

A BEGINNING HAS BEEN MADE

New Opportunities for Vocational Integration
in the Thematic Field of Asylum



Memorandum by the Development Partnerships of the National Thematic Network on Asylum in the European Community Initiative EQUAL (2002-2007)

IMPRINT

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Migration, Refugees and Integration



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Tens of thousands of asylum seekers and “tolerated” persons have been residing in Germany for many years now, but to date their access to the labour market has been limited.

With the reform of law governing immigration in July 2007, the door to the labour market and real opportunities have been opened for these people. Wherever there is an adequate demand for the labour of tolerated persons, there are no longer any barriers to their taking up employment under procedural law – barriers like the so-called “priority review” (Vorrangprüfung). This means that tolerated persons and their families can escape dependence on public transfer payments. In addition to knowledge of German, the possibility of earning their own living is a precondition for successful integration. The

new “grandfather clause” (Altfallregelung), which has been set out by law for the first time, allows persons with a residence permit to look for a job. This will further improve the situation of these people in the labour market, as the status of tolerated residency means uncertainty for potential employers. The situation of these people will also be improved in the area of law governing benefits. Now it is up to employers in Germany to open up opportunities for these people in the German labour market.

EQUAL projects in particular have successfully tested models for the provision of qualifications, counselling, assistance, initial and continuing training of asylum seekers and tolerated persons over the last six years 2002-2007. It has been shown under difficult conditions that there are many mo-

tivated, talented and capable people in this group who can be integrated in the domestic labour market to the benefit of the economy and society.

The needs of the German economy for labour power and skilled labour will increase as a result of demographic trends. That is why all the potential which we have had in our country for years should be taken advantage of. This also goes for the language skills, cultural knowledge, vocational skills and academic knowledge possessed by asylum seekers and tolerated refugees. In view of demographic developments, these skills and capabilities may provide a key to success in global competition as well as in the domestic labour and sales market..

With the Community Initiative EQUAL, a European labour market programme has for the first time explicitly addressed the target groups of asylum seekers, tolerated persons and victims of trafficking. The results of 16 Development Partnerships and more than 100 sub-projects have been summarised in this Memorandum. The authors have developed recommendations for the promotion of the target group in the years to come on the basis of experience with asylum seekers, tolerated persons and victims of trafficking, their special needs and their legal status. These recommendations are directed at policy-makers, the public administration, business and the interested public.

We thank the authors for this expertise. They have provided interesting proposals for further discussion.



Prof. Dr. Maria Böhmer



Kajo Wasserhövel

A BEGINNING HAS BEEN MADE

New Opportunities for Vocational Integration in the Thematic Field of Asylum

Summary of the Memorandum by the Development Partnerships of the National Thematic Network on Asylum in the European Community Initiative EQUAL (2002-2007)

EQUAL: Development and testing of new labour market-policy models

Asylum seekers and refugees possess know-how, knowledge, skills and experience which need to be recognised and promoted. Persons with an uncertain residence status, especially asylum seekers, “tolerated” persons (Geduldete)¹ and victims of trafficking have been – and in part still are – largely excluded from access to education, training and employment in Germany as a result of legal conditions. A possibility was created for the first time in 2002 within the framework of the European Community Initiative EQUAL to test models for integrating asylum seekers and tolerated persons in the labour market. In 16 networks, Development Partnerships in the Thematic Field of Asylum² with more than 100 sub-projects, evidence was produced that it is possible to place these persons in training positions and occupations and that people with an uncertain residence status can successfully contribute their wide-ranging potential to the German labour market.

Satisfying the right to education, training and gainful employment for asylum seekers and tolerated persons is the main theme in the Memorandum, which was submitted by the Development Partnerships at the end of the second funding period of EQUAL. The projects and networks in the EQUAL programme feel encouraged in their demands by the various political and statutory initiatives through which people with uncertain residence status have recently been provided the opportunity to gain access to the labour market:

With the Second Amending Act to the Immigration Act, a “grandfather clause” (Altfallregelung) has been created under which a residence permit is to be issued under cer-

tain circumstances and in certain cases after eight years of “tolerated” residence (after six years’ time in the case of families). In addition, tolerated persons are to receive access to the labour market after four years’ residence through a change in the Employment Procedure Regulation (Beschäftigungsverfahrensverordnung) by means of a general waiver of the so-called “priority review” (Vorrangprüfung).³ These arrangements pay heed to the recognition that many tolerated persons have a future in Germany and that their integration in German society needs to be promoted.



It is established in the National Integration Plan that an improvement in integration of people with migration backgrounds in the labour market is highly desirable both for social as well as economic reasons.⁴

The right to education, training and gainful employment.

Experience and recommendations

It would appear that the systematic exclusion of asylum seekers and tolerated persons from the labour market is no longer in line with political and legal objectives. The Development Partnerships in the Thematic Field of Asylum have tested numerous innovative approaches to the integration of tar-

get groups in the labour market in six years of project work. For this reason they are able to make important suggestions regarding the integration of asylum seekers and tolerated persons in education, training and employment.

ket if their deportation cannot take place for reasons for which they are responsible. The aforementioned changes in laws aimed at enabling access to the labour market should not become a dead letter as a result of these or other restrictions. Young people should generally be offered the possibility of attending upper level secondary schools, to receive training or obtain a university degree. For victims of trafficking, a residence status should be created in which they are offered access to the labour market independently of their willingness to act as witnesses in criminal procedures.



Photo: FOCUS/Trot Hamburg - Hamburg as as Safe Haven

164,000 people had the status of "tolerated" residence in Germany in April 2007.

In this sense, the Memorandum "A beginning has been made" not only intends to provide a conclusion on the activities of Development Partnerships. It is also aimed at showing the various actors in the fields of policy-making, public administration and business possible options for action to be taken. At the top of the list is the recommendation that forms of cooperation successfully tested in the networks in the form of Development Partnerships in the Thematic Field of Asylum should serve as model for future programmes. After this, numerous examples of good practice are to be presented and detailed recommendations forwarded in summary form for an improvement in labour market integration of asylum seekers and tolerated persons in various thematic fields:

Thematic Field 1: Elimination of Access Barriers to the Labour Market

In this thematic field, Development Partnerships advocate *inter alia* the elimination of legal barriers such as, for instance, the "priority review" (Vorrangprüfung) and arrangements according to which tolerated persons are excluded from the labour mar-

Thematic Field 2: Education and Training Strategies Oriented Towards Living Situations

One of the main recommendations from this thematic field is that programmes generally offered in secondary schools and support for vocational education need to be adjusted to meet the individual needs of the target groups. Initial and continuing education programmes for asylum seekers and tolerated persons should be supplemented with additional programmes (literacy, tutoring support, learning techniques and language courses) as well as social education and medical support. A system which records competencies together with special supplemental training programmes should be used to make possible the recognition of existing qualifications. Measures promoting returnees should promote the attainment of qualifications for the labour market in the country of residence as well as the country of origin along the lines of a "double option".

Thematic Field 3: Interaction Between Access to the Labour Market and Health Care

The recommendations made by this thematic field are oriented towards the imperative that participation in society and people's health situations need to be viewed as interdependent factors. Health problems, which frequently afflict asylum seekers and tolerated persons as a result of their exodus and their living situation, must be taken into ac-

count when it comes to promoting access to training, education and employment. Programmes promoting intercultural communication need to be established in the health system. Initial and continuing training of appropriately trained personnel is assigned particular importance in this regard.

Thematic Field 4: Promotion of a Differentiated Perception of the Target Group

In this thematic field the Development Partnerships present various recommendations aimed at eliminating discrimination by improving knowledge of the living situation of asylum seekers and tolerated persons. Thus, training programmes on this topic should be made an integral part of initial and further training measures in the relevant areas of society (the public administration, economic associations, primary and secondary schools, trade unions, etc.). Additional recommendations should focus on strengthening social participation of asylum seekers and tolerated persons. In this connection, one demand is that strategies for combating discrimination must not view the various forms of exclusion, possibly resulting from a lack of residence status or because of gender, cultural origin, sexual orientation, handicap, illness or age, in an isolated manner. Moreover, it should also be noted that research on the social situation of refugees

needs to be intensified and carried out in a more systematic manner.

***Opportunities and Risks:
Current Developments***

Finally, the recommendations forwarded in the Memorandum are viewed in the context of the statutory reforms mentioned in the foregoing as well as additional current national and European initiatives (including the European funding programmes). The Memorandum comes to the conclusion that the integration of asylum seekers, tolerated persons and victims of trafficking can be significantly improved in terms of education, training and employment through a targeted implementation of recommendations. Policy-makers and the public administration at the Federal, *Länder* and local levels as well as the business community, economic chambers and trade unions are called upon to implement the new political targets of the National Integration Plan in the form of a voluntary obligation.

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“The prerequisite for bringing about more humane living situations for tolerated immigrants is recognition of the fact that long-term tolerated refugees are ultimately immigrants. Asylum seekers whose application for asylum has been refused, but who cannot be or are not allowed to be returned to their states of origin are also immigrants. They become all the more so immigrants the more frequently and the longer toleration of their presence is renewed, as humanitarian, legal and factual reasons stand in the way of expulsion. It is pure and simple inhuman for tolerated persons who have been in Germany for many years to be denied a secure residence status and unimpeded access to the labour market.”

