

1. Germany

1.1 Introduction

Within the scope of the project interviews were implemented with officials from Ministries of the Interior of different states (“Länder”), Commissioners on foreigners affairs, members of the Committee for Integration (in Hamburg) and officials of institutions acting within the sector of social affairs.

Furthermore NGOs implementing projects and providing measures to support return of members of minority groups in their country of origin (CoO) were interviewed.

Members of minority groups were interviewed as well as representatives from organisations of minority groups. Officials as well as private persons generally reacted positively and interested towards the request of interviews.

The largest number of minority groups among the refugees in Germany is actually the community of Roma from South-Eastern Europe. Furthermore there are a large variety of minority groups coming from different countries e.g. Kurds from Turkey, From Pakistan, Bhai from Iran, Bihari from Bangladesh, Hazara and Hindu from Afghanistan.

There are no specific data for members of minority groups among the refugees immigrating to Germany. This is due to the fact that data are surveyed by considering only the citizenship of the country of origin.

1.2 Definition of a minority in Germany

In Germany the term minority is used in different contexts that have to be clearly distinguished. There are only four *national minority groups* (Danes, Friesians, Sinti/Roma, and Sorbs) officially recognised and explicitly urged to maintain and foster their identity, language and culture in Germany.¹ Affiliates of these officially recognised *national minorities* mostly possess the German citizenship.

Apart from this the term *ethnic minorities* is often used in social sciences for long-established migrant communities (e.g. Spanish, Portuguese, Turkish, Slavic) having lived in Germany for a long time as guest workers.² However, neither the definition of *national minorities* nor the definition of *ethnic minorities* applies to refugees belonging to a minority group in their country of origin. They are not subject to these definitions.

While this use of the term ethnic minority was the prevalent form for a long time, the increasing number of Kurdish refugees after the first gulf war and the ethnic conflicts in the Balkan countries have raised the question of ethnic minorities among refugees migrating to Germany, not only in discussions in social science.

The most prominent examples that were mentioned by almost all the interview partners is the fate of minority refugees from Kosovo (mostly Serbs, Roma, Ashkali and Egyptians), as they are still waiting in Germany to be repatriated to Kosovo.

During the interviews minority was generally defined as a quantitative smaller group of the population in relation to a majority population which is larger in quantity. Members of these groups share specific characteristics like ethnicity, religion or language in which the minority group differs from the majority group. Many respondents referred to the definition of minority group from the encyclopaedia of social work or the definition of the United Nations.

¹ See BMI (2004): “Nationale Minderheiten in Deutschland”.

² See Geißler, Reiner (2000): “Ethnische Minderheiten”. In: Sozialer Wandel in Deutschland. Informationen zur politischen Bildung 269, p. 29–36.

The former defines a minority as a smaller group in number of its population which differs in specific attributes from the population constituting the majority in quantitative terms.

Another official submitted a broader definition of minorities in Germany like “a non-dominant and numerical minor group that differs from the dominant majority through characteristics like language, origin or religion”.

In a report submitted by the German Government to the Advisory Committee on the Implementation of the Framework Convention on National Minorities, it is explained that “it is everybody’s individual personal decision – which is neither registered, reviewed or contested by the German State – whether he/she chooses to be considered a member of any of the groups protected under the Framework Convention.”³

Since January 2005 the new “immigration act” of Germany has been enacted. Now these *foreigners* can own two different status’. The one is the status of “not restricted *permission for residence*” in Germany. The other is the “restricted *permission to stay*”. If none of both permissions could be gained or the application is still in process, many refugees or rejected asylum seekers only possess the status of “*deferred deportation*” (Duldung). They face problems in finding employment in Germany and are restricted regarding their freedom of movement.

Migrants without German citizenship are generally identified by their country of origin by official bodies. Those belonging to a minority group in their country of origin have the same rights like all other refugees in Germany.

