

Alliance

AUTORITÉS LOCALES
SOCIÉTÉ CIVILE POUR UNE
AUTRE GOUVERNANCE DES
Migrations

PANORAMAS OF ALLIANCES BETWEEN LOCAL AUTHORITIES AND CIVIL SOCIETY : BERLIN

The Migration Alliance is a project founded and run by :



OCU
ORGANISATION
POUR UNE CITOYENNETÉ
UNIVERSELLE



ANVITA
ASSOCIATION NATIONALE
DES VILLES ET TERRITOIRES ACCUEILLANTS



For an unconditional welcome and universal citizenship

Towards a common base of territories

The Alliance Migrations¹ aims at a local and global change to get out of the dramatic impasse in which the current policies of non-reception lock us. To do so, it works on a French, European and international scale to encourage and promote concrete alternatives led by local authorities in conjunction with civil society in terms of dignified reception, citizenship and respect for fundamental rights.

By relying on inspiring territories, the Alliance Migrations wishes to weave a red thread around 4 main objectives:

- The promotion of alternative policies carried out by the territories
- The multiplication of good practices and cooperation between territories
- The anchoring of the Alliance's project in the field: proof by action!
- In the long term, the support of a common plea for another governance of migrations

This project was initiated in 5 pilot cities in 2020 (Lisbon, Barcelona, Palermo, Grenoble and Montreuil), and was continued in 2021 in 3 other territories: Berlin, Liege and the Pays Viganais. For each of these territories, volunteers took part in the actions carried out by local actors and carried out an analysis over 5 months.

The work of the volunteers of the Alliance Migrations provides us with an overview of the issues surrounding migration in each of these territories and examples of "good practices" carried out by local authorities in conjunction with civil society. These examples, which are not exhaustive, allow us to highlight points of attention, recommendations and prospects for joint projects to strengthen practices in favor of reception and citizenship at the local level and to build on these concrete alternatives to bring about a change of course in migration policies. This is how the common base of the territories for a welcome was co-constructed, through three pillars, from the 8 territories:

- **The guarantee of a local citizenship that allows each inhabitant to participate in the political life of their city**
- **The promotion of interculturality as a vector of inclusion and social cohesion**
- **The guarantee of unconditional access to rights.**

This document is addressed to local authorities and elected officials, associations, researchers and all those concerned in order to encourage and highlight concrete alternatives carried out by local authorities, in support of civil society, in terms of dignified reception, citizenship and respect of fundamental rights.

¹ The "Alliance Migrations", an alliance between local authorities and civil society for a different kind of governance of migration, is a dynamic supported by the National Association of Welcoming Cities and Territories (ANVITA) and the Organization for Universal Citizenship (O.C.U., made up of Emmaus International, CCFD-Terre Solidaire, the Utopia Movement and the Latin American network Espacio Sin Fronteras)

BERLIN

This panorama was realized and written by Clara Czuppon, who was on a voluntary mission within the framework of the Alliance Migrations, from October 2021 to March 2022. The mission was supervised by the association SeeBrücke.

JULY 2022

TABLE OF CONTENTS

Glossary	5
Introduction	6
I. Berlin: a land of migration in the heart of a reluctant federal system	6
Historical perspectives on migrations.....	6
Immigration under Angela Merkel, between integration, reception and exclusion	7
The role of the local in German politics - the special case of Berlin.....	8
Civil society: a pillar of German Willkommenskultur and integrated into Berlin politics	9
II. Berlin as a political laboratory: four examples of inspiring initiatives ...	10
Annexes	21

INSPIRING PRACTICES HIGHLIGHTED

Encouraged by the civil society, Berlin displays an engagement for the direct reception of people

Commitments to federal and regional resettlement programs for particularly vulnerable exiles, in partnership with UNHCR

P.10

Improving living conditions in a centralised accommodation system

Initiatives to promote access to independent or diffuse housing and to guarantee dignified living conditions in collective accommodation centers

P.13

Towards unconditional access to health care

Creation of devices, and financial support for a health structure open to all people unconditionally (the Clearingstelle)

P.15

Berlin, a pioneer in promoting the participation of all

Berlin, a "political laboratory", with integration plans and programs and a pilot project for consultation with exiles in collective structures...

P.17

Glossary

German acronyms :

Aussiedler:	German citizens who settled in Eastern Europe and were repatriated from 1950 onwards
BAMF:	Bundesamt Für Migration und Flüchtlinge, Federal Office for Migration and Refugees
Berliner Stadt Mission:	Protestant Mission of the City of Berlin
BMI:	Bundesministerium des Inneren, für Bau und Heimat, Ministry of the Interior, Construction and Community
BuBs:	Berliner unabhängige Beschwerdestelle, Berlin Independent Complaints Office
Duldung:	"Tolerated" residence permit, issued when expulsion from Germany is temporarily not possible
Flüchtlingsrat	Refugee Council (Association)
Gute Bleibenperspektive:	Good prospects of staying in Germany, assessed according to the protection rate of the country of origin (>50%)
Königsten Schlüssel:	Key for the distribution of asylum seekers
LAF:	Landesamt für Flüchtlingsangelegenheiten, Regional Office for Refugee Affairs
Land (Länder):	Federal state of Germany
PartIntG:	Partizipations- und Integrationsgesetz, Participation and Integration Act, 2011
PartMigG:	Partizipation in der Migrationsgesellschaftsgesetz, Participation in a Migration Society Act, amendment of PartIntG, 2021
Sozialamt:	Term for various offices for social affairs
Willkommenskultur:	German reception culture, term used in reference to 2015

Introduction

Berlin's complex history, as well as its geographical position make this city a protean space, shaped by political decisions and migration dynamics. The city-state is located in the north-east of the country, surrounded by the state of Brandenburg. The latter shares its eastern border with Poland. These two states form the metropolitan region of Berlin-Brandenburg, which includes the metropolitan area of Berlin and its surroundings, as well as more rural areas². It is one of the three German city-states, together with Bremen and Hamburg, that make up the sixteen states (Länder) of the current Federal Republic of Germany. This means that the same bodies deal with municipal and Land affairs, effectively governing the same territory. They have administrative, executive and legislative powers, they are governed by a constitution (Berlin's current constitution dates from 1995) and are under the authority of the mayor-governor.

