations aimed at improving the accommodation, care, and assistance of unaccompanied minors; to making the exchange of information between authorities more efficient; to outlining faster expulsion of criminal foreigners.⁹ Three important policy changes pertaining to protection seekers are Asylum Packages I and II and the so-called Integration Act of 2016.

Asylum Package I, adopted in October 2015, has multiple goals. It intends to speed up procedures in Germany, to provide financial relief to state and local governments, and to support the integration of protection seekers who have good prospects of remaining in the country.¹⁰ It was also intended to reduce the high numbers of protection applicants from the Western Balkans. In March 2016, only five months after the adoption of Asylum Package I, Asylum Package II was approved as an attempt to further reduce and control the inflow of protection seekers, mainly by curtailing the rights of certain groups with regard to family reunification. Like Package I, it intends not only to speed up the procedures of applicants from safe countries of origin, but also of those submitting repeat requests, as well as protection seekers unwilling to cooperate during protection claim procedures (for example, by refusing to be fingerprinted or by giving false information about their identity). The 2016 Integration Act, Germany’s first federal law specifying the legal basis for integration, outlines quicker access to integration benefits for certain groups of protection applicants. However, the law also intends to make integration measures mandatory for certain groups, penalizing those who refuse them by cutting their benefits.

8 Eurostat (03.16.2017). Asyl in den EU Mitgliedsstaaten, 4. Press release. Retrieved from <http://bit.ly/2nG2Yxy>

9 BAMF, EMN (2017). Migration, Integration, Asylum — Political Developments in Germany, 5. Retrieved from <http://bit.ly/2eTghIE>

10 Bundesregierung (10.26.2015). Effektive Verfahren, frühe Integration. Retrieved from <http://bit.ly/2faYTv>

Chancellor Merkel summarized the thinking behind the 2016 Integration Act as “support and demand” (Fördern und Fordern), meaning that newcomers should be supported in their integration efforts but that the German state may also make demands if an individual lacks the willingness to work toward integration.¹¹

Despite these changes, the international perception of Germany remains a country welcoming those in need of protection, especially in comparison to other EU member states. This is true in many respects — for example, when observing the high level of civic engagement in Germany or when looking at increased access to the German labor market — but it is also

11 Bundesregierung (2016). Video-Podcast der Bundeskanzlerin #24/2016. Retrieved from <http://bit.ly/2xe9QqU>

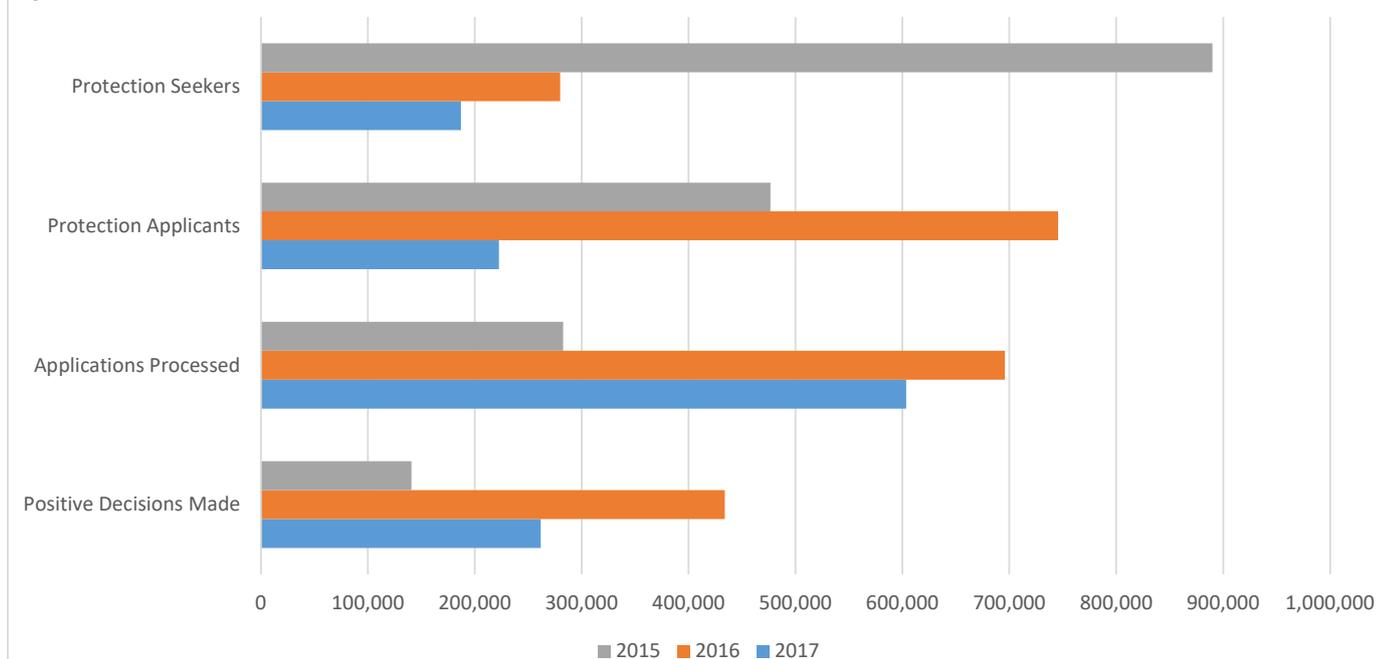
true that Germany became somewhat more restrictive toward certain groups of protection seekers on a policy level in the years following the displacement crisis.