The permission to stay concerns refugees or asylum seekers migrating because of imminent persecution in their country of origin that is motivated with regard to their race, religion or belonging to a social group (this includes many forms like gender, ethnicity or even social status). While there are also additional hurdles for reaching the permission to stay, e.g. the third-country clause, refugees can definitely not be expelled (status of deferred deportation) if these reasons for threats in the country of origin impend. In these cases members of minority groups can assert their ethnic belonging if they have to face persecution in their country of origin.

To reach the permission for residence, foreigners have to live and work in Germany for at least three years, paid for pensions, good German language skills and knowledge of the country. All in all it takes a long time to get a permission to stay or for residence in Germany.

1.3 The national institutional framework and its responsibilities

Due to the German federal constitution the responsibilities of institutions dealing with minorities, refugees and return issues have to be differentiated between the federal level (“Bund”) and the state level (“Länder”). The federal government and the responsible Federal Ministry of the Interior decide about all regulations of admission or refusal of the entry of foreigners. Furthermore the staff of this ministry prepares and initiates laws and issues ordinances.

However, the German states (Bundesländer) have a decisive influence on federal legislative acts, not only through the second chamber of the parliament (Bundesrat). They exert influence on immigration issues generally through their interpretation and implementation of the federal provisions that often leads to different practices in different states. For example the legal

³ Report submitted by the German Government to the Advisory Committee on Implementation of the Framework Convention on National Minorities, 1999, p. 18.

decision about return or permit to stay of refugee groups are decided on the state level mostly by the Ministry of the Interior of the concerned state.

To keep uniformity the *Standing Conference of the Ministers of the Interior* (IMK) consisting of the Federal Ministry of the Interior and its counterparts on the state level make agreements on specific refugee groups in Germany whether they are allowed to stay or have to return.

Prominent example for those agreements of the IMK is an agreement that a long term residence permit for minorities from Kosovo is not possible and the Ministers of the Interior on state level ask these persons to take a volunteer return into consideration. However, following the incidents in march 2004 this decision was revised in 2004 postponing the repatriation of minorities to Kosovo.

How each state implements agreements like these of the IMK varies from state to state. Some ask refugees to return and support their reintegration by implementing specific programmes, others ordered them to return or start to expel them without any assistance at all.

Due to the complex system of Germans federalism it is rarely clear if refugees gain either a permission to stay, or just a status of deferred deportation, or are forced to repatriate.

Differing practices in different states make it very difficult for refugees and asylum seeker to figure out which treatment they have to expect.

The main administrative bodies competent for the granting of residence and working permits are the aliens offices at the municipal level. They have to stick to the rules and ordinances of the states and cooperate with other community offices like the residence registration offices. The local labour offices, which form part of a federal agency (Bundesagentur) are entitled to grant work permits.

On behalf of the Federal Ministry of the Interior the Federal Office of Migration and Refugees (formerly the Federal Office for the Recognition of Foreign Refugees) is responsible for a variety of issues including migration, return, integration and related issues.

It is responsible for legal decisions on asylum requests, implements several programmes for integration of foreigners living in Germany (e.g. German language courses as well as European Programmes for the promotion of integration). Furthermore the federal office is responsible for the financial administration of the federal budget for voluntary return programmes, in particular the Reintegration and Emigration Programme for Asylum-Seekers in Germany (REAG) as well as the Government Assisted Repatriation Programme (GARP). Moreover the data for surveys on migration, integration and return are recorded. Members of minority communities generally participate in these programmes in the same way like all other refugees willing to return. Generally the amount of subsidies depends on the country of return. In a few cases there are differentiations in cases of minority groups like e.g. higher subsidies for minority groups from Kosovo.