Berlin is the capital and largest city in Germany, with 3.7 million inhabitants and a total area of 554 miles, making it one of the largest cities in Europe. Berlin is an attractive city with a strong art and party scene and as the rising cradle of new technologies, as evidenced by its overall population growth since the 2010s. The most notable consequence of the city's popularity is its cosmopolitan character. In 2020, the proportion of foreign-born people living in Berlin was 21%, with a total of 190 nationalities represented. The largest groups are people from Turkey (98,437), Poland (55,996) and Syria (41,418)³. This was followed by a large proportion of different European nationalities, such as Italian, Bulgarian, Russian and Romanian.

I. Berlin: a land of migration in the heart of a reluctant federal system

Historical perspectives on migrations

As early as the 17th century, the town welcomed a large number of French Huguenots fleeing Catholic persecution and seeking asylum under the newly decreed Edict of Potsdam⁴. Under the Prussian monarchy, several thousand refugees for religious reasons also settled there. Berlin then became a centre of influence throughout Europe and became a working-class city: its economic and industrial growth attracted workers from all over the world for several years⁵. The first half of the 20th century was nevertheless marked by numerous crises: wars, famine, inflation and economic crisis. These years saw massive emigration, which increased after the

² <https://www.berlin-brandenburg.de/hauptstadtregion/daten-und-fakten/>

³ *Ibid*

⁴ <https://www.berlin.de/berlin-im-ueberblick/fr/histoire/la-residence-des-electeurs/>

⁵ <https://www.berlin.de/berlin-im-ueberblick/fr/histoire/la-capitale-royale/>

National Socialists came to power and opposed an asylum policy. More than half of the Jewish population of Berlin managed to flee abroad before 1941⁶.

The end of the Second World War created two distinct migration policies between the West and the East. Whereas in the region controlled by the Soviet regime, immigration was very controlled and limited, the Federal Republic of Germany and West Berlin called on foreign workers on a massive scale to participate in the reconstruction. Those who settled in Berlin came mainly from Turkey and Yugoslavia⁷. Labour immigration was officially stopped by the Western Federal Government in 1973, after the oil crisis, through a ban on the recruitment of foreign workers. Several million people then returned to their country of origin, and migration trends changed from a majority of labour immigration to an almost exclusive focus on family reunification⁸. From then on, and for several decades to come, Germany did not claim to be a land of immigration. The 1950s also saw the first repatriation of Aussiedler (returnees)⁹.

East-West migration was an integral part of Berlin's history in the second half of the 20th century. Until 1961, hundreds of thousands of East Berliners fled or tried to flee to the West under the pressure of tougher living conditions in the GDR (German Democratic Republic)¹⁰. Subsequently, those who tried to cross the newly built wall were exposed to enormous risks, which could lead to their death. The dissolution of the Soviet bloc and the fall of the Berlin Wall (1989) intensified migration flows from the East, which had been increasing since the late 1980s as a result of tensions in the countries of the Soviet Union, Yugoslavia, and also the Kurdish communities in Iraq and Turkey¹¹. The peak of immigration was reached at the reunification of the country in 1992, when hundreds of thousands of people left the former GDR territories.

Immigration under Angela Merkel, between integration, reception and exclusion

From the beginning of the 2000s, when migration curves were rather marked by emigration¹², the Schröder government tried to put immigration back on the agenda, under the impetus, among others, of demographers predicting a certain and rapid ageing of the German population. Immigration is now beginning to be seen not as a problem but as an opportunity. When the new immigration law was adopted in 2004, Germany insisted on valuing only labour immigration, which mainly concerned qualified and even highly qualified workers. Supported by employers demanding more labour, the various Merkel governments have repeatedly relaxed entry conditions for qualified workers, simplified procedures and facilitated the arrival of families¹³. The end of the 2008 crisis saw the country's migratory balance soar, notably influenced

⁶ <https://www.berlin.de/berlin-im-ueberblick/fr/histoire/berlin-sous-le-national-socialisme/>

⁷ OECD, 2018, Working Together For Local Integration Of Migrants And Refugees In Berlin, OECD Publishing, Paris, p25

⁸ *Ibid*

⁹ These were people who had emigrated from Germany to countries in the East (Russia, Poland, Romania), which were formerly considered German territories and came under the Soviet regime.

¹⁰ <https://www.berlin.de/berlin-im-ueberblick/fr/histoire/berlin-apres-1945/>

¹¹ OECD, 2018, *op cit.*, p25

¹² Hanewinkel Vera, Oltmer Jochen, 2018, « Historical and Current Development of Migration to and from Germany » *In Länderprofile Migration*, Bundeszentrale für politische Bildung, accessed on November 9, 2021 [online] :

<https://www.bpb.de/gesellschaft/migration/laenderprofile/english-version-country-profiles/262758/historical-and-current-development-of-migration-to-and-from-germany>

¹³ Prat-Ecker Cécile, 2014, « La politique migratoire : entre volontarisme et réticences », *In Allemagne aujourd'hui*, Association for the knowledge of today's Germany, Issue 4 n°210, p147

by the arrival of Europeans, mainly from Poland or Southern Europe (Italy, Spain, Greece). Part of public opinion is becoming increasingly nationalistic, while a selective migration policy is taking hold. From 2005 onwards, the Merkel governments also put the theme of integration at the heart of their policy¹⁴, through numerous summits and national integration plans. Their flagship measure is the generalisation of access to integration courses, German and general culture courses that are compulsory during the naturalisation process.

In late summer 2015, Chancellor Angela Merkel declared the country's borders open for asylum seekers stranded at the Hungarian border¹⁵. Germany then welcomed nearly one million refugees in 2015, in what was called the "summer of migration", opening the Balkan route and defying the Dublin agreements. Berlin took in more than 50,000 refugees that year, a number that dropped drastically by 2016-2017. It is important to note that Berlin is far from being the state that received the most asylum applications in 2015, ranking seventh¹⁶. The welcoming speech of the German Chancellery is quickly dissipating and giving way to a repressive climate. Two laws - Asylpaket I and II - were introduced in the autumn of 2015 and reinstated the ban on work for asylum seekers, deportations without notice, and benefits in kind only, all in a general administrative landscape of increasing rejections of asylum applications¹⁷. They also legally establish two categories of people: those with "good prospects of staying" on the territory (Gute Bleibensperspetiven), and the others. The latter are obliged to stay in collective first reception accommodation while their asylum application is examined, in uncomfortable conditions that are supposed to be 'dissuasive' and cut off from contact with outside society¹⁸. This calculation of the chances of remaining in the country or not is based on safety indices of their country of origin and is redetermined every six months by the Federal State. As of March 1st, 2021, only nationals from Eritrea, Syria and Somalia are considered to have good prospects of remaining on the territory.