Prof. Dr. Dr. h.c. Dieter Oberndörfer

Deputy Chairman of the Council for Migration and advisor to the Federal Government. Presentation at the Final Conference on Prospects, Kiel, May 2005.

With the European Community Initiative EQUAL, a tool was created in Germany for the first time to promote the vocational integration of asylum seekers and “tolerated” persons, for whom access to the labour market has been and is still largely barred by regulations. In spite of difficult underlying conditions, numerous projects have been able to successfully demonstrate that it is possible to place these people in a training position or occupation.

Integration in the labour market helps individuals lead an autonomous life and promotes the economic and social interests of German society. Asylum seekers and tolerated persons contribute knowledge, skills and experience obtained in their countries of origin, and these need to be recognised and promoted as resources. More than a few of these people have high technical qualifications and speak several languages. Many refugees are highly motivated and would like to

contribute their potential in their host country. The aim of sustainable policy must therefore be to encourage these specific competencies and offer concrete vocational opportunities.



Photo: Ulstein Bild

The realisation of the right to education, training and employment for asylum seekers and tolerated persons is the main theme in this Memorandum. A total of 16 Development Partnerships⁵ in two funding periods of the EQUAL programme have gathered experience with the opportunities and barriers to vocational integration of refugees in Germany. Of these, eight Development Partnerships working in nine German *Länder* have joined together in the second funding period of the EQUAL programme since 2005 in the Thematic Field of Asylum. Of this number, seven have been working with the target groups of asylum seekers and tolerated persons, while one Development Partnership is addressing victims of trafficking. These Development Partnerships have joined together in the National Thematic Network on Asylum to bundle their experience from the several years of project work and contribute to the political debate.

Some of the more important problems with which Development Partnerships have been confronted in the past have recently

It is being increasingly recognised that asylum seekers and tolerated persons have a future in Germany.

been made the subject of political and legislative initiatives. The opportunities and risks posed by these developments are explored in more detail in chapter 5. The following pioneering changes should already be noted here:



Photo: Landi Ahovi

The knowledge and competencies of asylum seekers and tolerated persons must receive more promotion.

- ▶ The residence arrangements which were introduced by the Ministers of the Interior Conference in 2006⁷ and which were laid down in the Second Amending Act to the Immigration Act of 2007⁷ provide basic recognition of the fact that many tolerated persons have a future in Germany and that their integration in German society must therefore be encouraged.
- ▶ As a result of the amendment of § 10 of the Employment Procedure Regulation (Beschäftigungsverfahrensverordnung) in the Second Amending Act to the Immigration Act, the review of priority for German citizens and labour market conditions is generally to be waived in the case of tolerated persons who have resided in Germany for four years. This also recognises that integration in the German labour market constitutes an option for many tolerated persons.
- ▶ The National Integration Plan emphasises the right to general education and vocational training for all young adults in Germany, although this is especially to be guaranteed for schoolchildren who have particularly disadvantaged living situa-

tions.⁸ It has moreover been determined that an improvement of integration in the labour market is urgently necessary for people with a migration background for social, political and economic reasons.⁹ The National Integration Plan does not make a distinction according to the residence status of people with a migration background.

It would thus appear that the systematic exclusion of people with an insecure residence status from the labour market no longer conforms with political and legal objectives. The Development Partnerships have been able to forward useful suggestions – along the lines of good practice – for the intended integration of asylum seekers and tolerated persons in education, training and employment. The experience gained by the Development Partnerships in the last six years is described in the following and recommendations provided for future measures. The Development Partnerships are primarily appealing to lawmakers with these recommendations. The Memorandum is also aimed at providing suggestions for the design of the future funding programme as well as the work of associations and organisations which work in the area of vocational integration of refugees.

Objectives of the Memorandum

This Memorandum makes recommendations for a sustainable policy which is oriented towards the interests of the target groups based on six years of work by the 16 Development Partnerships and more than 100 sub-projects. The Development Partnerships have tested wide-ranging, innovative approaches to consulting, assistance and job placement for adolescents and adult asylum seekers and tolerated persons. The Memorandum bundles the results of this work and seeks to transfer them to the education and labour market. The EQUAL programme has the mission of contributing experience gained in project work in the policy-making field by means of mainstreaming¹⁰. The Development Partnerships are assigned an important role here: “The Development Part-

nerships are involved in the dissemination of model solutions and the implementation of these solutions in the policies of individual states on the basis of their experience and results in the development of innovative models to reduce inequalities.”¹¹

One crucial innovation of the Community Initiative EQUAL is the networking of different actors from the fields of education, training, labour market and work with refugees. It is only in this manner that problems relating to access to the labour market can be identified and common solutions developed (see chapter 4). These networks, the Development Partnerships in the Thematic Field of Asylum, have implemented the programme targets and established structures at the local level in which the various actors can be involved in accordance with the thematic field – the bandwidth of these actors ranges from non-governmental organisations to companies, trade unions and business chambers to the government authorities in charge. These networks have proven to be a decisive element in bringing about solutions, securing project results in a sustainable manner and embedding these at the regional level.

Along the lines of this mainstreaming mission, this Memorandum is meant to be more than a conclusion to end the second funding period of the Community Initiative EQUAL. It is, rather, intended to trace out options for transferring the tested models to existing institutions in the fields of education, training and the labour market. A key role in all this

is played by the recommendation that the networks tested in the EQUAL programme should be maintained and expanded because these are capable of helping to overcome access barriers to education, training and the labour market. Moreover, numerous recommendations are being developed on the basis of the project results on how to structurally improve the training and employment situation of the target groups. This Memorandum is furthermore intended to provide an impetus for a change in awareness in institutions so as to bring about greater recognition to societal diversity and for this to be reflected in work and procedural processes.



Photo: West German Association of Chambers of Crafts, Rolf Cobbeis

Asylum seekers and tolerated persons were explicitly included in an employment programme in the EU for the first time.

New methods and strategies against discrimination and inequalities in the labour market are being developed and tested within the framework of the EQUAL programme. In addition, support for Sinti and Roma as well as the victims of trafficking were included in all thematic areas of EQUAL in the second funding round.¹² The model projects are first of all aimed at disadvantaged persons whose employability is to be promoted. Secondly, the results also serve the purpose of bringing about changes in the framework conditions, in this way reducing inequalities in the labour market.

The Thematic Field of Asylum

The promotion of vocational integration of asylum seekers constitutes one of the five thematic fields of the European Community Initiative EQUAL.¹³ Asylum seekers, refugees from civil wars and so-called de facto refugees¹⁴ are addressed in the initiative, whereby the EQUAL programme includes all “tolerated” persons in the group of de facto refugees.¹⁵ In this Memorandum the target group in the Thematic Field of Asylum is for this reason referred to as “asylum seekers and tolerated persons”.

The group of asylum seekers and tolerated persons has been explicitly included in an employment programme for the first time in the history of the EU in the EQUAL programme.¹⁶ The basic objectives of the EQUAL programme in the Thematic Field of Asylum are as follows:

- ▶ Promoting employability through orientation and counselling,
- ▶ Re-establishment of employability through promotion and expansion of skills which have already been acquired,
- ▶ Maintenance of employability in the case of higher qualifications.

The objectives are at the same time designed to offer “prospects ... of integration in the labour market of the home country.”¹⁷ In actual

implementation, this special emphasis on encouraging people to return to their countries of origin has in the past in Germany led to only “pre-vocational measures” being made available to asylum seekers, “modular qualification” to tolerated persons and “... training courses and short-term qualification measures to persons who are about to return to their country of origin”.¹²



Photo: FLUCHTROT Hamburg – Hamburg as as Safe Haven

Reduction of the objectives to mere integration in the country of origin contradicted the main objective of EQUAL, namely reducing impediments to access to the domestic labour market. So it was that project work in the Thematic Field of Asylum moved between these diametrically opposed poles. The result: In harmony with the national strategy, short-term measures were developed which aimed at strengthening vocational competencies (for instance through practical training or language courses), which was a focal point in the work of Development Partnerships. Secondly, work in many projects also sought to promote vocational integration of target groups in the German labour market in accordance with the main objectives of the EQUAL programme, for instance by placing people in regular training positions. This approach was justified with the argument that promotional measures along the lines of a “double option” should aim at helping foster

EQUAL contributes to integration in society.

integration in the German labour market, but to also foster integration in the labour market of the home country – not least because there is scarcely any reasonable chance of many asylum seekers and tolerated persons living in Germany returning to their countries of origin.

As was mentioned at the outset, this approach adopted by the Development Partnerships has been shown to closely map the reality of the situation, as project work has confirmed in a manifold way that asylum seekers and tolerated persons can be successfully integrated in the German labour market. Moreover, residence arrangements in the German *Länder* and the second Amending Act to the Immigration Act indicate that lawmakers have accepted that asylum seekers and tolerated persons have to be granted prospects for a long stay in Germany.