1.4 Organisations supporting the return of minorities

There are few organisations promoting the interests of *national minority groups*. For the Roma and Sinti community in Germany the *Council of German Sinti and Roma* is the central body for representation of this community and umbrella organisation of similar associations on the state level.⁴ The Danish minority in Schleswig-Holstein has its own party and an umbrella organisation for support of cultural, lingual and community activities. Similar associations exist for the Sorbs and Fries community.⁵

NGOs providing support for the *national minority community* generally can be found on the

⁴ A detailed description of the Roma and Sinti Network is given by Open Society Institute (2002): *The Situation of Roma in Germany*, p. 219.

⁵ The different Associations of the national minority communities in Germany can be found in the brochure of the Ministry of the Interior "Nationale Minderheiten in Deutschland".

local level. In Frankfurt am Main for example the association “*Schaworalle*” established a kindergarten providing preschool training to Roma children. This program aims to ease the start of the Roma and Sinti children at school. Many of them still have difficulties with the German language and therefore face problems to keep up in school and to get in contact with their schoolmates.

In the sector of education a variety of measures are implemented to support Roma children and youth to train them in their ability to join regular courses at school. For example a project dealing with Roma children was successfully implemented in Cologne.

Education in their mother tongue is provided by associations and umbrella organisations of the Roma community.

In Hamburg Romani language is taught at official schools. In other states associations and organisations providing education in the mother tongue receive grants from the state.

Also associations and organisations of other minority communities may receive financial support.

However, the above mentioned projects in Frankfurt and Cologne aim exclusively at the integration of residents with a migrant background living in Germany for a long time while there are only few projects with a special focus on return and reintegration. A fund initiated by the state of Hessen subsidising the return of refugees to Bosnia and Hercegovina was not continued. Instead, rather small projects were initiated in Hessen on the communal level. In the field of legal advisory, advocacy and interest representation of migrants and foreigners there are different interest groups and networks like Pro-Asyl, the Society for Endangered People and the Alliance Against Ethnic Discrimination. The so called “*Flüchtlingsräte*” are spread over many regions and municipalities in Germany. They provide information and advise to refugees and foreigners. Regularly, these organisations are the first place for refugees to inform themselves about their rights and options for asylum request or even return.

Few NGOs implement specific programmes for the return of minorities living in Germany as refugees. The most remarkable experience in the field of minority return was gained by Caritas Essen in North Rhine-Westphalia, realising reintegration programmes especially for Roma in Eastern and South Eastern Europe for 12 years. These projects are funded by the state NRW and the EU. The target group consisted of minorities (mostly members of the Roma community), in particular rejected asylum seekers. The project does not only cover “mainstream” return subsidies like transport costs, but also a start subsidy, housing subsidies, financing of language courses and medical assistance.

In Skopje/Macedonia a broad so called “district-oriented social work concept” was implemented with the main aim to ensure the participation of minorities in the education system, especially children and young people. So the projects included a class book programme, a vocational education programme for the youth and an equipment subsidy for an evening school.

This concept also deals with a great variety of innovative counselling measures like parental counselling, counselling in individual cases, sports and spare time activities.

Furthermore, the section of social work of the university in Skopje was deeply involved within these activities and after the end of the project Caritas ensured its sustainability by finding other donors like the “Soros Foundation New York” or the Dutch government.

1.5 Perceptions and expectations among NGOs

An officer of an NGO in North-Rhine Westphalia asserted the opinion that while repatriation programmes were rather stigmatised at the beginning of the 90s as “deportation programmes” in the public, the general acceptance with regard to these programmes has increased enormously during the last years.

According to an officer in Hamburg a sustainable return and reintegration requires clarification of the situation of living conditions in countries of return and perspectives for the life of the returnees before starting the return process. In order to design a successful return programme, measures of return assistance in the countries of origin for the specific groups of returnees should be provided on time. In this context measures are provided by a variety of NGOs in the different states within the scope of projects sponsored by the ERF.