The role of the local in German politics - the special case of Berlin

According to sociologist Sophie Hinger, it was the municipalities and the Länder that actually started to bring about a political renewal in migration management in the face of restrictive state measures in the 2000s¹⁹. The main point of action was housing. Indeed, the Länder are responsible for the administration of collective reception centres. Some municipalities, followed by some states, have taken advantage of this flexibility to accelerate and support the decentralisation of housing, i.e. the transfer of asylum seekers from compulsory collective accommodation to private accommodation. Education is also dependent on the Länder, which has allowed Berlin to set up special classes for children who have just arrived in Germany and speak little or no German (Willkommensklassen). Similarly, access to language

¹⁴ *Ibid*, p140

¹⁵ Steinhilper Elias (2019) « Dynamiques de protestation politique des exilés afghans à Berlin : entre « silence » et « prise de parole » », *Critique Internationale*, Presses de Science Po, n°84, p68

¹⁶ OCDE, 2018, *Op. Cit.*, p26

¹⁷ Steinhilper Elias, 2019, *Op. Cit.*, p68

¹⁸ Steinhilper Elias et Hinger Sophie (2017) « L'accueil allemand, un modèle pour la France ? », *Pleins Droits*, GISTI, n°115, p8

¹⁹ Hinger Sophie (2020) « Integration Through Disintegration? The Distinction Between Deserving and Undeserving Refugees in National and Local Integration Policies in Germany » *In* Hinger Sophie et Schweitzer Reinhard (eds) *Politics of (Dis)Integration*, IMISCOE Research Series, Springer Cham

courses has been extended by the City of Berlin to people considered to have less 'prospects of settling down'²⁰.

These examples show the room for manoeuvre left to the individual states and municipalities by the federal system, particularly in the area of migration and integration policy. The Länder have a separate government from the Chancellery, which also consists of a coalition of political parties, a parliament, a constitution and their own budgets. For many sectors, the national authorities set up a general legislative framework, the application of which on the territory is left to the discretion of the local authorities. As regards asylum and immigration, the federal state (Federal Office for Migrants and Refugees, BAMF) distributes asylum seekers according to regional quotas, calculated on the basis of the tax revenues of each Land. The asylum procedure is managed by this office (BAMF), while the sixteen Länder are responsible for the accommodation and social support of asylum seekers, as well as their removal in the case of a refusal of a residence permit²¹. When their likelihood of remaining in the country is deemed high, they are distributed among the municipalities in the region, but they do not have a choice of these different assignments. Again, these municipalities are in a position to interpret the law: although the country requires them to house people without stable status in collective accommodation, the guidelines remain vague or contradictory and allow for a margin of action²².

Berlin has a special place in this distribution of powers. As mentioned above, it is both a Land and a City, which multiplies its scope for action. In addition, Berlin has been governed for several years by a left-wing coalition. Since 2016, three parties have led the parliament: the Social Democrats (SPD), the Greens (die Grünen) and the Left (die Linke). The same three-party government emerged from the 2021 elections. This conjunction allows the exploration of progressive measures in the area of reception and reception of people. The 2016 government included this objective in the coalition agreement established at the beginning of its mandate, stipulating that federal directives around asylum and reception should be interpreted to allow for integration and increased settlement prospects²³. Berlin's orientation towards migration as well as the importance of its civil society on these issues has led to the city's membership in numerous networks of welcoming cities, such as Solidarity Cities, Eurocities, the alliance of refugee cities (Bündnis Städte Sicherer Hafen). Solidarity Cities is an initiative launched within the Eurocities network in 2016, which aims to highlight the sovereignty of cities in terms of migration policies. The alliance of refugee cities brings together German municipalities that express solidarity with the Seebrücke movement and the rescue operations in the Mediterranean Sea.

Civil society: a pillar of German Willkommenskultur and integrated into Berlin politics

The exceptional circumstances of 2015 provoked indignation in civil society, which mobilised massively to propose solutions outside the institutional systems, as associations,

²⁰ OECD, 2018, *Op. cit.*, p57

²¹ Hinger Sophie, 2017, « Allemagne : les villes-laboratoires », In *Revue Projet*, C.E.R.A.S, Issue 3 n°358

²² *Ibid*, p69

²³ Jakob Christian, 2021, « City Report: Berlin », In *Moving Cities*, an initiative by Seebrücke, Rosa Luxembourg Stiftung and Heinrich Böll Stiftung, available on www.moving-cities.eu

activist groups or independent volunteers, refugees or residents. In Berlin, the commitment was strong and immediate, as the OECD report notes. The city was quick to respond to this wave of solidarity and included many civil society initiatives offering longer-term support in its 2016 Integration and Security Plan²⁴. The state of Berlin also affirms its commitment to working towards integration and participation through its funding of these initiatives²⁵. Thus, some of these movements, which were spontaneously born in 2015, have become permanent and are among the many actors participating in the framing of migration and integration policies in Berlin.

Today, German civil society is mobilising in particular around the opening of solidarity corridors between the Mediterranean and German cities. In this context, Seebrücke was founded in 2018 and has become one of the most important civil society movements in Germany²⁶. Together with other organisations (Civilfleet-support, Alarm Phone, Mensch Mensch, etc.), it campaigns to create safe migration routes, to open up border camps and to ensure rescues at sea²⁷. These structures and collectives carry out active advocacy work, mobilising controlled media coverage, or negotiating with the authorities, following the example of Seebrücke. This work has, for example, prompted almost 300 municipalities to declare their willingness to receive exiles in the framework of reception programmes²⁸. In addition, the Berlin Senate is creating numerous spaces for discussion with civil society, in particular with the Fluchtlingerrat (Refugee Council), which engages with local authorities to defend the rights of exiles.