Barriers to implementation in Germany

In relation to the targets set in the EQUAL programme and legal and structural framework conditions, an additional area of tension has become evident: while the programme basically assumed that asylum seekers and tolerated persons should be opened up access to training and work, this stood in stark contrast to the legal situation and actual practice with respect to the public administration – regardless of whether the employment strategy for asylum seekers and tolerated persons was aimed at helping

returnees or integrating people in the German labour market. The Development Partnerships have addressed this conflict and found some initial pragmatic solutions to overcome these barriers in an intensive dialogue with decision-makers from the fields of policy-making and the public administration. As a result, a large number of asylum seekers and tolerated persons have been successfully trained and even placed in regular employment. This indicates that the models and the network strategy achieved a high degree of impact.

The most important legal restrictions in particular include the prohibition against employment in the event of violations of cooperation obligations, § 11 of the Employment Procedure Regulation (*Beschäftigungsverfahrensverordnung*), the “priority review” (*Vorrangprüfung*) and a narrow interpretation of the hardship arrangement set out in § 7 of the Employment Procedure Regulation. Deserving additional mention are the prohibition against leaving the assigned zone of residence (the so-called “residence obligation”) as well as exclusion from student loans and benefits for disadvantaged persons provided under Social Code III. The following discussion relates especially to the framework conditions which played the most important role in the implementation of the EQUAL programme. Changes through the Second Amending Act to the Immigration Act are only mentioned briefly here, but shall be addressed again in the following chapters.

Legal Restrictions:

The Asylum Procedure Act (Asylum-verfahrensgesetz), the Residence Act (Aufenthaltsgesetz) and the Employment Procedure Regulation all contain access barriers to the labour market and training for asylum seekers and tolerated persons – barriers which in de facto terms prove insurmountable for many of these people: asylum seekers and tolerated persons are generally prohibited from undertaking any independent or free-lance business activities. Non-independent employment – the term “employment” covers both dependent employment by an employer as well as company training and practical positions – is only possible subject to considerable restrictions: after asylum is applied for, a one-year prohibition against employment (§ 61 of the Asylum Procedure Act) applies to asylum seekers. Tolerated persons are also completely excluded from the labour market for the period of one year under § 10 of the Employment Procedure Regulation.¹⁷ Tolerated persons can moreover be denied permission to engage in employment after the expiry of this period under § 11 of the Employment Procedure Act if they

- ▶ came to Germany to receive benefits under the Asylum-Seekers Benefits Act (Asylbewerberleistungsgesetz), or
- ▶ if they cannot be deported for reasons for which they are responsible.

The second criterion in particular leads to a different application of statute in actual practice by the public administration as well as numerous disputes. For many immigration authorities, failure to possess a valid passport (a common occurrence among tolerated persons) suffices to deny employment under § 11 of the Employment Procedure Act. This practice fails to understand the language of § 11, section 1 of the Employment Procedure Act, according to which the persons affected must be responsible for it being impossible to carry out measures ending their residency.²⁰

If the issue of a permit to engage in employment is not denied under § 11 of the Employment Procedure Act, consent must generally be provided for such by an Employment Agency. The Agency is to decide within the framework of a so-called “labour market analysis” whether the employment of the applicant “would have a negative impact on the labour market” (§ 39, section 2, subsection 1, no. 1 of the Residence Act (Aufenthaltsgesetz). This includes a review of whether more unfavourable working conditions are to apply to the applicant in comparison to German employees. The crucial impediment to an issue of consent in most cases is the so-called “priority review” (Vorrangsprüfung), however.²¹ Here it is reviewed whether the position which the applicant is seeking could be performed by an employee with higher-priority rights. Employees with higher-priority rights may be both German nationals as well as foreigners who have higher priority when it comes to engaging in work. Especially for unskilled and lower qualified asylum seekers and tolerated persons living in areas marked by high levels of unemployment, this means in de facto terms that they are shut out of the labour market.

Moreover, exception can only be made from the priority review (Vorrangsprüfung) for asylum seekers and tolerated persons if employment which has already lasted one year is to be continued (§ 6 of the Employment Procedure Act), or the hardship arrangement set out in § 7 of the Employment Procedure Act applies.²² This hardship arrangement rarely applies in actual practice, however. Thus, for instance, it generally does not suffice to represent that adverse living conditions warrant application of hardship arrangements if applicants have received benefits over a number of years under the Asylum Benefits Act.

One additional problem is that when asylum seekers and tolerated persons take up a job they lose their claim both to benefits under the Asylum Benefits Act as well as to welfare benefits. They are also

at the same time barred from receiving student loans.²³ Nor can they benefit under programmes for disadvantaged persons set out in Social Code III. In such cases it is only possible to grant aid to help people defray living expenses while they are undergoing training by applying hardship rules.

Additional Structural Barriers:

On top of this, additional difficulties arise in the guise of the procedure for being granted access to a job. At the top of the list is the sheer time required by a procedure: scarcely any employer can afford to wait for the immigration authority and perhaps the employment agency to issue a decision when they want to hire someone. Especially when nobody knows whether the application for a permit will only take a few weeks or will take months. Employment agencies are obligated within the framework of the aforementioned “priority review” to place persons with a higher priority status in vacant positions notified to the employment agency. In many cases this means that a company receives many applications and has to submit a detailed justification if it ultimately decides to hire a person who has filed an application for a work permit. This procedure constitutes a major deterrent especially for small and medium-scale enterprises.

Another problem in looking for a job as well as in working in an occupation results from the uncertain residence situation and other government requirements. Deserving mention in this regard are in particular the geographic restrictions applying to residents (so-called “residents’ obligation”)²⁴, the frequently encountered obligation to live in multi-person housing and limited health care. This has an especially negative effect on people who have been traumatized by the experience in their home countries and exodus.

The Thematic Area of Trafficking

Support for victims of trafficking has been included in the second EQUAL funding period. Trafficking was defined in a United Nations Convention in 2000, the so-called Palermo Protocol, which is internationally binding on every country.²⁵ This definition was adopted in 2005 as the basis for amending respective offences set out in German law. Since this time trafficking has been deemed to constitute a violation of personal freedom instead of being considered a violation of sexual self-determination. § 233 of the Criminal Code mentions “trafficking for the purpose of sexual exploitation” and § 232 of the Criminal Code mentions „trafficking for the purpose of exploiting labour power.“ It is clear that trafficking is now no longer only defined in connection with prostitution. It has been taken into account, rather, that trafficking is a phenomenon occurring not only in the sex industry, but in all areas of the labour market. It also occurs among marital couples and in personal relationships.

Victims of trafficking who are not willing to cooperate with law-enforcement agencies are generally not allowed access to training and the labour market. Victims who are willing to act as witnesses in a trafficking procedure before a court of law receive a temporary residence visa for the duration of the criminal procedure in Germany. This group of persons nevertheless also continues to suffer from the specific disadvantages under present legal conditions when they try to obtain access to training and the labour market:

- ▶ As a result of the Second Amending Act to the Immigration Act, it has been stipulated in a uniform manner throughout Germany that victims of trafficking may receive a residence visa (§ 25, section 4a of the Residence Act). Because this status may be revoked if law-enforcement authorities are of the view that the testimony of the victims cannot be used, however, prospective employers will continue to hesitate before deciding to provide such people jobs.
- ▶ Because sheltered housing is not available

for such persons everywhere in Germany, these persons cannot be placed everywhere. But this is crucial to the security and stabilization of victims – and ultimately to the success of occupational training.

- ▶ Many victims of trafficking have been traumatized and are personally exposed to threats to their security. This is why it is necessary to create special occupational training programmes and link these to psychosocial support. Specialised programs like these have also helped avoid additional stigmatisation of victims of trafficking.

After completing the court procedure, witnesses have no statutory guarantee that they may continue to reside in Germany. If they are subject to the threat of physical harm upon returning to their country of origin, there is a theoretical option to allow such people to stay in Germany after the court procedure is over as well. It is difficult to prove that a person faces a specific threat to their well-being, however, which in actual practice means that these persons have a difficult time planning their future.

Because victims of trafficking are not able to make any reliable plans for their occupational and personal futures as a result of the residence-law situation described in the foregoing, it is evident that training and

qualification measures also need to be tailored to the needs of the country of origin. Return should be supported by transnational cooperation between specialized counselling offices (including outside the EU).

Sensitivity to the issue of trafficking, which is still woefully lacking among many actors and institutions (customers of prostitutes, police and public prosecutors) means that victims of trafficking cannot be identified in the first place and hence are not able to make use of counselling and training programs.



Photo: bridge

EQUAL makes people aware of the situation of victims of trafficking.

The European dimension

To further refine the European employment strategy, the European Commission has promoted transnational corporations in the guise of the Community Initiative EQUAL. To this end Development Partnerships from different member states have jointly tested strategies and developed recommendations for an improved integration of target groups in Europe.