German Voters

The move toward more restriction occurred during a time of noticeable shifts in the public perception of immigration. Initially, the world was captivated by the widely circulated images of Germans cheering at the arrival of newcomers in the fall of 2015. However, more nuanced and critical views as well as publicly displayed political disagreements surfaced in the following months. This trend intensified after the sexual assaults on New Year’s Eve 2015–16 in Cologne. Germany has increasingly found itself in a state of polarization regarding migration. Some reports argue that while many people still believe immigration has benefits, positive associations are declining and negative associations are on the rise.¹² Others maintain that the overall change in public opinion on the issue

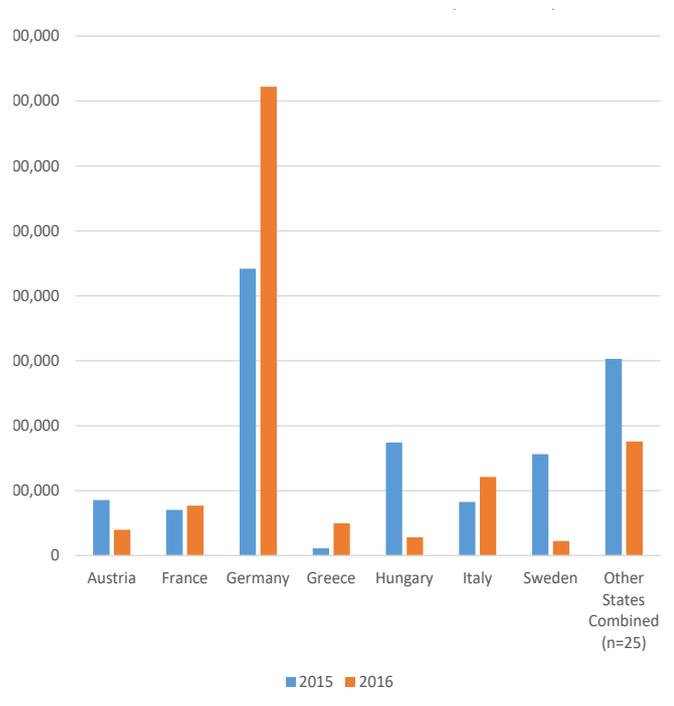
12 Bertelsmann Stiftung (2017). Willkommenskultur im „Stresstest“, 15. Retrieved from <http://bit.ly/2xbaIMI>

Figure 2. Data on Protection (2015-17)



Source: BAMF (2016). Asylgeschäftsbericht für den Monat Dezember 2015. Retrieved from <http://bit.ly/1Smbro0>; Federal Ministry of the Interior (09.30.2016); BAMF (2017). Asylgeschäftsbericht für den Monat Dezember 2016. Retrieved from <http://bit.ly/2jMfNG2>; Federal Ministry of the Interior (01.11.2017); BAMF (2018). Asylgeschäftsbericht für den Monat Dezember 2017. Retrieved from <https://bit.ly/2N34R05>; Federal Ministry of the Interior (01.16.2018). BAMF (2017). Asylgeschäftsbericht für den Monat Dezember 2016. Retrieved from <http://bit.ly/2jMfNG2>; Federal Ministry of the Interior (01.11.2017); BAMF (2018). Asylgeschäftsbericht für den Monat Dezember 2017. Retrieved from <https://bit.ly/2N34R05>; Federal Ministry of the Interior (01.16.2018).

Figure 3. Member of (Non-EU) First-Time Asylum Applicants in EU and EFTA Member States (2015-16)



Source: Eurostat (2017). Asylum and First Time Asylum Applicants. Retrieved from <http://bit.ly/2ybPRFY>

is rather minor.¹³ Variables must therefore be carefully assessed as people’s attitudes may differ vastly when asked about immigration generally compared with subcategories like protection seekers or migrants from EU member states.

Chancellor Merkel’s famous August 2015 slogan, “We can do this” (“Wir schaffen das”), not only put Germany on the map as a major player among the world’s destination countries for protection seekers, it — or rather the events that followed — sparked national disagreement and polarization. Initially, Germany’s established political parties lacked a particularly consistent stance on the issue. Filling the void, the right-wing Alternative for Germany (AfD) benefited from taking a critical and populist stance toward protection seekers. The AfD’s controversial instrumentalization of the issue has resonated well with German voters over the past several years, a time when the party experienced remarkable electoral successes

¹³ Zick, Andreas (2016). *Gespaltene Mitte – Feindselige Zustände, Rechtsextreme Einstellungen in Deutschland 2016*, 86.

in regional elections. Finally, in the 2017 German federal elections, the AfD received around 13 percent of the German vote, making it the third strongest party in the nation after the Christian Democratic Union/Christian Social Union (CDU/CSU) and the Social Democratic Party (SPD). The AfD is represented in all 16 state parliaments as of October 2018, and with its newly won power has become a prime vehicle for those pushing for restrictive immigration policies, especially for protection seekers.

Financial Implications

The Federal Ministry of Finance (BMF) estimates that the German government allocated €43 billion to address the ongoing needs of protection seekers in the 2016–17 timeframe.¹⁴ This represents roughly 7 percent of Germany’s federal budget for both years (about €646 billion).¹⁵ This level of investment in protection seekers continued in 2018 (€21.4 billion).¹⁶ These are impressive sums that on the one hand show that the German government continues to understand the need for expenditures within this field, while on the other illustrate the enormous financial costs imposed on the country for the unforeseeable future. A complete picture of total expenditures at both the federal and state level is challenging to draw because parts of the federal budget make up part of the state budgets. In 2017, the states spent about €14 billion on protection seekers and refugees and planned to spend about €11 billion in 2018, as indicated in a state survey.¹⁷

Before the spike in arrivals in 2015, Germany possessed an intact infrastructure for newcomers but had decreased the number of facilities and programs for individuals seeking protection due to a steady decline in application numbers. In 2008, for example, only 28,000 individuals applied for protection in Germany.¹⁸ As the number of arrivals began to increase rapidly after 2012, the country’s infrastructure struggled and, particularly after the surge in 2015, could not cope. Aware of these shortcomings, the government reacted — some argue