The waves of arrivals and the tightening of national migration measures have led to the emergence, strengthening or networking of numerous civil initiatives, which could thus be considered the true sentinels of German "Willkommenskultur". As a city-state governed by a left-wing coalition, Berlin seems to be a field of exploration for thinking about alliances between civil society and local authorities, towards progressive and more inclusive local migration policies.

II. Berlin as a political laboratory: four examples of inspiring initiatives

Encouraged by the civil society, Berlin displays an engagement for the direct reception of people

Since 2012, Germany has launched a federal resettlement programme in which BAMF, UNHCR (United Nations High Commissioner for Refugees) and IOM (International Organisation for

²⁴ OCDE, 2018, *Op. Cit.* p59

²⁵ For the year 2020/2021, the office of the Senate Delegate for Integration and Migration is allocating several million euros to 44 civil society projects, ranging from legal advice to "empowerment workshops" for migrant women.

²⁶ Following the blocking of the ships Ocean Viking and Lifeline off the European coast for several days with several hundred people rescued on board.

²⁷ <https://seebruecke.org/ueber-uns>

²⁸ These statements are symbolic for the moment, as the reception programmes require the agreement of the Ministry of the Interior to be implemented, which has been refused.

Migration) organise the arrival of a few hundred people each year, coming from dangerous or life-threatening areas. Since 2016, this programme has been part of the European Union's resettlement plan and now provides for the arrival of a few thousand people per year in Germany²⁹. These programmes concern particularly vulnerable people in exile, who are unable to return to their country of origin and who have no prospects of integration in the country of first reception (Lebanon, Egypt, Jordan, Ethiopia). In 2019, following several blockades of rescue boats at sea, France, Germany, Malta and Italy signed an agreement for the temporary distribution of people rescued at sea : the Malta Agreement. This ad hoc resettlement agreement was informally agreed to relieve the "hot-spots" in Italy and Malta and to speed up asylum procedures, for example by conducting a first examination on the spot. Between 2018 and 2020, Germany has agreed to take responsibility for 1291 asylum applications. However, only 624 of these were actually transferred to the territory and the vast majority had their asylum applications rejected³⁰. Finally, there are special humanitarian reception programmes, implemented in Syria from 2013 to 2018, and again in 2020 following the fires in the Moria and Lesbos camps.

The German Länder also have the legal possibility to launch their own regional resettlement programmes. Although this flexibility is provided for in the law, it requires the approval of the Ministry of the Interior (BMI) beforehand. Some regions have programmes in which people from Syria or Iraq can join family members in Germany. A programme for particularly vulnerable people was also set up by Berlin, especially during the Taliban takeover in Afghanistan.

It is in this context that the Seebrücke movement was born in 2018, with the aim of encouraging municipalities to declare their readiness to receive people blocked at Europe's borders. The idea is to promote local reception programmes in which regional or municipal authorities could assert their sovereignty in terms of resettlement. While this movement has raised national awareness and increased the visibility of these issues, with nearly 300 "safe harbours" by spring 2022³¹, these declarations are largely symbolic as the agreement of the Ministry of the Interior is still required for their implementation. Therefore, in order to assert this right of reception, Berlin was the first state to bring the matter before the national courts.

Legal action for the direct resettlement of refugees

Berlin has been a driving force in the discussions on resettlement programmes and advocates for greater autonomy of local authorities when it comes to migration topics. In addition to being a member of several networks of 'welcoming' cities, Berlin filed a lawsuit against the Ministry of the Interior in 2020, in response to a refusal of a proposed local resettlement programme. This was a first attempt to enshrine the welcoming power of regions in law.

²⁹ <https://www.bmi.bund.de/DE/themen/migration/asyl-fluechtlingsschutz/humanitaere-aufnahmeprogramme/humanitaere-aufnahmeprogramme-node.html>

³⁰ Borderline Europe, 2021, EU ad hoc Relocation – A lottery from the sea to the hotspots and back to unsafety, Pinguin Druck Berlin

³¹ <https://seebruecke.org/sichere-haefen/haefen>

In 2019, Berlin is among the signatories of the Potsdam Declaration³², a group of cities expressing solidarity and support for direct reception programmes. In the summer of the following year, the state proposed a local reception programme for 300 people stranded in camps in Greece. This was rejected by Federal Minister of the Interior Horst Seehofer. In September 2020, a fire destroyed the Moria camp. Interior Minister Andreas Geisel of the Berlin Senate accused Seehofer of inaction and holds him directly responsible³³. Geisel announced in this press release the intention of the Land to propose an amendment to the law stipulating that the reception programmes of the Länder cannot be carried out without the agreement of the Federal Ministry of the Interior. The Moria fire was the starting point for this legal action, as it increased the urgency and pressure for government action.

At this point, Seebrücke came in. Since 2018, the movement's advocacy has been built around resettlement, urging different governments (local and federal) to set up 'solidarity corridors' to northern Europe (Seebrücke is currently based in Germany, Austria, Switzerland and the Netherlands). The movement started in Germany as a reaction to the blocking of the Lifeline and Ocean Viking ships in the Mediterranean Sea for several days, and more broadly in favor of freedom of movement for all. It is made up of several independent local groups, which have come together in a supra-national collective. The modus operandi of the movement is to combine political lobbying and street "actions", e.g. demonstrations, occupations, petitions etc. After Seehofer's refusal, a working group of members of the Fluchtlinersrat Berlin³⁴ (Refugee Council) and Seebrücke first worked to find a legal loophole to try to strengthen the power of the federal states in reception programmes. Together, they then drafted a political agenda, recommendations, and linked the Länder that supported the proposal (Thuringia, Bremen and Berlin). By using their personal contacts with members of the Die Linke and the Greens, pressure points were found, especially on the Berlin Minister of the Interior, Andrea Geisel (SPD). This pressure was coupled with "street" pressure, without which Seebrücke claims it would not have been possible to get this far. Only in Berlin was there sufficient militant mobilisation to push the SPD to react and take legal action. For example, the very visual action of 13,000 empty chairs set up by Seebrücke, Sea Watch and Campact in front of the Parliament under the motto "Wir haben platz"³⁵ ("we have space") is worth remembering. The elements were thus in place in Berlin, where three levels of power are present, to convince the local SPD to take legal action. On 17 November 2020, the Berlin Senate announced that it was filing a lawsuit against BMI for refusing to agree to the state's reception programme. The aim is to put Berlin's solidarity statements into action and to promote local resettlement programmes on an interregional scale. The process initiated by the local authorities in Berlin is currently not high on the political agenda due to the new senatorial elections. The members of civil society who brought it forward are currently concentrating on the new political programme of the state coalition.