The European Commission has by the same token drawn attention especially to the successes of the Thematic Field of Asylum seekers under the EQUAL Programme in a preliminary assessment: "Taking the issue of asylum into account, EQUAL has improved understanding of how national policy influences the access of this group to jobs, training and continuing education. Thus, the work of the partnerships at the local level has shown the advantages through a host of opportunities offered to asylum seekers such as, for example, access to language courses, voluntary work and job opportunities in the first labour market. EQUAL offers the member countries a good opportunity to cooperate in the search for the best solutions in the area of social and occupational integration of asylum seekers."²⁶

To make mainstreaming more effective and bundle benefits for Europe, the Commission established a working group (European Thematic Group) at the transnational level. This group has initiated a continuous discussion process among the Development Partnerships and important lobby organisations of all member states, supporting the exchange of good practice models with tremendous success. Experience has been reflected upon and recommendations developed under the thematic rubrics of "Education", "Employers Relations" and "Capacity Building".²⁷ At the "European Policy Forum on Asylum" held in Malmoe in May 2007 an assessment was made of the implementation of the Reception Directive and this discussed with decision-makers from the fields

of policy-making and the public administration as well as a strategic partners from many different member countries.²⁸ It was underscored that for an additional impetus to be generated in the member states, there needs to be a European discussion in order to balance out differences in standards. By the same token, this particularly means ensuring access to labour markets and making sure that people in need of special care receive it. Recommendations were also forwarded for a revision of the Directive and demands voiced for additional measures and programmes to respond to structural deficits.²⁹



Photo: Bridge

The European dimension of the EQUAL program is of special practical importance to the topic of trafficking because many victims come from EU member states. When these persons return to their home countries, but also during the time when they undergo occupational training, close cooperation between specialised counselling offices in the countries of origin, transit and target countries plays a crucial role. At the same time, however, countries outside the EU are also important countries of origin and transit which need to be included in this effort.

EQUAL networks Development Partnerships from the EU member states and promotes transnational exchange of good practice.

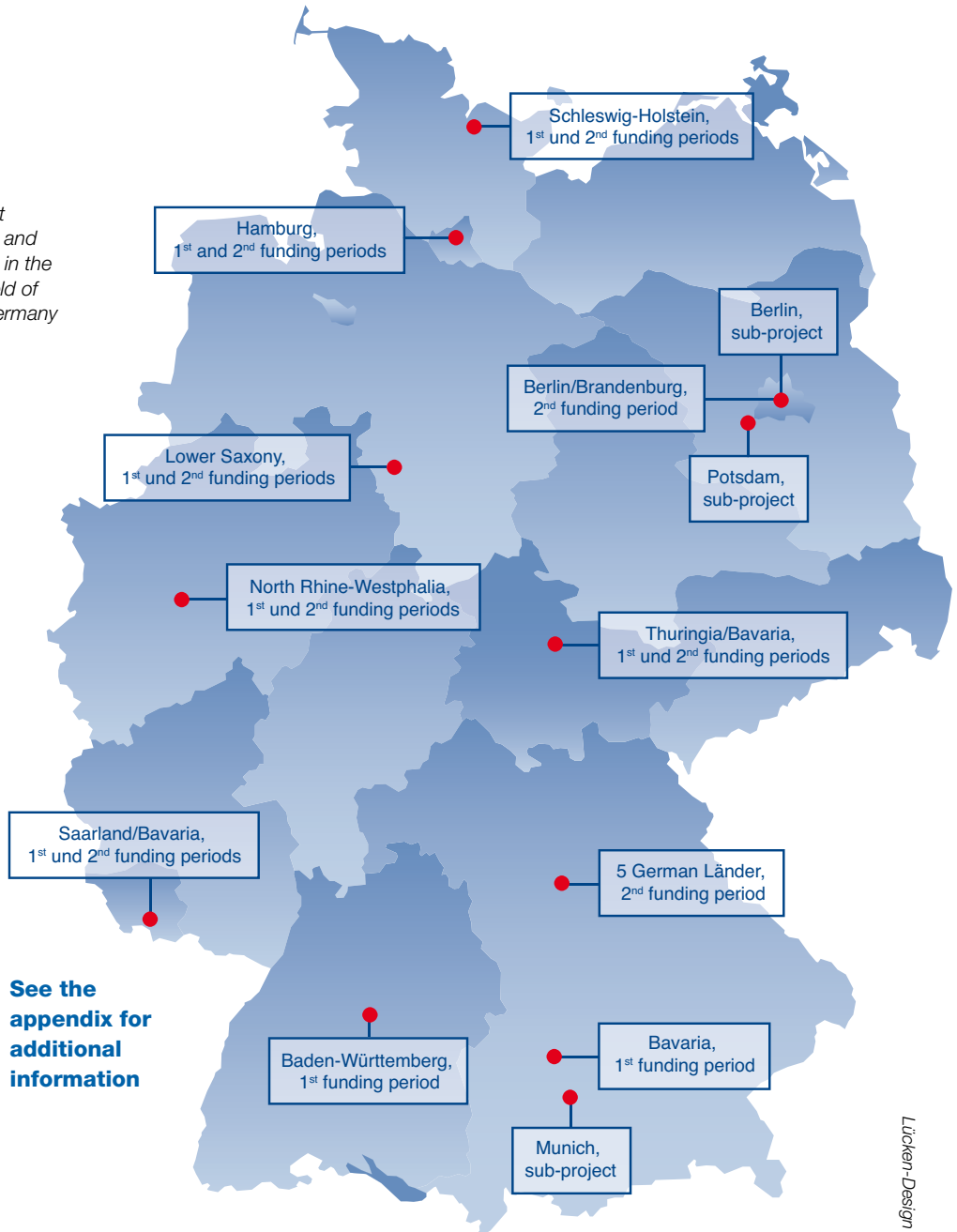
Development Partnerships in Germany

Many labour market-policy experiments have been successfully carried out both in major cities as well as in rural areas in Germany. The 16 Development Partnerships were at the same time subject to regional differences in labour markets during the two funding periods. The successes they achieved were dependent on the respective-

ly different underlying conditions of regional policy.

The approaches and methods in the work of all the Development Partnerships were oriented towards the different educational levels and living situations of the participants. A broad spectrum of measures was carried out, ranging from basic language training to vocational pre-training in various occupational areas and counselling all the way to

Development Partnerships and sub-projects in the Thematic Field of Asylum in Germany



See the appendix for additional information

coaching and therapy. Training programmes in modular form and programmes in Germany's dual training system were supported by tutors and social educational measures. All of the programmes and measures were coordinated with one another, offering asylum seekers and tolerated persons many access possibilities to obtain qualifications and training as a result of their permeability.

Practice in the area of labour market policy was linked up through continuing educational programmes for multipliers in occupational training, counselling and administration. This helped compensate for information deficits, discrimination was reduced and an impetus created encouraging intercultural processes of opening. The health field was a focal point of activities in two Development Partnerships in Lower

Saxony and North Rhine-Westphalia in particular. The work performed by these partnerships generated valuable experience which takes into account requirements applying to labour market-policy models for groups of persons requiring special protection.

A preliminary survey indicates that more than 9,200 persons took part in the courses, training programmes and continuing education measures offered by the National Thematic Network on Asylum projects.³⁰ Counselling programmes offered by the projects were used by more than 6,900 persons. 235 persons were able to be placed in regular training positions (as of spring 2007).³¹ Data and information on the individual Development Partnerships are provided in the appendix.

A large number of innovative models and projects have been tested over the last six years in the Development Partnerships and their numerous sub-projects. Recommendations are presented here based on experience gained in the four main thematic fields:

- ① Elimination of access barriers to the labour market
- ② Educational and qualification/training strategies oriented towards living situations
- ③ Interaction between access to the labour market and health care
- ④ Promotion of a differentiated perception of the target groups

The presentation of these recommendations is preceded by an evaluation of the network nature of the Development Partnerships and their relevance to the implementation of the labour market policy funding programmes.



Photo: West German Association of Chambers of Crafts, Rolf Göbels

Measures range from basic language training, preliminary vocational qualification and counselling all the way to therapy.

Networks are more than the sum of their parts

“Networks attempt to create a culture of cooperation between public, semi-public and private actors. ... Thus, the public and semi-public vocational education system is linked with labour and training markets in networks promoting occupational integration in order, for example, to create new points of access for disadvantaged groups, to mobilise support resources in the environment of people who need support and to eliminate barriers to the exercise of social rights. ... The strengths of networks are not based on the ability to use capital or on powers to make laws and regulations, but rather solely on the fact that they dispose over knowledge which is of relevance to government action or the activities of business enterprises – knowledge which has a weighty claim to universal validity and which can be mainstreamed.”

Prof. Dr. Joachim Schroeder

Johann Wolfgang Goethe University of Frankfurt am Main, impulse presentation at the Mainstreaming Conference of the Hamburg Network Association for Education and Occupational Integration, Hamburg, June 2007.

The goal of the EQUAL Programme – to form networks – constitutes a significant innovation in the implementation of labour market-policy funding programmes. The networks, so-called Development Partnerships, were designed from the very beginning to be more than the sum of their respective sub-projects. All “actors interested in the respective topic and having competence in the area” were to be included in the Development Partnerships.”³² At the same time, one of the maxims was that all partners were to be included in the planning, dissemination and transfer process early on. This approach produced heterogeneous networks in which the interests of the implementing institutions

could be discussed and coordinated with a wide variety of actors – from non-governmental organisations to educational institutions, business enterprises and associations, business chambers, trade unions all the way to ministries and government authorities.

The Development Partnerships proved to be “movable systems”, as it were, within which suitable partners could be made use of for various problem areas. The interaction and the openness between the different actors made it possible for new forms of cooperation to arise between institutions which previously only had sporadic contact with one another, or which even saw each other as competitors. As a result, new models were tested and latitudes in the practice of public administrations could be made use of. The networks have thus at the same time turned out to be engines for change in policy while offering a protective space for people. This network function of the Development Partnerships proved to be a crucial element in assuring quality and sustainability of models and methods as well as helping create a greater latitude for action.