¹⁴ Federal Ministry of Finance (2017). *Asyl- und Flüchtlingspolitik aus Sicht des Bundeshaushalts*, 9. Retrieved from <http://bit.ly/2jHTGJl>

¹⁵ Federal Ministry of Finance (11.2017). Retrieved from <http://bit.ly/2hAgUTc>

¹⁶ Federal Ministry of Finance (06.28.2017). *Bundeshaushalt 2018*. Retrieved from <http://bit.ly/2t8fY11>

¹⁷ Handelsblatt (01.26.–01.28.2018). *Integration und Wahrheit*. Retrieved from <http://bit.ly/2lnXIZD>

¹⁸ BAMF (2017). *Das Bundesamt in Zahlen 2016. Asyl, Migration und Integration*, 11. Retrieved from <http://bit.ly/2xNUee7>

too late — by massively increasing funding for staff and infrastructure to process protection requests and to provide shelter and services. Without the massive help of charity associations, foundations, and other civil society initiatives, the system would have failed to address the most basic needs of protection seekers.

Integration and Migration Policy

Challenges in Post-Crisis Germany

During 2015–16, the German government's ad hoc decision-making was to some degree legitimate as it needed to cope with the challenges that the unprecedented arrival of newcomers had created. But three years after the crisis, challenges remain in areas like accommodation, the labor market, and education. Where and how do the newly arrived live? How fast will they integrate into the German workforce? Do they have sufficient access to the education system? What other policy discussions and plans have come up now that Germany is transitioning from ad hoc policymaking to longer-term planning?

This section will point out some of the most pressing issues within these areas and highlight some less obvious challenges.

Accommodation

So far, several schemes for housing exist for protection seekers, and approaches differ across states. With the number of protection seekers in decline, the time of emergency and makeshift shelters for newly arrived — such as in school gymnasiums — is over. But challenges remain to find adequate longer-term housing. Protection seekers may be housed in temporary arrival housing or communal facilities across Germany for the duration of their protection claim process. Once protection status has been granted, they have the right to state-financed apartments or social housing if they cannot (yet) provide their own means for rent. The arrival of protection seekers has led to a rise in federal support for social housing, from roughly €500 million in 2015 to about €1.5 billion in 2017, with an additional €1.5 billion in 2018.¹⁹ This spending area,

¹⁹ Federal Ministry of the Interior, Building, and Community (09.2018). Soziale Wohnraumförderung. Retrieved from <https://bit.ly/200IHRP>

however, had been underfinanced for years.²⁰ Between 2006 and 2013, state subsidized units dropped nationwide by approximately 30 percent; between 2006 and 2015, the annual rates of construction of state-funded social housing dropped from 22,500 to 15,500 newly-built units. Similar trends are apparent in state-level funding allocated to social housing. Further, some cities also sold off social housing units to private investors to repay debts.²¹ Thus, the spike in protection seekers initially requiring state support has magnified attention on challenges existing before their arrival in 2015.

In their coalition agreement of spring 2018, the CDU-/CSU-/SPD-led federal government announced plans to overhaul the processing of newly-arrived protection seekers.²² Previously, protection seekers had been distributed across many towns in Germany, in smaller units or communal housing. Under the new plan, they will stay in bigger, central facilities for the duration of their protection status process. These centers are envisioned to bundle all relevant processes, from arrival to protection decision, and ultimately deportation if protection is denied. Termed AnKER centers (from arrival, or *Ankunft*, decision, or *Entscheidung*, and return, or *Rückführung*), current plans aim to establish pilot centers in several states. Bavaria has started running seven such centers as of August 1, 2018. Stays should not extend more than 18 months for individuals or 6 months for families with children. Overall, proponents of AnKER centers argue that it allows for faster processing and easier deportation. Critics, including various state governments, maintain that decentralized housing and smaller units enable better and faster integration from the very beginning for those protection seekers with good chances of remaining in the country, without them having to wait for extended periods in AnKER centers. Furthermore, smaller housing units may lead to fewer tensions among inhabitants compared with larger AnKER facilities.

²⁰ Mediendienst Integration (2016). Unterbringung. Sind Flüchtlinge ein Konjunktur-Motor für den Wohnungsbau?, 6. Retrieved from <http://bit.ly/2f8HYKO>

²¹ Mediendienst Integration (2016), 5.

²² Bundesregierung. Koalitionsvertrag zwischen CDU, CSU und SPD. Retrieved from <https://bit.ly/2pa6lwo>

A key variable for housing models is the length of the protection claim process and outcome. So far, despite concerted efforts to speed up the processing of protection status claims, it still takes an average of ten months, with new cases decided within three months.²³ Before, it was common to wait two years or more for a first hearing. The newly accelerated timeframes, however, do not account for the duration of subsequent legal processes of those appealing denied protection claims. The wait time for deportation for those whose claims are ultimately denied can be long, either because the deportee does not voluntarily appear for deportation or because of delays in deportee identification in their country of origin. It is not yet clear how the proposed AnKER centers would guarantee that deportees do not disappear from the centers as they are not envisioned as detention centers with holding facilities.