On the other hand, the conduct of resettlement programmes at the federal level has been strongly criticised by several activists. Borderline Europe published a report in 2021 revealing

³² Die Städte Sicherer Häfen et Seebrücke, 2019, *Potsdamer Erklärung der „Städte Sicherer Häfen“*, available on <https://staedte-sicherer-haefen.de/en/> [online]

³³ <https://www.berlin.de/sen/inneres/presse/pressemitteilungen/2020/pressemitteilung.988983.php>

³⁴ The Refugee Council Berlin is an association which advocates since 1981 for the amelioration of the living conditions of refugees. It provides support for people and has an active role in the political discussions around migration, at the regional scale.

³⁵ <https://www.zeit.de/gesellschaft/zeitgeschehen/2020-09/berlin-demonstration-fluechtlinge-organisationen-stuehle-bundestag-moria-lager>

procedures that were anything but transparent, arbitrary and, in the case of Germany, instrumentalised³⁶. After conducting 45 interviews with resettled people in Europe, the researchers pointed to abusive interviews conducted by BAMF³⁷ on the spot, as well as the lack of information given about the further processing of the asylum application, which led to several hundred people being unexpectedly denied their residence permit once they arrived in Germany.

A local resettlement programme should therefore take these criticisms into account and try to be as transparent as possible, or even set up independent counselling spaces throughout the procedure.

Improving living conditions in a centralised accommodation system

The organisation of accommodation for asylum seekers in Berlin, as in the rest of the country, is particular. Germany provides collective accommodation for new arrivals, which is the responsibility of the regional governments. People seeking asylum must stay in a first reception centre until a decision on their application is made, within a maximum of 18 months. If there are not enough places - as was the case in 2015/2016 - people are accommodated in emergency centres. They are then in principle obliged by law to be housed in collective accommodation, which also depends on the Land of assignment. The term "in principle" is important here to understand the room for manoeuvre left to the Länder. Indeed, the different federal states can choose to facilitate the conditions of settlement in individual accommodation.

This is the case of Berlin, which chose in 2003 to abolish this second stage in the settlement of asylum seekers in its regional legislation. This means that after living in a first reception centre, and three months after receiving a temporary residence permit, people have the possibility to seek to move into an individual flat without going through another collective accommodation centre. Berlin not only reduces the legal time limit for moving out, but also offers solutions to make it easier to find accommodation. For example, the state covers housing costs up to 750 euros per person per month throughout the asylum process. It has also protected a 'segment' of the housing market, dedicating 275 units of its stock to refugees since 2011³⁸. It is important to note that asylum seekers from countries considered "safe" will have to stay in these centres for the duration of the examination of their asylum application, until their expulsion from the territory, if applied.

The city of Berlin is therefore trying to facilitate the settlement of asylum seekers through concrete measures. However, due to a tight property market, lack of information, a high bureaucratic burden and discrimination in renting, these moves are still rare³⁹.

An example of an alliance between civil society and local authorities: strengthening quality control in collective accommodation

³⁶ Borderline Europe, 2021, *Ibid*

³⁷ BAMF (Federal Office for Migration and Refugees) is a federal administration, depending on the Interior Ministry, and in charge of the asylum procedures.

³⁸ <https://www.berlin.de/laf/wohnen/informationen-fuer-fluechtlinge/programm-wohnungen-fuer-fluechtlinge/>

³⁹ OECD, 2018, Working Together For Local Integration Of Migrants And Refugees In Berlin, OECD Publishing, Paris, p25

Despite these efforts, many people remain in collective accommodations for very long periods, even after they have obtained their residence permit. Activist organisations regularly denounce the living conditions in these accommodations, describing them as "camps" (Lager) in which autonomy and privacy have no place. Lack of space, surveillance, forced inactivity, pressure or discrimination by staff can lead to mental health problems and even violent incidents⁴⁰. Reception standards and regulations depend on the region, and a few years ago Berlin committed itself to strengthening the quality control system of these centres, in order to improve living conditions and limit abuse. The initiative of the BuBs (Berliner unabhängige Beschwerdestelle, Berlin Independent Complaints Office), which has been in place since spring 2021 in collaboration with the Administration for Integration, Labour and Social Affairs and the Protestant association Johanniter Hilfe, has been developed in this context. The BuBs provides a space where residents of collective accommodation centres can make official complaints which are then forwarded to the LAF (Landesamt für Flüchtlingsangelegenheiten, the regional refugee office responsible for the centres).

Complaints can be made in twelve different languages, anonymously or not, by phone, e-mail, social networks, in the centres or in their office in Neukölln. They are then forwarded to the association's social workers who will transcribe them in written complaints and send them directly to the responsible regional public bodies. Emphasis is placed on building relationships of trust between the complainants and the people collecting their word: for example, the "guides" all have refugee status or a migratory background. Once the administration's response is received, BuBs undertakes to translate it for the person concerned and offers to write a second complaint if the response is negative. From the complaints collected, the office builds a database in order to produce statistics and give them weight. These results are discussed in quarterly round tables with members of the Senate, the LAF, the Flüchtlingsrat and civil society in order to develop recommendations and action plans addressing the various structural problems of the accommodation. The quality control of the shelters is thus based on the voice of the people concerned, giving them power over their living conditions. However, there is at the moment no study showing the efficiency of this new tool.

Alternative initiatives: rethinking living together

In order to respond to the problems of access to individual and decent housing, other initiatives are developed by civil society. The Refugio is an alternative housing project, supported by the Berlin Protestant City Mission (Berliner Stadt Mission). It is a shared building in which forty people, asylum seekers and non-asylum seekers, live and work. The residents share the common spaces, organise events, run the café on the ground floor, etc. According to sociologists Sophie Hinger and Elias Steinhilper, these are experiments that can be supported by municipalities and that show the way to a fairer and more inclusive reception system⁴¹. In an attempt to counter the lack of available flats, the untenable living conditions in the centres, and also for people in an irregular situation, the organisation Schlafplatzorga ("a place to sleep") proposes to directly link people who can offer accommodation, a room, a sofa place, for a short or long term, with people

⁴⁰ Hinger Sophie, 2017, « Allemagne : les villes-laboratoires », In *Revue Projet*, C.E.R.A.S, Issue 3 n°358

⁴¹ Steinhilper Elias et Hinger Sophie (2017) « L'accueil allemand, un modèle pour la France ? », *Pleins Droits*, GISTI, n°115

in need. During the group's three weekly meetings, the volunteers welcome people in need of shelter and make calls to potential hosts. If no "mediation" has been found (e.g. accommodation in a private home), the volunteers take over the task of calling the numerous emergency accommodation centres. This is an alternative that develops in opposition to the administrative system, denouncing it and working to create interpersonal solidarity.