Recommendation

- ▶ As a successfully tested form of cooperation, networks should be adopted in future programmes focusing on the labour market.



Photo: West German Association of Chambers of Crafts, Rolf Göbels

Creative strategies were tested.

Thematic Field ①

Elimination of Access Barriers to the Labour Market

“We will not be able to solve our problems if we say out of fear for our own unemployment that we are withdrawing into fortress Germany, closing off our borders and asserting that immigration is wrong. I think that we need immigration. We need it not only for demographic reasons, but also because we are an industrialised nation which needs a certain controlled immigration. ... There are many young people here who want to work hard, who want to become established in Germany and be part of society through the normal paths of learning, training and participation. If employers communicate this message to their respective representatives in the policy arena, at some point this view will gain sway and we will all win in the end.”

Rolf Steil

CEO of Hamburg Employment Agency, statement issued at the conference: “Campaign for the Training and Employment of Refugees – Cooperation with the Business Community”, Hamburg, February 2007.

Problems

As was described in chapter two, asylum seekers and “tolerated” persons face legal obstacles impeding access to the labour market and training – obstacles which in many cases prove to be insurmountable.

On top of this, there are structural deficits in information at various levels: company managements and staffs, in particular at small and medium-scale enterprises, are often only insufficiently prepared for the integration of asylum seekers and tolerated persons. This also goes for statutory institutions such as the Employment Agencies, employers and institutions funding education. The fact that statutory institutions are characterised by information deficits and a lack of openness has been common knowledge for years. On the other hand, asylum seekers and tolerated persons are only in-

sufficiently informed about opportunities for them in the labour market. Almost no help is provided in dealing with the complicated procedures they have to go through.

The said impediments to access to education and the labour market have also turned out to be short-sighted with respect to the design of the EQUAL programme, under which priority is assigned to support for these people to return to their countries of origin. But access to the German labour market is a crucial precondition for people to



Photo: Ullstein Bild

be able to obtain qualifications if they are to have occupational opportunities when they return to their countries of origin as well. Vocational qualifications can help make sure that returnees do not go back to their countries of origin “empty-handed”. Access to training and employment can contribute to people who will probably not be able to obtain a residence visa in Germany being better able to return to their home countries.

The approach towards dealing with victims of trafficking continues to be marked by a criminal law perspective and fails to adequately take into account the human rights perspective. The absence of secure, long-term prospects makes vocational training difficult, as this training is constrained by these people’s limited rights in Germany instead of being based on their individual

Access to the labour market is the precondition for integration in Germany or reintegration in the country of origin.

needs. The effectiveness of vocational qualifications is thus inevitably limited. Activities such as occupational training, practical internships or programmes aimed at stabilising persons can only be made available to a limited group of persons – namely those persons who are willing to act as witnesses in criminal procedures.

labour market such as the Employment Agency was at the same time able to help people receive positions in the first labour market. This constituted a success for labour market policy in the area in which barriers are at their highest.

Good practice: *In Hamburg access to the dual training system was opened to tolerated persons by making additional training positions available at business enterprises. The priority review can be waived when such additional training positions are made available.*

In Berlin strategic cooperation with business enterprises owned by the Land of Berlin helped acquire training positions for asylum seekers and tolerated persons, particularly in the field of nursing.

In Bavaria cooperation with the Department for Labour Matters in the Munich Social Department made it possible to place asylum seekers and “tolerated” persons in various types of positions at implementing institutions of non-statutory welfare organisations (offices, canteens, etc.). The pool of positions is being expanded on an ongoing basis.

Pioneering projects have developed new fields of business to meet needs for more open intercultural exchange. Innovative training measures have been devised which in particular focus on the potential offered by asylum seekers and tolerated persons.

Good practice: *In North Rhine-Westphalia and Lower Saxony a training programme has been developed for Mediators of language and culture, and the first persons completing the programme have been successfully integrated into the labour market. The aim is to achieve recognition of the occupational profile and establish this occupation in statutory facilities by securing appropriate funding models. In Bavaria, basic training as craftsmen has been offered in cooperation with the Crafts Chamber as an initial step towards the occupational profile of “Facility Management”.*

In all Development Partnerships it has proven effective to support employers by facilitating preliminary bureaucratic work in



Photo: Education and Employment International

The business community is increasingly discovering the potential of asylum seekers and tolerated persons.

Alternative Solutions

In spite of the difficult situation at the outset, the Development Partnerships succeeded in helping numerous asylum seekers and tolerated persons undergo training or take up an occupation. In addition to successful intervention in individual cases, it was also possible to sometimes bring about a change in administrative practice.

Good practice: *A process has been established in consultation with the Employment Agency and the Hamburg Immigration Authority to expedite the process of issuing work permits and to guarantee that project participants receive a secure residence status while they are undergoing training.*

It should be emphasised that it was possible to mobilise a large number of business enterprises to help education and employ asylum seekers and tolerated persons. Strategic interaction with additional actors in the

hiring asylum seekers and tolerated persons. The placement of these people in practical internships in business enterprises in the first labour market is an integral part of the project work.

An operative network of EQUAL projects and additional special counselling offices have been established through cross-border cooperation both in the countries of origin as well in the target countries of the persons affected in the Thematic Area of Victims of Trafficking.

Good practice: *The Development Partnership MORE has set up a contact position database in the thematic field of victims of trafficking. This serves the purpose of finding reliable partners for the continued support of victims of trafficking in their countries of origin in the event of their return. In addition to research on addresses and offers of support, the partners in the cooperative projects have also compared their respective experience with one another.*

Recommendations

Elimination of existing legal barriers

- ▶ The regulation under which tolerated persons are excluded from access to employment if measures terminating their residence cannot be carried out for reasons for which they are responsible (§ 11 of the Employment Procedure Regulation (BeschVerV) should be eliminated or at least only applied in exceptional cases.
- ▶ The area where the hardship arrangement is applied under § 7 of the Employment Procedure Regulation should no longer be limited through administrative regulations which allow scarcely any discretionary latitude for recognition in individual cases. Persons potentially affected should be officially notified about possible cases where hardship arrangements could apply.
- ▶ The priority review should be eliminated. In those cases where it cannot be dispensed with, a maximum period of four weeks for the length of the review should be required. By the same token, consent to begin work should generally be deemed to have been issued if the Employment Agency does not

issue any notification of the results of a priority review and review of working conditions during this period.

- ▶ Asylum seekers and tolerated persons should generally be allowed to perform practical internships
- ▶ The geographical restrictions associated with residence (the so-called residency obligation) should be repealed to improve access to the labour market.
- ▶ The prohibition against free-lance work should be repealed for asylum seekers and tolerated persons.

Take full advantage of statutory latitude

- ▶ The Second Amending Act to the Immigration Act stipulates in the revised § 10 of the Employment Procedure Act that the priority review and review of working conditions is generally to be waived after an allowed, tolerated or granted stay of four years. An effort should be made to make sure this provision is actually applied in the field of practice.
- ▶ The new right of residence (Bleiberecht) arrangements set out in § 104a of the Residence Act (AufenthG) should be applied by the public administration in such a manner as to open access to employment as much as possible for tolerated persons. In particular, family members of individuals who have committed offences should not be completely stripped of rights of residence.
- ▶ Formerly tolerated persons are to receive access to the support measures set out in Social Code II through the issue of a residence permit within the framework of the right of residence arrangements in the version planned for § 104a of the Residence Act. Both these individuals as well as employers and business enterprises should be notified of this new arrangement.

Ensure access to the labour market

- ▶ Secure residency should be ensured for the period of qualification, training and further training measures as well as attendance of upper-level secondary schools.

- ▶ Adolescent asylum seekers and tolerated persons who have attended school in Germany should generally be allowed the possibility of attending continuing education programmes allowing them to eventually study at a university, to begin a vocational training programme or start studying at a university. General programmes should be opened up to graduates of secondary schools. This should also include funding of training programmes.
- ▶ In those cases in which tolerated persons do not have any claim to support to defray their costs of living at the beginning of a training programme or when attending an upper-level secondary school, financial support should be provided by applying the respective hardship case clause or another measures.
- ▶ Victims of trafficking should be provided opportunities to better their future prospects regardless of their willingness to provide testimony in criminal procedures. These prospects should include access to the labour market and qualification, training and further education measures.

Thematic Field ②

Education and Qualification Strategies Oriented Towards Living Situations

“Refugees are of interest to us because they have very interesting biographies, while many of them are highly motivated and more energetic in pursuing their goals than German applicants. They already decided when they were younger to go their own way. Some of them have done it all on their own, integrating into German society and learning German here. These are all qualities and qualifications which attract our interest and contribute to the environment we want to have at the airport.”

Birgit Schwedler

Head of training at Handelshaus Gebrüder Heinemann (operator of airport shops), strategic partner of the Development Partnership FLUCHTort Hamburg (FLIGHTsite Hamburg), Deutschlandfunk, August 2006.