Labor Market

The majority of Germans support protection seekers gaining quick access to the labor market. Some research indicates that it will take around 5 years to integrate 50 percent of newcomers into the labor market, 10 years for 60 percent, and 15 years for 70 percent.²⁴ The hiring of recently arrived newcomers by major German businesses for full-time positions is an exception, not the norm.²⁵ As of February 2017, around 455,000 individuals granted or applying for protection or qualifying for a temporary ban on deportation were registered at the federal employment agency as unemployed.²⁶ However, despite certain failures (i.e., the €1-jobs program²⁷), Germany has made its labor market more accessible for newcomers and as of September 2018, about 28 percent of protection

23 Bundesregierung (2018). Was hat sich bei der Bearbeitung von Asylverfahren getan? Retrieved from <https://bit.ly/2jHZxmy>

24 Institut für Arbeitsmarkt- und Berufsforschung (2015). Flüchtlinge und andere Migranten am deutschen Arbeitsmarkt: der Stand im September 2015, 9. Retrieved from <http://bit.ly/1KYeuHH>

25 Frankfurter Allgemeine. (07.04.2016). Dax-Konzerne stellen nur 54 Flüchtlinge ein. Retrieved from <http://bit.ly/29khN1o>

26 OECD (2017). Finding Their Way — Labor Market Integration of Refugees in Germany, 24. Retrieved from <http://bit.ly/2vHX5nw>

27 The idea behind the so-called refugee integration program, or Flüchtlingsintegrationsmaßnahmen (FIM), was to create 100,000 low-skilled positions for individuals who applied for protection in Germany and to invest €300 million annually in related initiatives. Due to a lack of interest and applicants to the program, however, starting in 2018, only €60 million will be invested annually.

seekers and recognized refugees are employed.²⁸ Today, most protection seekers waiting on a final decision on their application and those qualifying for a temporary suspension of deportation (Duldung) may enter the German labor market after three months as either an employee or an apprentice. Those who receive one of the four forms of protection can access Germany's labor market immediately. Additionally, after passing the Federal Recognition Act (Anerkennungsgesetz) in 2012, Germany established a standardized procedure for evaluating foreign professional or vocational qualifications. Some obvious challenges still exist, such as missing evidence

of protection seekers' existing — or informally-recorded — qualifications and their lack of adequate German language skills. Other challenges may be less obvious, but are no less important, such as the uncertain legal status of protection seekers awaiting decisions, making them risky hires for employers. Polls show that the

uncertain legal status of employed protection seekers is a major obstacle for companies.²⁹ The continued need to design a legal environment creating status predictability for employees and employers is clear. The 2016 Integration Act's so-called 3+2 rule was a step in the right direction. It grants protection seekers a temporary suspension of deportation for up to five years — even if their application for protection is denied — if they successfully apply as an apprentice and later find employment. This ruling, however, is not without its challenges. While 3+2 may appear straightforward in theory, in practice it leaves many protection seekers and their potential employers confused, especially because the law — like many others — is implemented differently throughout the German states and the various foreigners'

“The uncertain legal status of protection seekers awaiting decisions makes them risky hires for employers.”

28 While employers do not record the residence status of the employed, the Institute for Employment Research (IAB) uses the nationality of the employee as a reference point to assess labor market integration of protection seekers and recognized refugees. Currently, about 28 percent of working-age people who moved to Germany after 2014 from countries of origin of the majority of protection seekers are in some form of employment. Brücker, Herbert (2018). Arbeitsmarktintegration von Geflüchteten beschleunigt sich, 1. Retrieved from <https://bit.ly/2QVvxTv>

29 CESifo (06.06.2017). Immer mehr Unternehmen beschäftigen Flüchtlinge. Press release. Retrieved from <http://bit.ly/2ycQsae>

authorities (Ausländerbehörde).³⁰ Moving forward, it will be crucial to carefully weigh the advantages and disadvantages of initiatives that further attribute rights and options to individuals failing to qualify for protection in Germany. The fact that some individuals who failed to qualify for protection in Germany can still receive residence permits through labor market access may lead to questions about the clarity of Germany's protection system.

Protection seekers also lack opportunities to gain job-specific language skills. Language courses should not be mistaken as a mere prerequisite for protection seekers before entering the labor market. Instead, language training must become an integral part of the labor market with continuation even after employment has been found. As many skills acquired outside of Germany cannot be fully transferred into the German system — known for its required certifications and formal degrees — protection seekers are often hindered in finding a profession that matches their abilities. There is currently no uniform system in place to assess and recognize informal qualifications — for example, those of an experienced, foreign mechanic who despite years of work has never undergone certified job training.

Education

Around 400,000 applicants for protection were under the age of 18 in 2015–16, presenting a monumental task for the German education system.³¹ Focusing solely on how to enroll and better educate the children of protection seekers is shortsighted, as there are important gaps in preparing teachers to handle heterogeneous classrooms effectively. Migration is no longer an exception in German classrooms. In many regions of the country it is the norm. Roughly every third child in Germany has a migration background.³² Generally, both prospective and experienced teachers need to be better prepared to handle heterogeneous classrooms and linguistic diversity. Teachers must also be familiar with the specific challenges of

³⁰ The nonbinding guidelines published by the Interior Ministry to align application across states are a step in the right direction but fall short of solving the problem – more initiative is needed.

³¹ Eurostat Database (09.2017). Retrieved from <http://bit.ly/2fzgVbb>

³² Mercator, SVR (2016). *Lehrerbildung in der Einwanderungsgesellschaft. Qualifizierung für den Normalfall Vielfalt*, 7. Retrieved from <http://bit.ly/2xgvGrc>

protection seekers, which may include trauma or the effects of interrupted education such as lower literacy or numeracy skills. In addition, delayed access to educational institutions for protection-seeking children remains a key concern: EU guidelines stipulate that member states must provide minor-age protection seekers with access to education within three months after their application for protection has been filed. Like other EU countries, Germany does not meet these requirements throughout the entire country. Only a few of the 16 German states allow school-aged protection seekers to attend school immediately following registration. Some states enact waiting periods of up to three (Bavaria and Thuringia) and six (Baden Wuerttemberg) months, which prevent early school access. Generally, most states enforce compulsory schooling (Schulpflicht) after protection seekers have a set place of residence. What qualifies as a place of residence, however, is contested, as some states do not consider initial reception facilities to be a residence and act only after people have been distributed on the municipal level — a process that, especially in times with a high influx of protection seekers as in 2015–16, can last for many months.³³

Once admitted, the question of how to integrate newcomers into German-speaking classrooms is crucial. Various models are currently employed, ranging from immersive models where protection seekers are in the same learning environment with the local population across all subjects from day one; to partly integrated models where they are only in the same learning environment for some subjects and separate for others; to parallel models where they are separated entirely from the local population. Assuming there is no one-size-fits-all answer to this question and given the gaps in research on respective schooling models, it is difficult to determine which models are most successful under a given set of circumstances. While there is a trend toward choosing integrative approaches, more reliable knowledge is needed to promote and further develop successful models.