The main obstacle to the spread of decentralised and dignified housing for asylum seekers seems to be the lack of cheap flats available in Berlin, although the city is in the process of slowing down the expansion of large real estate groups. As a result, BuBs seems to be essential to alleviate this situation, by acting directly in the centres. However, it has been criticised for not being able to force decision-makers to solve the problems highlighted in the complaints⁴². A possible improvement would therefore be for the office to take a stand against the recipients of the complaints (LAF, Jobcenter, Youth Office), accompanied by a mode of pressure for action. Furthermore, the alternative practices highlighted here do not currently receive any financial support from the City of Berlin. A desired development would be to support pre-existing alternative accommodation initiatives, such as Refugio, while leaving full administration to the responsible association.

Towards unconditional access to health care

Every person who is registered as living in Germany and has a residence permit, whether temporary or permanent, is legally obliged to have health coverage. However, asylum seekers and refugees are not entitled to the same rights as people within the general system. The medical care provided according to the Asylum Seekers Benefits Law is restricted to a level lower than that set out in the catalogue of services of the public health insurance system. Even though this is already defined as « not exceeding the minimum necessary »⁴³, leaving a wide margin of interpretation to the discretion of the municipalities, which can lead to arbitrary administrative decisions as to whether or not a treatment should be reimbursed⁴⁴.

To alleviate this situation, Berlin and several other Länder have introduced an electronic health insurance card that allows people to access care without having to ask the authorities for permission. However, people living in large-scale collective accommodation have to go to the health point of the facility and therefore cannot choose their doctor. A medical examination is also systematically carried out within the first 24 hours of arrival at the reception center. Undocumented migrants are de facto excluded from this system and do not have any health coverage.

Hospitals are nevertheless obliged to accept any person showing signs of severe pain, acute illness or pregnancy, regardless of their legal status. Although this is required by law, it appears that some hospitals refuse to accept urgent cases of undocumented migrants. The

⁴² Memarnia Suzanne, 2020, "Jeder darf sich beschweren, In TAZ [online] : <https://taz.de/Qualitaet-von-Berliner-Wohnheimen/%215735482/> [last accessed on February 16, 2022]

⁴³ Pregnancy care and vaccination are also covered.

⁴⁴ https://asylumineurope.org/reports/country/germany/reception-conditions/health-care/#_ftnref14

reason for this is that the reimbursement of the costs advanced by the hospitals is done through the Social Affairs Office (Sozialamt). The Sozialamt often refuses to accept these cases because of missing information or documents, and the treatment remains at the expense of the hospitals⁴⁵. For non-emergency care, people without medical insurance can apply for minimum coverage from the social services, but the latter has the duty to pass on the information of the treated persons to the Immigration Office, in case they do not have a legal status in Germany. This is the Paragraph 87 of the Residence Act (Aufenthaltsgesetz), which a campaign supported by, amongst others, Medibüro, Médecins du Monde and Diakonie is advocating to remove, as it excludes from care anyone at risk of deportation⁴⁶. The new federal government plans to delete this paragraph in its coalition agreement.

In principle, every person in Germany can receive free medical care for basic needs, but there are many obstacles to this universal right. In Berlin, civil society has been fighting for the establishment of an unconditional care system for almost 30 years. Since 2018, the Clearingstelle has been offering free care vouchers, advising and redirecting people without sufficient health coverage.

Berlin's Clearingstelle, a key point of contact to promote access to care

The number of people with little or no health coverage in Berlin is estimated at 60,000. This includes people who do not have access to this right (e.g. people without legal residence status), people who are not aware of their rights and people who do not know how to access them. There are dozens of non-governmental organizations that provide direct health care or health advice and support, but the only one that is fully funded by the Berlin Senate is the Clearingstelle. Its history begins after years of lobbying by civil society organizations (such as Medibüro, Diakonie, "Médecins sans Frontières", ...) that led the Senate to commit to opening a place offering health insurance advice and free health care vouchers. After numerous round tables with members of civil society and a call for tenders, the Berliner Stadt Mission finally won the contract and has been running the project for more than three years, the financing of which is currently renewed every year.

The Clearingstelle is therefore open to anyone who is not sufficiently covered by health insurance, whether documented or not. The public can come to one of the three weekly office hours or make an appointment for an initial interview with a social worker. This initial interview will determine whether support in obtaining health insurance is possible or, if not, whether a voucher for free care should be issued. The Clearingstelle has obtained an official cooperation with the Kassenärztliche Vereinigung Berlin (Berlin Association of Medical Practitioners), which stipulates that all general practitioners must accept free health care vouchers, as well as direct cooperation with two of the city's largest hospitals operators and some specialists. The vouchers can be issued under a pseudonym upon request, which allows access to health care without the risk of denunciation to the Foreigners' Office. Several similar projects have been set up

⁴⁵ Interview with a member of Medibüro, on February 17, 2022

⁴⁶ <https://gleichbehandeln.de/>

throughout the country. They meet regularly and exchange experiences and ideas for improving the service on an online platform⁴⁷.

There are several conditions that must be met in order to access these vouchers, such as permanent residence in Berlin and perceiving less than 450 euros per month, once rent is paid. Asylum seekers who have recently left their home state and cannot be registered in Berlin are therefore excluded but can nevertheless receive advice. Due to its contract with the Berlin Senate, the Clearingstelle can only cover medical procedures that are provided for in the legal regulations for asylum seekers. Rehabilitation, first aid items (bandages, compresses, ...) and eyeglasses, for example, are usually not covered. The Medibüro offers a fallback solution for those who were unable to obtain health care vouchers from the Clearingstelle. The organization has been campaigning for universal access to free health care since 1996 and is a key player in the local commitment to an alternative migration policy⁴⁸.