Problems

While recent international studies have pointed to deficits afflicting Germany in secondary school and the vocational promotion of people with migration backgrounds,³³ the discussion has largely ignored the special situation of asylum seekers and tolerated persons to date. Underlying legal conditions, but also the lack of permeability in the educational system, are blocking access to asylum seekers and tolerated persons in particular. At the same time, intercultural concepts and strategies are woefully lacking among traditional educational institutions. Although there is a consensus that the acquisition of language skills is a precondition for vocational integration, there are scarcely any specific programmes for target groups promoting the acquisition of occupation-related language skills. Integration courses – if they are available to asylum seekers and tolerated persons in the first place – can only compensate for these defects in part. On top of this, there are difficulties due to the

fact that secondary school degrees or vocational training in the countries of origin are not given adequate recognition.

As a result of their insecure legal residence status, asylum seekers and tolerated persons are confronted with the possibility of forced or voluntary return to their country of origin. Existing programmes sponsored by the Federal and *Länder* governments are scarcely suited, however, to helping people economically fend for themselves when they return to the country of origin. Moreover, there is a lack of concepts which attempt to link vocational qualification moving up to the highest possible level with measures aimed at ensuring health and in particular psychological stabilisation. There are no adequate models for training and vocational training and further education measures which keep open the “double option” in the promotion of returnees, which is to say the goal of possible reintegration in the country of origin along with the option of integration in the host country.

Solutions

Contrary to widespread biases, projects in the Thematic Field of Asylum have demonstrated that asylum seekers and tolerated persons can successfully complete qualification and training measures. Many young people have successfully entered into secondary school or the dual training system. Possibilities in the area of continuing education and qualification outside the “classic” education and training system have in particular been opened up to adults.

Good practice: *In Bavaria, adolescents, in particular refugees under 16 without any family, were successfully prepared for a lower-level or middle-level secondary school degree outside the formal school system through instruction similar to that offered in schools. In the Saarland young people who were lodged in centres run by the Saarland government received support through targeted school-attendance measures and underwent preparation to acquire secondary school degrees. In addition to funding programmes aimed at supporting instruction and social-education support, the assist-*

ance strategy also included cooperation with parents and schools.

At the same time, support concepts oriented towards people’s living conditions have proven their effectiveness in the work of the Development Partnerships as measures supplementing pure qualification and training measures. These include, for example, socio-educational support, tutorage, language courses, financial support (e.g. to defray travel expenses, tools and work resources), medical care and an improvement in living conditions.



Photo: Ulstein Bild

Profiling models which have been tested by the Development Partnerships can be used to develop strategies oriented towards living situations. Successful profiling involves not only measuring competencies. It also at the same time offers counselling and support for asylum seekers and tolerated persons during qualification and training measures. Thus career planning can be tailored to individual needs while measures accompanying training can be form-fitted to the needs of the participants. This also applies to programmes for young people who want to optimise the transition from secondary school to vocational training. Non-linear educational paths so typical of refugees (they often have interrupted “careers” as a result of the biographical disruptions they often experience) can also be taken into account in this manner.

Concepts oriented towards living situations have proven effective.

Good practice: *Counselling and coaching systems have been developed in most Development Partnerships in which the continuing education programmes and practical internships are supplemented with psychosocial assistance, social counselling and special counselling for returnees. These programmes were supported by voluntary mentors in Berlin, Brandenburg and Bavaria.*

The “competence balance sheet” tool, which was successfully tested in Bavaria, was adopted in the newly established urban association project “MBQ” (Munich Job and Qualification Programme), which provided training and career counselling for migrants – including asylum seekers and tolerated persons.

tents of the so-called qualification modules are being revised in a similar manner by the crafts chambers and chambers of commerce in Thuringia. In Bavaria teaching material has been developed for basic crafts training on CD-Rom (pictures, animated films) in language-focused preparatory courses.

In Bavaria the project participants were placed in language-learning programmes specially designed for certain occupations funded by the city of Munich. The possibility for tolerated persons to take part in existing occupational language training courses in German is to be expanded to people drawing unemployment benefits II in the future as well.

In the area of vocational qualification, programmes have proven particularly effective when conceived as modules and tuned to various areas of the labour market. Modular systems which link a language module with training for specific occupations have proven successful in preparatory training programmes.

Good practice: *Modular training courses and the possibility to receive a recognised certificate for the successful completion of courses is at the heart of activities staged by several Development Partnerships. Programmes for specific occupations have been supplemented by courses conveying key qualifications. These include in particular language and data-processing courses, training in intercultural communication, learning techniques and practical internships at companies.*

Asylum seekers and tolerated persons in North Rhine-Westphalia undergoing training in the nursing field have at the same time acquired the driver’s license especially needed to work in nursing professions.

Modularisation has also made it possible to tailor qualification measures to areas of the labour market which offer vocational opportunities for the participants both in Germany and in other countries. The relevant training content, language promotion and additional qualifications, which were individually certified, have been conveyed in the individual modules.



Photo: FLU & HTort Hamburg – Hamburg as as Safe Haven

Multilingual skills promote communication on the job.

Support tuned to people’s living situations still includes making sure that no insurmountable language barriers stand in the way of target groups successfully completing qualification and training measures. Problems like these can be confronted by means of education and vocational language support. In addition, in some cases it has been possible for training programmes and examination requirements to be better geared to the initial language abilities of the target groups.

Good practice: *In Schleswig-Holstein the examinations concept of the so-called international computer driver’s license was adjusted to conform to the needs of participants in foreign-language courses. The con-*

Good practice: In Hamburg participants successfully obtained various qualifications through modular training in the construction field all the way to the achievement of vocational degrees. Construction and job opportunities in other countries were described in an integrated module in order to show tolerated persons vocational possibilities and make young people aware of job opportunities in other countries. This module was adopted as an additional component in the training curriculum for Hamburg vocational schools.

In Bavaria a programme in the area of facility management was tailored to meet the needs of target groups, preparing them for training by the local crafts chambers with different basic craft training modules.

Recommendations

Secure the right to education, put strategies into effect

- ▶ The development of strategies and concepts geared to living situations, like those which have been successfully implemented by the Development Partnerships, are to be commenced with in regular funded programmes offered by secondary schools and vocational schools. Supplementary programmes should be provided during vocational and continued training. These comprise support qualification (literacy, tutoring, learning techniques and language courses) as well as social-educational and medical assistance and, if need be, an improvement in living situations and financial support.
- ▶ Strategies for acquiring a second language are to be expanded to include technical languages for certain vocations as well as communications on the job.
- ▶ An educational achievements transcript system with blanket coverage should be created in order to document qualifications attained in the course of migration. Here degrees are also to be taken into account for which there is no longer any documentation available as a result of people having had to flee their home countries. In addition, a system of this nature should survey additional skills bearing relevance to the labour market (for example, multilingual training).
- ▶ Education and training for the purpose of “adaptation” should be included in the regular programmes offered by the training system in order to make possible a translation of foreign secondary school and vocational degrees into German degrees.

Recognising the complexity of migration

- ▶ Methods which are based on the “double option” of integration in the host country and reintegration in the country of origin should be further developed so that vocational qualifications may be used in Germany as well as the host country or in other countries people migrate on to. Training and qualification should be supplemented early on by counselling programmes in which individual prospects and opportunities are discussed following the training/qualification.
- ▶ Measures helping people return to their home countries should be linked with funded programmes in the host country. A model is available for this in the guise of “case chain management”, for instance.³⁴ This needs to be applied and further expanded upon in future programmes aimed at helping returnees.

Thematic Field ③

Interaction Between Access to the Labour Market and Health Care

“The central diagnostic and therapeutic tools available in the field of psychiatry are language and empathetic understanding in conjunction with a subtle knowledge of the socio-cultural background of the patients. Particularly in work with traumatised refugees, a need arose for communication of information in language terms and, beyond this, to precisely understand the matrix of patients’ cultural values, to accept these and include these in the therapy.”

Dr. Hans-Heinrich Enders-Comberg

Senior physician in the Clinical Area of Psychiatry 4, Evangelische Stiftung Tannenhof, presentation at the “European Policy Forum on Asylum”, Malmoe, May 2007.

Problems

Medical care for asylum seekers and tolerated persons is subject to considerable restrictions as a result of the Act on Benefits for Asylum Seekers (Asylbewerberleistungsgesetz), as the law only allows the benefits they need to be granted in the case of “acute” illnesses and pain (§ 4 of the Act

on Benefits for Asylum Seekers) This means that the costs of treatment for “chronic” illnesses cannot be assumed even though it is not always apparent where to draw the line between acute and chronic illnesses.

Various studies have demonstrated that a considerable number of persons seeking asylum in Germany have been traumatised. Because they often are unable to speak about their experiences during the asylum procedure, trauma often goes unrecognised.³⁵ Psychosocial treatment which addresses the needs of refugees is only offered in a few specialised treatment centres, while regular care facilities – not only in the area of psychotherapy – frequently lack knowledge of the cultural background of the patients and staff trained in the required language and cultural skills.

The extraordinary burden imposed on asylum seekers and tolerated persons by virtue of their living conditions, which result especially from laws and regulations, also means that existing illnesses often get worse, or a successful therapy is prevented. At the same time, the requirement that these people live in common housing over long periods of time constitutes a considerable strain on traumatised people.

The possibility to take part in society through education and training is a crucial element in successful therapies especially for traumatised persons. This gives them the opportunity to develop and expand skills and thus to avoid the danger that their environment as well as they themselves develop a “patient mentality”.