³³ SVR (2017). *Chancen in der Krise: Zur Zukunft der Flüchtlingspolitik in Deutschland und Europa Jahresgutachten 2017*, 126. Retrieved from <http://bit.ly/2s0XKCG>

Family Reunification

Maintaining or restoring family unity is a top concern among many protection seekers in Germany and elsewhere.³⁴ Before and during the 2017 federal elections, this became a controversial issue that was particularly instrumentalized by the populist right to tap into worries of uncontrolled migration. Rumors circulated in the German media that for every refugee, four to eight more family members should be expected through family reunification programs. However, both the age groups and the family structures of Germany's protected population make such high numbers unlikely. Many protection seekers are single, and of those who are married, less than half have children. Furthermore, most who decided to seek protection did so together with their spouse and children — for example, only 12 percent of those seeking protection in Germany left their spouses in their country of origin or a transit country.³⁵ However, there are no explicit statistics available to indicate how many people with protection status have brought their family to Germany through family visas. Current numbers indicate that 302,551 visas for family reunification generally have been issued between 2015 and first half of 2018, with about half of them — or 154,901 — issued to people from Syria, Afghanistan, and Iraq.³⁶

Normally, all protection seekers who are granted asylum, refugee protection, or subsidiary protection are eligible to apply for family reunification. In 2016, however, Asylum Package II began to reduce the possibility for family reunification for those with subsidiary protection status. Initially, to better cope with the massive influx of protection seekers, those who received subsidiary protection after March 17, 2016, were forced to wait until March 16, 2018, to regain the option to apply for family reunification.³⁷ After the 2017 federal elections, however, this period was

34 Gemeinnützige Hertie Stiftung (2017). Bedürfnisorientierung und passende Angebote für Geflüchtete, 2. Retrieved from <http://bit.ly/2hgv9xU>; Robert Bosch Stiftung, SVR (2017). Was wirklich wichtig ist: Einblicke in die Lebenssituation von Flüchtlingen, 3. Retrieved from <http://bit.ly/2ybPTxA>

35 Institut für Arbeitsmarkt- und Berufsforschung (10.19.2017). 150.000 bis 180.000 Ehepartner und Kinder von Geflüchteten mit Schutzstatus leben im Ausland, 6. Retrieved from <http://bit.ly/2zjpJty>

36 Mediendienst Integration (09.2018). Zahlen und Fakten: Flucht und Asyl. Wie viele Angehörige ziehen zu Flüchtlingen in Deutschland? Own calculations. Retrieved from <https://bit.ly/2nCT7bk>

37 Bundesregierung (02.26.2016). Bundesrat approves second asylum package. Press release. Retrieved from <http://bit.ly/2fa1p57>

extended to July 2018, and the introduction of quotas starting in August 2018 were announced, limiting the possibility of family reunification to roughly 1000 individuals with subsidiary protection per year. A new law to solidify these announcements was passed and took effect on August 1, 2018. According to the government, it strives to strike a balance between the integration and absorption capacity of Germany and its humanitarian responsibility.³⁸ The law stipulates that there is no legal entitlement to family reunification for those with subsidiary protection, and the Federal Office of Administration decides on up to 1000 cases per month, taking humanitarian criteria into consideration, such as the length of the separation, the age of children in separated families, serious illnesses, or immediate threat of harm in the country of origin.

Cases of newcomers eligible for subsidiary protection were extremely low in 2015 (less than one percent³⁹ of all positive cases). In the following year, however, these numbers rose to 35 percent⁴⁰ of all positive cases, partly due to changes in BAMF's processing of Syrians applying for protection.⁴¹ In 2017, Syrians accounted for 37 percent of all positive cases.⁴² Considering the limited scope of the quota for family reunification for those with subsidiary protection — those with a recognized refugee status have the legal entitlement to file for family reunification — many file an appeal upon receiving this status, thereby creating additional burdens for Germany's administrative courts. By the end of 2017 individuals with subsidiary status had filed around 71,000 pending appeal cases.⁴³

Those appeal cases must be processed quickly to provide certainty for applicants and to better forecast the volume of people eligible for family reunification

38 Bundesregierung (2018). Neue Regeln für den Familiennachzug. Retrieved from <https://bit.ly/2NKe2Dk>

39 BAMF (2016). Asylgeschäftsbericht für den Monat Dezember 2015. Retrieved from <https://bit.ly/2yax0g6>

40 BAMF (2017). Asylgeschäftsbericht für den Monat Dezember 2016. Retrieved from <https://bit.ly/2OANfgB>

41 Because of their high acceptance rate in 2014 (the adjusted acceptance rate for Syrians was nearly 100 percent) and the high numbers of applications BAMF had to manage, a decision was made in November 2014 to process Syrian applications through an accelerated procedure that, for example, no longer included a personal hearing. A year later, Thomas de Maizière, head of the Federal Ministry of the Interior, explained the return to a more thorough processing of Syrian cases as a necessary step to increase security.