In the case of care that would require the intervention of a specialist doctor, the collaborations established by the Clearingstelle remain limited and still do not allow people to choose their practitioner. While an effort is being made to expand this referral network, the involvement of the Senate Health, Care and Equal Opportunity Administration could accelerate this process. Moreover, the main limitation seems to be the financial means for covering the treatments, which are not enough to provide a proper alternative to health insurance.

One of the Clearingstelle's main stated goals is to be a temporary solution to the problem of access to care for people in need, but in no way to replace a failing system of care in the long term. Therefore, it advocates for universal health coverage that would make such structures obsolete. According to Medibüro, the establishment of the Clearingstelle is necessary but should not contribute to the development of a parallel health system, perpetuating the exclusion of people without access to health insurance instead of ensuring their regularization. Political work is therefore essential to ensure that the creation of such spaces is not an end in itself.

Berlin, a pioneer in promoting the participation of all

Issues of integration and participation have been at the heart of the Berlin government's migration policy for over a decade. Berlin was the first German state to enact a law on the integration and participation of refugees in 2010 (PartIntG). Some other German states followed. The main objectives of this law are to ensure equal access to different services and to strengthen the integration of people with a migration background by promoting their participation in local politics. The process of adopting this law is in itself an implementation of a desire to expand participatory processes, as it was initiated by the Land Advisory Board for Migration and Integration Issues, and thus gave it a legal basis. This committee consists of seven representatives of migrant and Aussiedler⁴⁹ associations (see contextualisation), members of

⁴⁷ <https://anonymer-behandlungsschein.de/>

⁴⁸ <https://medibuero.de/ueber-uns/>

⁴⁹ Elected by the representatives of the organizations that requested the right to vote

the Senate, representatives of district councils, associations, trade unions and NGOs⁵⁰. It meets four times a year, sets the political agenda and submits recommendations to the Senate.

The PartIntG law was supplemented by several plans and programmes for integration and re-evaluated in 2021, with the adoption of a bill for the 'New Regulation on Participation in Berlin' (PartMigG), promising concrete implementations of the goals set out in the first text. In particular it provides for measures to ensure the representation of the diversity of Berlin's population in its administration, as well as strengthening local tools for inclusive social participation. The main aspects of the law are, for example, an increased consideration of people with a migrant background in the allocation of posts, a legal and permanent basis for each neighbourhood advisory council, and the improvement of the administration's competences in the field of migration and inclusion through training for employees or the creation of specialised commissions⁵¹.

In addition to pledging to bring the amendment of the PartMigG law into force quickly, the newly elected Berlin Senate coalition plans to make it possible for people without German citizenship to vote after five years of living in Berlin in regional and district government elections. It also promises to strengthen the "Participation Programme" to support initiatives by refugees.

Participation in action: the genesis of the BuBs project

One of the 'success stories' of these participatory policies, in the words of Maike Cauilo-Prahm, is that of the BuBs initiative, of which she is currently the co-director. Its genesis lies in the city's stated objective of giving visibility to the expertise of civil society. It is the result of the mobilisation of a group of forty migrant women (the Monitoring Group) living in an emergency collective accommodation in Pankow, a Berlin district in the north of the city, and which has been collecting complaints about their living conditions since 2015. After obtaining the support of the district council and following a long lobbying process, the collective managed to set up a pilot project in 2018, accompanied by the Senate Administration for Integration, Labour and Social Affairs. The project covered five Berlin collective accommodation facilities where residents were invited to voice their demands. It was accompanied by an academic team from the Alice Salomon Hochschule and consultations were provided by refugees, including some of the women from the monitoring group. The end of the pilot project in 2019 was a success and led the City of Berlin to launch a tender for an independent complaints office. It was awarded to the association Johanniter Hilfe and the BuBs came into being in spring 2021. Complaints continue to be collected by "guides", people with a migration background who are employed by the association, and they form a database which is then discussed in an advisory committee that meets every three months. The committee consists of the State Secretary for Social Integration, members of the LAF and the Senate Administration for Integration, the Flüchtlingsrat, representatives of refugee organisations, etc. The aim of these meetings is to ensure that the association's work is carried out in an efficient manner. The aim of these meetings is to establish new quality

⁵⁰ <https://www.berlin.de/lb/intmig/integrationsbeirat/>

⁵¹ <https://www.berlin.de/lb/intmig/themen/partizipation-in-der-migrationsgesellschaft/>

standards to ensure that the services offered by Berlin are improved in the long term. The head of the refugee management unit in the Berlin Senate, Sybill Schulz, sums it up as follows:

"We took our task of developing this tool in a participatory way seriously. We wanted to talk directly with the recipients of such a complaints service - not about them. As a result, about 300 exiled persons were able to express themselves in various round tables and successfully participated in the test phase"⁵².

The right to have recourse to a complaint support is, according to the various texts and programmes on Integration, a means of ensuring the participation of exiled persons. Although its power of action remains to be evaluated, people see the possibility of acting on their reception conditions.

A decade-long struggle for participation by those affected

The City of Berlin's effort to promote participation for all is part of a decade-long struggle by Berlin's exiles. The city is often considered a "political laboratory"⁵³ and the network of self-organised groups is large and active. One of the major events was the big march of exiles from Würzburg to Berlin, known as the Oplatz movement. Upon arrival in Berlin, asylum seekers occupied Oranienplatz for more than a year and a half, as well as a disused school, to protest against house arrest, refugee "camps", work bans and deportations. This occupation led to the reduction of the legal time of house arrest from six months to three months. It was the birthplace of many political groups and collectives (many of which still exist today) and was considered a pillar of political organisation for exiles. In order to mobilise, the Grand March stopped at twelve collective accommodation centres across the country, conducting awareness-raising actions. Today, many groups and collectives use the same modus operandi and regularly visit the "camps" to inform people of their rights and raise awareness of the possibilities for action. Oplatz is therefore a major event in the consideration of the voices of exiled people and remains an inspiring example of civil disobedience action. It enabled the people concerned to negotiate directly with the authorities⁵⁴.

