



Integration principles for asylum seekers and beneficiaries of international protection enshrined in a new law in Germany

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On 8 July 2016, the German Federal Legislator passed an integration law (Integrationsgesetz) which provides a legal basis for the integration of asylum seekers and beneficiaries of international protection in Germany. The promotion of a mix of rights and obligations for the newly arrived is the guiding principles of the German integration policy.

Description

In the year 2015, a record number of around 1.1 million people seeking international protection entered Germany. Because of issues related to administrative capacity, only 477,000 people were able to apply for asylum in that year. In Germany, a person applies for asylum, then the competent authority decides which specific status of international protection is granted (accepted asylum [stricter criteria to obtain it], refugee, subsidiary protection or tolerated person). In the text below, the term asylum seeker is used for both groups, asylum seekers *stricto sensu* and beneficiaries of international protection (i.e. refugee and subsidiary protection) – unless the provision differs for the two groups. Although the inflow has dropped abruptly in the first half of 2016, there is still a need for economic and social integration of those asylum seekers who have already arrived.

In a series of reforms, the Federal Legislator has started to deal with the increased inflow of asylum seekers. Besides the tightening of conditions for application for asylum and access to benefits, other reforms are aimed at tackling the integration process of these specific migrant groups. A central role is played by the new integration law, part of which came into force on 1 January 2016 retrospectively and the rest is to be implemented as of 6 August 2016 and 1 January 2017.

For the first time in Germany's history, a federal law provides a legal basis for the integration of migrants. According to this law, the rights and obligations already enshrined in the "basic income support for job seekers" provisions in Social Code Book II provide the guiding principles of the new legal basis for integration.

Through this law, asylum seekers who have good prospects of staying in Germany get early access to state integration measures. At the same time, they are obliged to endeavour to integrate. If asylum seekers refuse to cooperate and/or participate in integration measures (integration courses, work opportunities, etc.), their asylum seekers' benefits are cut.

The new law includes, among others, the following regulations:

- The capacity of integration courses is expanded to ensure that asylum seekers can learn German as quickly as possible.
- To prevent an excessive concentration of beneficiaries of international protection in certain regions and cities, the federate states can assign a place of residence to them in the first three years.
- During their application for asylum, asylum seekers should already be able to work. In August 2016, the federal state will start a new programme offering

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100,000 new work opportunities (without a labour contract).

- The Federal Employment Agency refrains for three years from applying the primacy of German job seekers in certain regions.

- Young asylum seekers, beneficiaries of international protection and “tolerated persons” (asylum seekers whose application has been rejected but whose deportation is suspended) can get financial support for vocational training.

- An unlimited residence permit is only available to those who have received an accepted asylum or refugee status (or subsidiary protection) and have participated in integration measures.

- Upon arrival, asylum seekers get an arrival certificate which provides not only legal security but also access to integration measures and the labour market.

- Tolerated persons get the right to stay in Germany for up to two years as long as they participate in vocational training and in subsequent employment (in the same enterprise).

The law is accompanied by a regulation (Verordnung zum Integrationsgesetz) which determines the details of the legal provisions.

Outlook & Commentary

The new integration law was and still is embedded in a whole package of reforms from 2015 and 2016 aimed at re-adjusting the framework conditions for migration, asylum and integration. Integration is based on the distinction between asylum seekers without and with good

prospects of staying in Germany. Such prospects are assumed if the acceptance rate for asylum applications from a particular nationality group was at least 50% in the previous year (in 2016 this is the case for asylum seekers from Eritrea, Iraq, Iran, Syria and Somalia). The law is addressed only to this group, while the groups without such prospects are excluded. For asylum seekers with good prospects, the promotion of integration is linked to the threat of sanctions if they make no effort to integrate.

The law has received mixed reactions in public debate. The expansion of access to the labour market for those with good prospects of staying was welcomed with regard to those asylum seekers who have already arrived. But at the same time there is a fear that the law will strengthen the incentive to migrate to Germany. The generalised suspicion of refugee status being abused, which is used to justify the obligations imposed on migrants and the threat of sanctions, was criticised by “Pro Asyl” (2016) for unsettling asylum seekers and hindering the integration process. According to the German Labour Unions (DGB 2016), the current situation is characterised more by inadequate capacities for integration measures than by an unwillingness on the part of asylum seekers to integrate. The exclusion from integration measures of those asylum seekers without good prospects of staying is a main point of criticism of the “Expert Council of German Foundations for Integration and Migration” (Sachverständigenrat 2016).

Because the law has only just been passed by the Federal Parliament, evaluation research results are not yet available.

Further reading

Bundesgesetzblatt Jahrgang 2016 Teil I Nr. 39, ausgegeben zu Bonn am 5. August 2016: Integrationsgesetz, http://www.bgbl.de/xaver/bgbl/start_xav?startbk=Bundesanzeiger_BGBI&start=//%255B@attr_id='bgbl116s1939.pdf'%255D#_bgbl_%2F%2F%5B%40attr_id%3D%27bgbl116s1939.pdf%27%5D_1472556524766

Deutscher Gewerkschaftsbund (2016), Stellungnahme zum Referentenentwurf des Bundesministeriums für Arbeit und Soziales und des Bundesministeriums des Innern, Berlin (German Labour Unions (2016), Comment on the draft bill of the Federal Ministry of Labour and Social Affairs and the Federal Ministry of the Interior, Berlin).

Sachverständigenrat deutscher Stiftungen für Integration und Migration (2016), SVR zum Integrationsgesetz: Frühe Integrationsförderung und Eingliederung in Regelsysteme konsequent ausweiten, Presseinformation vom 19.5.2016, Berlin (Expert Council of German Foundations for Integration and Migration (2016), Expert Council to the integration law: Early promotion of integration and consistent expansion of integration into regular schemes, press release 19 May 2016, Berlin).

Pro Asyl (2016), Stellungnahme zum Referentenentwurf des Bundesministeriums für Arbeit und Soziales und des Bundesministeriums des Innern, Berlin (Pro Asyl (2016), Comments on the draft bill of the Federal Ministry of Labour and Social Affairs and the Federal Ministry of the Interior, Berlin).

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