In this context it should be emphasised that the hardship case arrangements set out in the Employment Procedure Regulation generally allows access to the labour market to be eased for persons who have been traumatised. This possibility is not always applied by the public administration in actual practice, however.

Solutions

Health problems have proven to be a significant barrier to access on the part of the asylum seekers and tolerated persons to education and employment in the work of the



Health is the key to one's access to the job market.

EQUAL projects. As a result of this experience, various strategies have been tested in order to offer reasonable health care and thus restore the employability of asylum seekers and tolerated persons. Work at a job and the participation in society associated with this in and of itself already contributes to an improvement in the health situation of the people involved. Employment in a position which provides social security and health care furthermore opens up access to the regular programmes offered by the health care service and thus appropriate therapy treatment.

In addition to vocational qualification programmes, successful approaches to improving the situation in the health sector have been developed through the work of the network. In particular, measures in which specialised medical staff have been sensitised to the special situation of migrants through targeted continuing education measures have made a contribution to ensuring that effective therapy programmes are available.

Good practice: *Courses promoting the awareness of different cultural backgrounds (diversity training) have been offered in North Rhine-Westphalia in cooperation with hospitals and occupational associations. The courses have been recognised as providing qualifications through continuing education by physicians' and psychotherapists' chambers.*

In addition, various training and qualification programmes specially designed for asylum seekers and tolerated persons have contributed to intercultural opening of programmes in the health sector.

Good practice: *Vocational training measures for Mediators of language and culture in the health sector and for "nurse's assistant with intercultural orientation" have been established in North Rhine-Westphalia.*

Another approach involved the establishment of a network throughout North Rhine-Westphalia to improve the health care of traumatised persons.

Good practice: *The physicians' and psychotherapists' chambers, the Refugees'*

Council (Flüchtlingsrat) and specialised staff are among the actors cooperating in the Lower Saxony Network for Traumatised Persons. These organisations refer people who place enquiries with them to psychotherapeutic care, qualified interpreters and specialised lawyers.



Photo: Land Ahoy!

Diversity is an important topic in the field of health care.

Recommendations

Recognising groups with special needs for protection

- ▶ The Reception Directive does not contain any restrictions on medical care for acute illnesses or pain. According to the Directive, asylum seekers with special needs, in particular victims of violence and torture, are to be provided medical and other help. These provisions in the Directive are not included in the Second Amending Act to the Immigration Act and need to be implemented quickly in German law. At the same time, people in need of special protection whose residence is tolerated and thus do not fall within the scope of the Directive should also be afforded consideration.
- ▶ The early recognition and treatment of trauma should be provided *inter alia* by holding discussions with specialists even before hearings in asylum procedures. These can help refer traumatised persons to special contact offices.

Promotion of health care and employment: two sides of the same coin

► For traumatised persons in particular, a secure residence constitutes a basic precondition for successful therapy, as the prospect of expulsion itself can lead to an additional trauma. The hardship case arrangements laid down in the Employment Procedure Regulation, which eases access to the labour market especially for traumatised persons, should be applied in a uniform manner throughout Germany. It should be ensured that the people affected and specialists are in-

formed about various possibilities available under hardship arrangements.

- Health problems should be taken into account with respect to access to education and employment. Breaks and interruptions in therapy during training or a temporary loss of job for health reasons must not jeopardise peoples' residence.
- More language and cultural translation services should be established in the health care sector. This requires that vocational profiles receive recognition.
- The usual requirement that asylum seekers and tolerated persons live in common housing quarters should be abolished (deletion of § 53, section 1 of the Asylum Procedure Act, and § 61 of the Residency Act, respectively). An obligation of this type should be limited to a period of up to three months after the application for asylum is filed, while asylum seekers should be required to live in a central facility during the asylum procedure (§ 47 of the Asylum Procedure Act).
- Existing networks which work for an improvement in intercultural communication in the health-care sector as well as reasonable treatment of traumatised persons should continue to be funded and expanded.



Young asylum seekers and tolerated persons receive access to training in the crafts.

Thematic Field ④

Promotion of a Differentiated Perception of the Target Group

“The psychosocial situation of refugee families and their children has been common knowledge for decades but this situation has nevertheless remained adverse for years. We know much less about the cultural capital which these people possess, their competencies and resources and possibilities of transfer in the respective context (Germany or the country of origin). Research studies have only scratched the surface to date.”

Prof. Dr. Manuela Westphal

Institute for Research on Migration and Intercultural Studies (IMIS), University of Osnabrück, presentation at the SAGA Start-Up Conference, Osnabrück, March 2006.

Problems

The reality of asylum seekers and “tolerated” persons is multifarious and heterogeneous. Depending upon their residence status, age, family status and gender, they perceive their situation in Germany in different ways. On the one hand the majority of the population in Germany is alarmingly ignorant about the competencies and qualifications possessed by refugees. All too often these people are viewed as administrative problems and labelled as such. Refugees have a history. They led another life before they fled from their home country, a life in which they possessed various qualifications and acquired skills in a wide range of fields and worked in various occupations.

In working with government authorities, employers and additional societal actors, the Development Partnerships have gathered a wealth of experience on how to overcome prejudice and to harness the life-knowledge and experience of asylum seekers and tolerated persons. Refugees who as a result of their precarious residence status live at the margins of society often lack the knowledge they need to demand participation in society so that they can contribute their abilities

and skills. Measures are needed to counteract prejudice and bias, particularly when it is insinuated that asylum seekers and tolerated persons are not suited for the German training and labour market due to insufficient education, language problems or lack of motivation.



Photo: SAGA

Many concepts which seek to eliminate discrimination fail to sufficiently take into account the various dimensions of exclusion: the specific residence-related problems of asylum seekers and tolerated persons also include discriminating factors in the areas of gender, cultural origin, disability, illness and age. The multiple problems which refugees are exposed to are usually viewed in an isolated manner in the public discussion, however. Only an integrated perspective on the different forms of discrimination allows a realistic perception of the living situation of refugees.

Anti-discrimination on the job site requires trained multipliers.

Solutions

The Development Partnerships have developed special targeted possibilities to foster an awareness of the realities of everyday life faced by asylum seekers and tolerated persons in a series of training programmes for multipliers. The target group was viewed to first of all consist of persons who work in the area of counselling and assistance

for refugees, but also staff from the areas of public administration, business and the trade unions.



Photo: LD-Archiv

EQUAL promotes participation in society.

Good practice: Training of multipliers was one of the focal points of several Development Partnerships' activities. Topics such as diversity and intercultural communication were addressed as was dealing with trauma, the situation in the countries of origin and life in exile. The training programmes were able to reach a broad spectrum of target groups. In North Rhine-Westphalia such training programmes were included in the training and retraining programmes of welfare associations, business enterprises in the health sector and physicians' chambers. In Thuringia elements of the training programmes developed in the Development Partnerships were integrated in measures for trainers by the crafts chamber. Multilingual aid to ease access to the labour market was developed and disseminated by several Development Partnerships.

Part of a realistic assessment of specific labour market opportunities and possibilities of asylum seekers and tolerated persons involves empowerment, which in the EQUAL programme stands for the involvement of the target groups in the process of planning and designing measures. The first step towards empowerment is always taken where poten-

tial is recognised and promoted and where the self-confidence and self-esteem of the participants are fostered. Non-governmental organisations play an important role in all this, including with respect to organisations created by migrants themselves.

Good practice: Empowerment has been particularly successful wherever participants were actively involved in training measures or other projects. Thus a washing salon was opened in Hamburg, for instance, with whose structures the participants were involved from the very outset and which is autonomously operated by them. In Schleswig-Holstein asylum seekers and tolerated persons worked on the creation of an interactive homepage where questions relating to access to the labour market can be discussed. In some training programmes of Development Partnerships in Berlin and North Rhine-Westphalia asylum seekers and tolerated persons act both as learners and teachers.

Finally, one important precondition to attain a better understanding of the life realities of asylum seekers and tolerated persons – and thus their vocational integration – is the systematic collection of information on their social situation and the situation of the target groups in the educational and labour market. The preliminary work which has already been performed by the Development Partnerships should at the same time be documented and expanded.

Good practice: In Lower Saxony, the world of asylum seekers and tolerated persons has been systematically documented in cooperation with the University of Osnabrück. A regional analysis on the health situation was carried out taking into account the housing situation and accompanied by seminars on the topic at the university.

In the Saarland, the "White Book on Refugees and Asylum Seekers" has for the first time provided a systematic documentation of the living situation of asylum seekers and tolerated persons in the region.

Recommendations

Further develop quality standards in consulting, education and qualification

- ▶ Multipliers from the spheres of policy-making, administration, business associations, schools and trade unions should become more involved in educational programmes on the living situation of asylum seekers and tolerated persons.
- ▶ Topics such as intercultural communication and diversity should become an integral part of the training and further education of staff working in the public administration, social workers and trainers.
- ▶ It should be ensured that the approaches developed in the Development Partnerships are adopted and disseminated by associations and research institutes after EQUAL ends.