An employee of the Flüchtlingsrat Berlin, an independent refugee council that has been actively engaged in advocacy work since 1981, deplors the instrumentalisation of this notion of "participation", which, in her opinion, justifies the polishing of the claims of the people concerned by predominantly white administrations. Although the various structures - political, associative or militant - insist on basing their advocacy on the collection of the voice of the people concerned, the translation of these demands remains the work of the same white and influential people, and the modus operandi that of compromise. In order to reflect on these issues, the Flüchtlingsrat Berlin actively tries, for example, to diversify its team by hiring a majority of people who have migrated to Germany. The diversity of activist groups, as well as of political or administrative bodies, is therefore essential in order not to reinforce systemic discrimination

⁵² <https://www.johanniter.de/johanniter-unfall-hilfe/einrichtung/regionalverband-berlin-163/meldung/berliner-unabhaengige-beschwerdestelle-bubs-kuemmert-sich-um-die-wuensche-und-kritiken-von-gefluechteten-in-unterkuenften-2450/>

⁵³ Amro Ali, 2020, « On the need to shape the Arab exile body in Berlin », In Dis : Orient [online] <https://www.disorient.de/magazin/need-shape-arab-exile-body-berlin> [last accessed on February 16, 2022]

⁵⁴ <https://movements-journal.org/issues/02.kaempfe/09.%C3%BCnsal--refugees-supporters-oplatz-intersectionality.html#fnref4>

that is already at work. The challenge would therefore be to think of participation based essentially on the words of the people concerned, without institutional recourse.

Annexes

Distribution of powers and competences in the field of asylum in Germany

In Germany, the asylum application procedure is governed by the "Asylum Act" (Asylumgesetz) and is the responsibility of the Federal Office for Migration and Refugees (BAMF). It is with this office that the various stages of the asylum application are carried out (submission of the application, interview, issue of a residence permit or a deportation order). People entering the territory to apply for asylum must first register and give their personal information in a first reception centre, which often has a branch of BAMF. These arrival centres are the place where the first steps are taken, such as medical examinations, identity checks, filing of the asylum application, as well as orientation courses in German society. According to the Königsten key system (Königsten Schlüssel) and with the help of a computer programme (EASY), they are then distributed to the sixteen Länder, in proportion to their tax income and their number of inhabitants. They must then reside in reception centres administered by the relevant region. After six months in a reception centre, it is possible to move to a collective accommodation centre or a private flat. This depends on the legislation of the state where they are allocated and the state of the local housing market.

If their application for asylum is successful, people can be granted a residence permit for three years (refugee status) or one year (subsidiary protection). If asylum is rejected, a deportation order is issued and must be honoured within 30 days. When return to the country of origin or first registration is temporarily not possible (due to lack of identity papers, humanitarian or legal reasons), a temporary "tolerated" residence permit is issued (Duldung). This is a precarious and unstable status, which can actually last for years.

In short, the individual Länder are responsible for reception and accommodation, and the federal state for the asylum procedure. It is the federal states that are also responsible for enforcing deportation orders. This combination of regional responsibilities explains the different structures in place in each Land, for example the availability or not of independent counselling during the procedure (often in collective accommodation centres), or the establishment of deportation centres. With regard to the rights of asylum seekers, there is a legal framework laid down by the federal state (Asylbewerberleistungsgesetz), but local authorities - regional or municipal - have considerable discretionary powers in its application.

References

Articles :

- Amro Ali, 2020, « On the need to shape the Arab exile body in Berlin », In Dis : Orient [online] <https://www.disorient.de/magazin/need-shape-arab-exile-body-berlin> [last accessed on February 16, 2022]
- Hanewinkel Vera, Oltmer Jochen, 2018, « Historical and Current Development of Migration to and from Germany » In Länderprofile Migration, Bundeszentrale für politische Bildung, consulted on november, the 9th, 2021 [online] : <https://www.bpb.de/gesellschaft/migration/laenderprofile/english-version-country-profiles/262758/historical-andcurrent-development-of-migration-to-and-from-germany>
- Hinger Sophie, 2017, « Allemagne : les villes-laboratoires », In Revue Projet, C.E.R.A.S, Issue 3 n°358
- Hinger Sophie (2020) « Integregation Through Disintegration? The Distinction Between Deserving and Undeserving Refugees in National and Local Integregation Policies in Germany » In Hinger Sophie et Schweitzer Reinhard (eds) Politics of (Dis)Integregation, IMISCOE Research Series, Springer Cham
- Memarnia Suzanne, 2020, “Jeder darf sich beschweren, In TAZ [online] : <https://taz.de/Qualitaetvon-Berliner-Wohnheimen/%215735482/> [last accessed on February 16, 2022]
- Nadiye Ünsal, 2015, Challenging ‘refugees’ and ‘supporters’, Intersectional power structures in the refugee movement in Berlin,
- Prat-Ecker Cécile, 2014, « La politique migratoire : entre volontarisme et réticences », In Allemagne aujourd’hui, Association pour la connaissance de l’Allemagne d’aujourd’hui, Issue 4 n°210, p147
- Steinhilper Elias et Hinger Sophie (2017) « L’accueil allemand, un modèle pour la France ? », Pleins Droits, GISTI, n°115, p8
- Steinhilper Elias (2019) « Dynamiques de protestation politique des exilés afghans à Berlin : entre « silence » et « prise de parole » », Critique Internationale, Presses de Science Po, n°84, p68

Declarations :

- Déclaration de Postdam, Die Städte Sicherer Häfen et Seebrücke, 2019, Potsdamer Erklärung der „Städte Sicherer Häfen“, disponible sur <https://staedte-sicherer-haefen.de/en/> [online]

Reports and guidance :

- Borderline Europe, 2021, EU ad hoc Relocation – A lottery from the sea to the hotspots and back to unsafety, Pinguin Druck Berlin
- Jakob Christian, 2021, « City Report: Berlin », In Moving Cities, an initiative by Seebrücke, Rosa Luxembourg Stiftung and Heinrich Böll Stiftung, available on www.moving-cities.eu
- OECD, 2018, Working Together For Local Integration Of Migrants And Refugees In Berlin, OECD Publishing, Paris, p25

Departmental sources :

- <https://www.bmi.bund.de/DE/themen/migration/asyl-fluechtlingsschutz/humanitaereaufnahmeprogramme/humanitaere-aufnahmeprogramme-node.html>

Alliance Migrations

More information

<https://alliance-migrations.fr>

<https://o-c-u.org>



<https://anvita.fr>