Precarious is the question if there have to be implemented special programmes for refugees belonging to a minority group in their country of origin. With regard to the specific conditions minority groups have to return and their vulnerability in comparison to returnees of majority groups it seems to be recommended to implement programmes supporting minority groups. But many officers of NGOs also see problems in projects preferring return of members of minority groups. On the one hand these projects can induce envy by minority communities and aggravate resentments against the minority groups, on the other hand members of minority groups can adopt an attitude that they have to be treated privileged. Both are obstacles towards a successful and sustainable reintegration.

All in all a lot of the interview partners did not refer to refugee minority groups with a limited residence permit, but rather to the problems of integration of long-established minority groups. The most important area of intervention for the latter target group in Germany is the field of education. It is generally believed that for example German Sinti and Roma are educated bilingually, while only refugee Roma lack language skills. However, German Sinti and Roma children often enter school with poor language skills. Lack of pre-schooling is identified as a cause of lower performance in school, as Sinti and Roma children often do not attend pre-school institutions (kindergartens), arriving unprepared at elementary schools. Furthermore a lot of their parents are also not proficient in German and therefore unable to assist their children with their homework.

According to an NGO based in Frankfurt/Main a large Roma community is living in Frankfurt, most of them having immigrated from Romania. In most cases their situation is unstable as their residence status is not clarified. Even those who are long-term residents often face problems to obtain the right to stay in the country. Many of them possess only “deferred repatriation” status (*Duldung*), severely restricting their freedom of movement, access to employment and various forms of social protection. According to the Frankfurt based office for Multicultural Affairs this untenable situation is an obstacle to all integration efforts. Moreover, individual associations and organisations of minority groups reported during interviews on some examples of discrimination against minority members (especially against Roma) e.g. in school, in the labour market or in the housing market.

1.6 Perceptions and expectations among the minority groups

In Germany interviews were prevalently conducted with refugees from Afghanistan and the Balkan region. From Serbia and Montenegro and Kosovo Roma and Ashkali were interviewed, from Afghanistan members of the Hazara and the Hindu community. In case of the interviewed Afghans their ethnic and religious affiliation played a crucial role, like the above mentioned groups. Furthermore, some Afghan living in Germany can also be regarded as a minority because of their political affiliation, e.g. those who were educated in the former Soviet Union.

All interviewees defined themselves as a member of a minority group. A minority was described as a group that is smaller in number and different in specific characteristics like ethnicity, religion or language.

The belonging to a minority group was mostly an important factor for their decision to leave the country. The reasons for leaving the country were persecution, abuses and discrimination.

Contact to other minority groups or to German people are very different. The level of integration depends on social status, level of education and knowledge of the German language. Many members of minority groups reported that they are well integrated in Germany. According to them, German language skills of their children are good and they face no problems at school. Adults usually report to possess German language on the middle level. Some families from Kosovo stated that they are willing to integrate in Germany. They are looking for employment, are eager to see their children integrated at school and are searching for language courses.

On the one hand most respondents reported that they don't feel discriminated against in Germany. They highlight this problem as important, but don't feel affected of this in Germany. Most reported that they have never faced discrimination in Germany.

On the other hand, whether migrant groups want to be regarded as a minority and/or feel discriminated against seems to largely depend on the situation of the individual migrant. In certain cases the target group does not wish to be regarded as a minority, in particular long established migrant groups. In Frankfurt members of the Roma community, who have been living in Germany for a long time do not articulate themselves as a minority. Rather they try to conceal their origin by pretending to have antecedents in Italy.

In particular Roma affiliates report to perceive restricted access to the labour market as many prospective employers seem to be reluctant to hire them.

These hurdles to employment are particularly high for refugees, even those who have lived in Germany for many years awaiting a decision on permission to stay or repatriation. As a requirement for legal employment, the recently-amended Asylum Law allows these persons to apply for a work permit after one year. However, they experience difficulties in finding employment due to their "deferred deportation" status (*Duldung*), that is usually extended only for a period of three-months. This uncertain situation becomes a heavy burden for many refugees. During the interviews most of them stressed their wish to stay in Germany.