42 BAMF (2018). Asylgeschäftsbericht für den Monat Dezember 2017. Retrieved from <https://bit.ly/2N34R05>

43 Deutscher Bundestag (03.22.2018). Drucksache 19/1371, 43. Retrieved from <https://bit.ly/2N6CTAA>

as the rate of success on appeal — especially in the case of Syrians — is high. Also, given that there is tremendous variability in predictions of the likelihood of family reunification for newcomers, further research on and official clarification of this issue is necessary. Finally, the negative effects of separating families may seriously harm both the integration process and the psychosocial well-being of protection seekers and their loved ones, which demands a heightened level of respective support programs.⁴⁴

Legal Pathways

In 2015–16, thousands of protection seekers drown in the Mediterranean and the Aegean seas while attempting to reach European territory by illegal means. As there are few legal options for individuals seeking protection to enter countries offering protection like Germany, hundreds of thousands of individuals decide to put their fate in the hands of smugglers, fully aware of the risks involved. Because of this equally unsustainable and paradoxical situation — one is forced to enter illegally to be able to legally file a claim for protection — alternative legal pathways offered by resettlement and humanitarian admission programs or private sponsorship have experienced increased attention by migration experts and policymakers. However, providing more legal pathways is only realistic if there is functional control over Schengen borders, if political will in Germany is strong enough to pursue these routes in times of heightened concern about increasing migration, and if costs for providing legal pathways for protection and selection processes as well as social benefits for refugees admitted through such programs are kept transparent and reasonable. At this point, providing more legal pathways to protection in Germany seems rather unrealistic given the political debates over migration.

National plans for resettlement in which selected groups of people residing outside the EU who need protection are moved to Germany in an ordered way are a relatively new phenomenon in Germany. The country started to participate — albeit in an ad hoc manner — in an EU-wide resettlement project for Iraqi refugees in 2008, and in 2011 decided to partake

44 United Nations High Commissioner for Refugees (2013). A New Beginning: Refugee Integration in Europe, 70. Retrieved from <http://bit.ly/2A2wm4U>

more permanently in resettlement programs.⁴⁵ In both 2016 and 2017, 500 individuals in need of protection were resettled with the goal of permanent residency in Germany. Combined with EU resettlement, Germany currently resettles around 800 individuals annually. Germany also coordinated three humanitarian admission programs (HAPs) in 2013 and 2014, which brought a total of 20,000 Syrians from Syria, Lebanon, Jordan, Egypt, and Libya to Germany. HAPs are initiated for a set period and intended to provide temporary safety for those facing war or other emergency situations in their countries. Unlike the national resettlement program, a return is — at least theoretically — intended once the situation in the country of origin is stable

again. And despite many restrictions in comparison to countries like Canada, private sponsorship programs embedded in admission programs of the German states and targeting Syrians who have family ties to Germany amounted to a total of 21,500 individuals between 2013 and 2015.⁴⁶

As both individuals and state governments are involved, with the state assuming social benefits after a set time if needed, the term private sponsorship is indeed a misnomer; it is rather a public-private partnership. So far, most German states have ended these private sponsorship programs; only four still have them in place, slated to elapse in 2018. While German states have the right to accept other nationalities, thus far non-Syrian acceptances via private sponsorship are the absolute exception. Generally speaking, private sponsorship thus far has been limited to Syrians with German citizenship or legal residency. They can accept money from third parties to improve their financial status to meet financial requirements necessary to resettle a family member. Currently, ideas about private sponsorship programs in Germany irrespective of

“*National plans for resettlement that move people who need protection and are outside the EU to Germany are a relatively new phenomenon.*”

45 Forschungsbereich beim Sachverständigenrat deutscher Stiftungen für Integration und Migration SVR (2018). Die Zukunft der Flüchtlingspolitik? Chancen und Grenzen von Resettlement im globalen, europäischen und nationalen Rahmen, 15. Retrieved from <https://bit.ly/2uMIECb>

46 BAMF (2016). Resettlement and Humanitarian Admission Programs in Germany, 40. Retrieved from <http://bit.ly/2hKjCrk>

nationality are debated mostly in civil society arenas, even though an Interior Ministry announcement of a 2018 pilot program for private sponsorship of 500 refugees was made without additional follow-up communication so far.⁴⁷ Key principles shaping policy development thinking are the feasibility of program implementation, the introduction of limited pilot projects, the correct labelling of such programs as public-private schemes to prevent public backlash, and the exploration of options for innovative private financing models, e.g., through social impact investment schemes or by providing insurance mechanisms to minimize risk for private citizens or groups participating in such schemes.

Only a small fraction of the total applicants for protection in Germany in 2016 arrived through the programs outlined in this section. If legal pathways — embedded in programs such as the ones outlined above — are meant to impact protection seekers' need to arrive by irregular means and to seriously reduce the number of recognized refugees placed in dangerous situations during flight, their quotas must be significantly increased. Currently, Germany lacks the political will to pursue such options, mostly due to the charged political environment around such measures. In fact, of all German programs outlined above, everything but resettlement is currently suspended. While extraordinary programs and initiatives — especially those that rely on private funding — cannot and should not replace a functioning protection system, the future of legal pathways to Germany will require strategic thinking, planning, and political leadership. There is a chasm between merely demanding more legal pathways despite lacking implementable plans and the creation of realistic plans and policies that stand a chance of survival. It will be imperative to assess the costs and benefits of legal pathway approaches and to assure that these alternative pathways do not become additional pathways while illegal travel continues at its usual rate — EU border security will play a key role in this regard.

47 SVR (2018), 17.

Deportations and Voluntary Returns

Capacity-building and better coordination must not be restricted to welcoming and integrating newcomers; they should also extend to deportation and voluntary returns, which remain necessary components of a functioning protection system. Exact data on denied protection applicants whose legal status makes it possible to deport them immediately is very difficult to obtain. Many of those whose asylum applications are denied remain in Germany. Also, not all of those who face deportation are protection seekers. All this has led to much confusion regarding this issue, especially in public discourse. As of December 31, 2017, almost 618,076 individuals

whose applications for protection were denied were still registered as residing in Germany. Of those, 403,691 have been in Germany for more than six years.⁴⁸ In other words, the vast majority has qualified for residency and can no longer be deported. Denied protection applicants may apply for residence permits after residing in the country for six years and meeting a set of criteria, from income to German language skills to the acceptance of democratic principles.

“ While the processes may be morally challenging, a lack of deportations or failing to foster voluntary returns would compromise Germany’s long-term ability to absorb people qualifying for protection under international law.”

As of December 31, 2017, there were roughly 119,000 individuals whose protection applications were denied and who did not otherwise possess a residence permit. Of those, approximately 89,000 qualified for a temporary suspension of deportation (Duldung) by the end of 2017, leaving around 29,000 individuals who — at least theoretically — could be deported.⁴⁹ Many who are denied protection in Germany qualify for such a temporary suspension of deportation, which can be granted if, for example,

48 Deutscher Bundestag (02.05.2018). Drucksache 19/633, 53. Retrieved from <https://bit.ly/2LI8FcB>

49 Deutscher Bundestag (02.05.2018), 78–81. Own calculations.

an individual has no passport, has certain medical issues, or comes from a country Germany currently will not deport to for safety reasons. Furthermore, many denied protection seekers appeal a negative decision, delaying their deportation further. By the end of 2017, there were at least 300,237 unresolved appeals of BAMF decisions, the majority of which it can be assumed regard denied protection claims.⁵⁰

While the processes may be morally challenging, a lack of deportations or failing to foster voluntary returns would compromise Germany's long-term ability to absorb people qualifying for protection under international law. Deportation and voluntary return are essential to a functioning protection system that provides safe harbor for those in need of protection. They are, however, often seen as the dark side of migration policy by civil society and human rights groups. Without a doubt, there are valid grounds for criticism, such as Germany's declaration of Afghanistan — a country with continued high levels of conflict still deemed unsafe by many — a country of safe return for denied claim applicants. If Germany struggles to legitimize and enforce deportations and fails to efficiently foster voluntary returns of those without a substantial claim for protection, citizens are likely to lose faith in the system, as they understand that suboptimal deportation and return policies act both as a pull factor and as a sign of a dysfunctional system.

Deportations and voluntary returns are tremendously complex tasks, lying not solely in the bureaucratic hands of German authorities, but rather dependent upon international cooperation. Some countries of origin are not interested in signing readmission agreements, as migration and remittances sent by migrants form a vital partial source of income for them and/or because they already suffer economically and lack the capacity to absorb returnees, as in the case of certain Maghreb states. International deals with protection seekers' primary countries of origin as well as bilateral and multilateral transit countries are now and will continue to be high on the political agenda and may have positive effects on (voluntary) return rates if designed effectively. To ensure a coherent return policy, it is essential to incentivize and design

50 BAMF (09.2018). Jahresgerichtsstatistik 2017. Retrieved from <https://bit.ly/2K3ka1J>

reintegration measures that are effective, long term, and contribute to the development of the country of origin generally and the local community reintegrating the migrant specifically. Until now, assistance for voluntary returns was often limited to organizing and carrying out the actual returns themselves. Failed reintegration following return may only lead the same individual to again attempt irregular migration to Germany, further undermining the system. For economic reasons alone, voluntary returns must remain a preferred option, never overlooking the fact that individuals who do not qualify for protection or a temporary suspension of deportation must be deported humanely, fairly, but also authoritatively.

Significant, Disregarded Issues

Communication

Political issues related to immigration and integration have increased in importance in Germany, a fact that is reflected in mainstream media's coverage of the issues over the past three years. Data from the Society for Consumer Research, Forschungsgruppe Wahlen e.V., and the Standard Eurobarometer show that these issues rose to the top political concerns among Germans in 2015, 2016, and 2017.⁵¹ In 2015 and 2016, few policy issues received as much media coverage as migration, especially protection-related migration, a result of cooperative relationship between media and the public. In this sense, it is difficult to assess the way that mass media influenced public opinion on migration during the crisis. Though public opinion formation is a multilayer process, the effects of media representation cannot be isolated within that process. That said, it would be naive to assume that mass media do not impact the way the German public thinks about migration.

As the NGO British Future points out, public opinion of migration can generally be categorized into three main groups: rejectionists, who are against migrants and migration and make up 25–30 percent of a

51 Gesellschaft für Konsumforschung (GfK) (07.17.2015). Die Deutschen sorgen sich über Zuwanderung. Press release. Retrieved from <http://bit.ly/2fwNiqX>; Gesellschaft für Konsumforschung (GfK) (08.25.2017). Zuwanderung verliert für Deutsche an Brisanz. Press release. Retrieved from <http://bit.ly/2xbVC9Y>; Standard Eurobarometer. (2006–17). Public opinion in the European Union. Retrieved from <http://bit.ly/2fmP1Cx>; Forschungsgruppe Wahlen e.V. (2000–17). Politbarometer. Retrieved from <http://bit.ly/2hmATX1>

population; migration liberals, who are very open about migration and integration and make up 15–25 percent of a population, varying by country; and the anxious middle, largest of the three, who are concerned about migration management and control, availability of jobs or housing, and the cultural impacts of migration, while at the same time cognizant of the benefits of migration.⁵² This last group especially should be a focus of policymakers and civil society when addressing social cohesion. The task for Germany will be testing and developing messages and outreach strategies to engage the anxious middle without preaching or simply reciting facts about the positive benefits of migration. While opinions and attitudes that rely on stereotypes and half-truths must be called out whenever they occur, the anxieties that drive them should not be dismissed out of hand as racist or irrational.