Furthermore, in practice the procedure for obtaining a work permit is reported to be extremely bureaucratic and slow, making it more or less impossible for refugees to obtain it. Some interviewed persons expressed the view that authorities do that on purpose until repatriation is possible due to the improvement of the situation in the countries of return.

Since 2001 Roma refugees from Serbia and Montenegro sporadically have returned to their home countries. The interviews have shown that although they think about return, they doubt that reintegration in their country of origin is possible. Problems are strongly anticipated in finding a job and in the integration of their children especially at school.

Most interviewees from Afghanistan and Kosovo reported that they do not have contacts to their home countries because they are living in the Diaspora as well. Other relatives and friends are generally living in different countries than the home country. They obtain information about the situation in their home countries by talking to friends and relatives and use media or information centres which provide advice and information on these questions.

Most of the interviewed members of minority groups from Kosovo and Afghanistan are not planning to return. They often stated that a return is actually impossible because of the fragile situation in their country. There is no governmental programme that addresses members of

minority groups in particular. Minority affiliates having suffered from marginalisation in their countries of origin for a long time tend to have more reservations towards return. Even though the political, economical or the security situation has changed significantly they are mostly not convinced that these changes also apply to them. Especially members of the Hindu community from Afghanistan do not see any opportunity for return.

1.7 Perceptions and expectations among German officials

One of few reported issues on voluntary return of refugees as well as the return of minority groups play an important role in Germany as well as in Europe. On the EU level there are efforts to harmonise laws on asylum, refugees, minorities and foreigners. First success has taken place (e.g. set up of minimum standards for the admission of asylum seekers, refugees and foreigners). Other efforts of the EU consist of the improvement of status and admission of minority groups in terms of a harmonised European policy of minority affairs (e.g. EU policy for anti-discrimination).

The interviews in Germany have generally shown that the awareness about the difficulties minorities face when they decide to return to their country of origin is high among German officials, but the availability of respective programmes or projects aiming at resolving these problems differs enormously between the different institutions or organisations.

As returnees coming from Europe are generally regarded with suspicion or even with jealousy it was generally acknowledged by several interview partners that this problem is even more problematic in areas affected by ethnic tensions, as in post conflict regions returnees may be regarded as deserter or betrayer. This is why the implementation of concepts aiming at the reintegration of minorities requires knowledge about the country-specific background as well as an extraordinary (conflict-) sensitivity in all phases of project planning.

Information about post conflict regions are gathered and regularly read by most of the interview partners. The situation reports of the ministry of foreign affairs and the reports of the UNHCR are the most important information sources for German officials.

Officials in Hessen stated that a very useful instrument to increase the awareness among officials in host countries about the situation in countries of return are journeys with German officials of Ministries, Commissions and Offices dealing with migration and asylum issues. These visits in the countries of origin are mostly arranged by welfare organisations and have taken place increasingly during the last ten years.

Nevertheless the majority of institutions dealing with migration issues responded that the affiliation to a minority group is not of any importance to their daily work with migrants. A social worker in a reception centre reported that the reasons for migration like e.g. the discrimination as a minority does not matter to this institution, because this is beyond the scope of work of this reception centre. The reception centre is only responsible for a first contact, to supply the refugees with food, accommodation and medical care while all questions with regard to the asylum procedure are clarified in the neighboured Federal Office for the Recognition of Foreign Refugees. However, there is a section of Amnesty International and a "Flüchtlingsrat" in this reception centre that can be contacted by refugees in case of any discrimination on behalf of their affiliation to a minority group. However, when a decision about admission or rejection of asylum applications is made, the affiliation to a minority group and the situation of this group in the country of origin is considered by the officials.

It is often reported that refugees pretend to be a member of a minority group during the asylum procedure. An interview partner in Hessen emphasised that German institutions do not rely on these statements of the individual refugee and try to verify the affiliation to a minority group in an elaborate procedure, e.g. with registries of syllables or family names.