Currently, however, the most observable catalysts around the issues of communication and migration are distrust and polarization. Before the “crisis,” certain segments of the German public already deemed mass media as unreliable, skewed, and a politically biased source of information. These tendencies clearly intensified during coverage of the migration crisis. The phrase lying press (Lügenpresse) was revived in 2015 to refer to such coverage. The German media landscape was divided into two spheres. According to empirical analysis, much of the traditional German mainstream media’s reporting was in line with the messaging of political elites, who initially promoted the concept of Germany’s welcoming culture (Willkommenskultur).⁵³ On blogs and in the comments sections of online articles, however, fierce antimigrant rhetoric, rants about protection seekers, and hostility toward political elites dominated the debate. German media output also revealed significant variance within coverage throughout the crisis. Within less than a year, some outlets went from an overtly positive position (e.g., welcoming euphoria) to an overtly negative one (e.g., vilifying protection seekers). Flooding recipients with unsorted information, overemphasizing political

players, and muting protection seekers’ voices are also frequently identified as problematic patterns within German outlets’ reporting on the issue.⁵⁴

Media outlets must strive to report all facets, both positive and negative, of migration and protection and should be as inclusive as possible when representing differing viewpoints and actors on these issues. To fulfill their role as disseminators of information with which citizens can engage in critical discussions, however, media outlets must have public support. Journalists, especially those working for smaller, local publications, must be provided with training opportunities and other forms of assistance to improve their understanding of and consequently reporting on migration. Media outlets should also focus on addressing the concerns of Germany’s anxious middle.⁵⁵ For some groups on the left this approach may be viewed as giving in to fears and stereotypes, but it will be necessary to communicate with and garner the support of Germany’s anxious middle for inclusion to succeed long term. And while they struggle to find appropriate ways as well as language to address people’s fears, concerns, and reservations about migration, the media will find it no less challenging to regain citizens’ trust should the trend of polarization continue.

Volunteer Management

Given the sheer number of volunteers, it should be self-evident that coordinating them is an important topic, especially since all full-time employees at organizations in the protection arena work with — and partly depend on — the help of volunteers. A recent study indicates that since 2015 more than 55 percent of the German public has been engaged in some form to support protection seekers and refugees; in 2017 about 19 percent continued to offer some form of help with 11 percent, or around 9 million volunteers, actively engaged.⁵⁶ Making the relationship between full-time employees and volunteers as productive and rewarding as possible is, however, often left to chance. As mentioned in the previous section, protection

52 British Future (2014). How to talk about immigration. Retrieved from <http://bit.ly/2yddb6b>

53 Otto Brenner Stiftung (2017). Die „Flüchtlingskrise“ in den Medien, Tagesaktueller Journalismus zwischen Meinung und Information. Retrieved from <http://bit.ly/2xhxzCF>

54 Otto Brenner Stiftung (2017).

55 British Future (2014).

56 Bundesministerium für Familien, Frauen, Senioren und Jugend (2018). Engagement in der Flüchtlingshilfe. Retrieved from <https://bit.ly/20daBGg>

seekers themselves are rarely heard in Germany's public discourse on migration. The same can be said for volunteers. Millions of them have and are continuing to help and support refugees. It must be in the interest of those advancing inclusive societies to keep up this rebirth of civil society that Germany saw over the course of 2015.

Social workers who are responsible for coordinating and managing volunteers often lack any training or experience working with or alongside volunteers. At the university level, for example, students of subjects like social pedagogy or social work are often inadequately trained in volunteer coordination or cooperation. A lack of respective training opportunities increases the risk that full-time staff falsely see — and treat — volunteers as subordinated colleagues and/or free labor. In turn, motivated volunteers who do not experience the appreciation and recognition they deserve for their contributions may grow frustrated and choose to volunteer less or quit. This risk should be taken very seriously, as a decrease in dedicated and self-motivated volunteers could have devastating effects on the German integration landscape.

Making volunteer management a field of study, lobbying for related teaching modules, and offering additional qualification courses specifically for volunteer coordination are approaches that must be supported more consistently. It should be emphasized that just as volunteers cannot replace professionals, professionals cannot replace volunteers. In addition to their intrinsic motivation, volunteers engage with refugees in ways that professionals cannot due to professional responsibilities and codes of conduct. The interpersonal relationships that volunteers help build are highly valuable, and policymakers must find ways to nurture them.

Outlook

For more than three years, Germany has been grappling with the issues of migration, protection, and integration. These topics dominated the country's September 2017 federal elections and continue to dominate public debates and news headlines, despite a significant drop in the number of protection seekers.

The governing coalition parties, first and foremost the conservative sister parties CDU and CSU, continue to fight about common approaches to pressing issues, such as European and national approaches to sharing responsibility for newly arriving protection seekers. Their latest disagreement in June–July 2018 over the protection of German borders and whether to deny entry to protection seekers registered in other EU countries led to a serious government crisis and indeed the near breakup of the governing coalition. Still, over one million people have entered the country since 2015 to seek protection, many now with legal entitlements to stay in Germany. A spotlight must be placed on the integration of those likely to stay for the foreseeable future. Education, housing, and labor market systems need to be adjusted and supported for the task, with the involvement of both state and private actors. The engagement of volunteers must be maintained, as well as more frequently cited as a counterweight to those skeptical about protection seekers. Germany's public mood and style of political debate has certainly changed since 2015, in part but not exclusively due to the rise of the right-wing AfD party. While it is true that concerns about a changing German society and its challenges must be addressed, it is equally true that discrimination, racism, and hate crimes must be called out and their victims protected. Germany's debates are not immune to increasing polarization, with finger pointing on all sides. Voices seeking to find middle ground or highlighting the complexities and moral dilemmas in migration and integration policy are receding. Nevertheless, this middle ground is utterly essential to open and pragmatic discussions on policy options, from legal pathways for protection to returns of denied protection seekers. Germany has faced a stress test in the past three years, and the high number of protection seekers has magnified societal challenges existing prior to 2015. Such challenges will continue in the years to come and addressing them adequately will require sensible and pragmatic leadership at both the federal and state levels more consistently.

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