Strengthening the participation of asylum seekers and tolerated persons

- ▶ In developing strategies to eliminate discrimination, multiple types of discrimination need to be taken into account along the lines of the diversity approach. Asylum seekers and tolerated persons should be integrated into such programmes.
- ▶ Empowerment in the sense of active participation by asylum seekers and tolerated persons in the planning and design of projects should be made possible by the provision of supportive programmes (German courses with a technical emphasis, acquisition of business administration knowledge).
- ▶ Asylum seekers and tolerated persons should be enabled to autonomously estab-

lish contacts with educational and training institutions, e.g. by assuming expenses in connection with applications and travel expenses.

- ▶ Self-help and lobby organisations which work for asylum seekers and tolerated persons should be included in funding programmes.



Photo: Land Ahoy!

International cuisine is sought after.

Documenting living worlds and encouraging research

- ▶ "Refugee reports", which is to say surveys on the social situation as well as job and training careers in the target groups, should be made standard in local communities and the *Länder*. To this end the material on life circumstances and biographies of asylum seekers and tolerated persons which are compiled by Development Partnerships should be systematically documented and expanded.

“We even believe that we are serving our country when we have to expel families of foreign nationals who have long become integrated in Germany after a certain period of time for legal reasons – because for example the “toleration period” is expiring. Who has an interest in expulsion? People are cast into perilous situations, while employers are totally consternated because a hard-working, highly-skilled or well-trained foreigner is suddenly forced to leave their company. Friends and colleagues simply cannot believe it is happening. If it is laws and regulations which stand in the way of reasonable solutions to such matters – and of course laws and regulations are reflected in certain court decisions – then it is our obligation to change these laws and to adapt to circumstances accordingly.”

Dr. Christian Schwarz-Schilling

High Representative of the United Nations in Bosnia-Herzegovina 2006-07, welcoming address at the SAGA start-up conference, Osnabrück, March 2006.



Photo: West German Association of Chambers of Crafts, Rolf Göbels

A successful entry into the labour market ...

It was emphasised above as well as in several places in the presentation of the results and recommendations that conditions have come about which require a fundamental reorientation of educational and labour market policy for asylum seekers and tolerated persons. Based on the results of the Community Initiative EQUAL in the Thematic Field of Asylum, the question arises as to what extent the recommendations made by the National Thematic Network on Asylum can be implemented in future national and European programmes. Particularly the initiatives described in the following offer an approach to doing this:

National Integration Plan

The Federal Government, the *Länder* and local governments as well as non-governmental institutions and organisa-

tions assume the obligation in the National Integration Plan to “do their utmost to integrate people with a migration background in education, training and the labour market” and to act to ensure that children and adolescents are not blocked from educational opportunities as a result of legal residence status. Looking at Thematic Field 3 (Ensuring a Good Education and Training, Improving Opportunities in the Labour Market) from a global perspective, it would appear that no distinctions are made here as regards the residence status of persons with a migration background.³⁶ These recommendations can thus also be applied to asylum seekers without restriction. At the same time, implementation of the National Integration Plan should last but not least take place by linking up with the European Social Fund for the next funding period.

Second Amending Act to the Immigration Act

Arrangements with respect to residence rights

Statutory arrangements involving residence rights can make a significant contri-

bution to recognising and encouraging employability of asylum seekers and tolerated persons. The new provisions will probably not help all asylum seekers and tolerated persons living here to obtain a secure residence, however. Experience gained in Development Partnerships for this reason remains relevant for many of these persons.

Changes in the Employment Procedure Regulation (Beschäftigungsverfahrensverordnung)

Under the amended § 10 of the Employment Procedure Regulation, the so-called priority review is generally to be waived for tolerated persons if they have been allowed, tolerated or had the status of asylum seekers in Germany for four uninterrupted years. § 11 of the Employment Procedure Regulation remains unaffected by the amendment, however, if the Immigration Authority holds that such persons cannot be expelled for reasons for which they are responsible.

Implementation of the EU Directive on the Protection of Victims

The Second Amending Act to the Residence Act adopts elements of the EU Directive on the Protection of Victims³⁷, but does not implement the entire Directive. Thus, for example, the issue of a residence permit for victims of trafficking who agree to act as witnesses is left up to the discretionary latitude of the respective government authority. For the people affected, it is important, however, to know for sure whether they will be issued a regular residence permit if they are willing to cooperate with law-enforcement officials. Otherwise they will not have any incentive to cooperate and the whole point of the Directive on the Protection of Victims will be missed. The possibility of conferring a secure residence status is still not provided by law regardless of the willingness of victims to cooperate.

The Asylum Seekers Benefits Act (Asylbewerberleistungsgesetz) does not contain any regulations regarding the special needs of victims of trafficking, which means for example that a psycho-therapeutic treatment for traumatised persons is not assured. The Asylum Seekers Benefits Act merely guaran-

tees emergency care – even though special medical needs, including psychological aid, are supposed to be taken into account according to the Directive on the Protection of Victims.

Lodging in common housing centres of the German *Länder* continues to be possible following the amendment of the act in spite of the danger posed to, and the traumatised state of, some victims. This type of accommodation in many cases also prevents offers of help and thus intensive counselling over vocational qualification and training measures from reaching victims of trafficking.

Moreover, the persons affected by trafficking who receive a residence right under § 25, section 4a of the Residence Act must be clearly identified as victims, as this article expressly refers to the fact that trafficking constitutes a crime. The social stigmatisation which goes hand in hand with this can prevent qualification programmes from being successful. Participation in regular programmes may make sense in individual cases in order to support the social participation of such persons. At the same time, however, the precariousness of the individual situation and personal constitution also have to be taken into account.

Other changes

The Second Amending Act to the Immigration Act is supposed to implement European directives in the areas of asylum and migration in German law. Although the standards specified in the area of training and vocational opportunities will not lead to any fundamental changes in practice in Germany, sporadic possibilities may arise to improve the living and working conditions of the target groups. Here it should in particular be noted that not all requirements in the European directives will be transposed completely into German law as a result of the Second Amending Act.

In particular, the claim to medical care on the part of people in need of protection specified in the Reception Directive³⁸ (Art. 17-20 RL conditions governing residence) has only been transposed into German law insufficiently: The Directive on Conditions Governing Residence provides for signifi-

cantly improved medical and psycho-therapeutic care for groups of asylum seekers particularly in need of protection compared to the Asylum Seekers Benefits Act.³⁹ Under the Directive, victims of torture and violence have a claim to care, for instance, here going further than the discretionary arrangements set out in § 4 and § 6 of the Asylum Seekers Benefits Act. In addition, no distinction is made in the Directive between acute and chronic illnesses with respect to the claim to medical care. These improvements for asylum seekers and tolerated persons are not transposed into German law by the Amending Act to the Immigration Act. Although the Directive only provides improvements for asylum seekers as a result of its thematic requirement, when the Asylum Seekers Benefits Act is revised tolerated persons who are part of the group of people requiring special protection should also be provided with a claim to such care as well.

An additional goal of the Development Partnerships, on the other hand, will be achieved through the transposition of the Directive on Conditions for Residence: the new § 47, section 4 of the Asylum Procedure Act, which transposes Article 5 of the Directive, will require that asylum seekers be informed about their rights and obligations under the Asylum Seekers Benefits Act in a language which is understandable to them, if possible in writing, within 15 days after applying for asylum. This includes information on legal counsel and counselling offices which can provide asylum seekers information on medical care and the housing situation.

The future of the European Social Fund (ESF)

In the new ESF funding period 2007 to 2013 there will no longer be Community initiatives or, hence, the EQUAL programme. In the new ESF programme, rather, it is only possible to take the special needs of asylum seekers and tolerated persons into account in the design of the Operational Programme at the national level. The member states are encouraged to do this in the regulation, which expressly cites the findings generated by the Community Initiative EQUAL and the

target groups for the thematic field asylum.⁴⁰ Nevertheless there is a danger that the results which are achieved will not be used in a consistent manner and successful regional network structures will not be continued. For this reason the maintenance and expansion of networks should be given attention in the implementation of the operational programme and in the respective programmes of the different states as were tested in the form of the Development Partnerships.



Photo: FLUCHTort Hamburg – Hamburg as a Safe Haven

... must be spread to encompass the entire spectrum of labour opportunities.

The Federal Ministry of Labour and Social Affairs will furthermore be implementing a special programme to support the vocational integration of tolerated persons within the framework of the next ESF funding period from 2008 to 2013. At the same time, this programme is to link up to experience gained in the EQUAL projects in the Thematic Field of Asylum.⁴¹

The EU Programme on “Solidarity and Management of Migration Flows”

There will continue to be points of tangency with the EQUAL programmes in the thematic area of asylum in the European programme “Solidarity and Management of Migration Flows” planned for the period 2007 to 2013.⁴² In addition to the third phase of the European Refugee Fund, funding

programmes encouraging the integration of nationals of third countries as well as a European Returnee Fund are to be set up within this framework. As a result of experience gained in the Development Partnerships, it must be urgently recommended that the “double option” of vocational qualification in the latter-mentioned thematic field – which means prospects for integration into the German labour market – also be taken into account. It should continue to be attempted to link tools promoting the return of these people with funding programmes in the countries of origin in order to guarantee their sustainability.

Malmö in May 2007. As a result of the differences in transpositions of the Directive on the Conditions Governing Residence, it was urged that the results of EQUAL be integrated in the programmes in the future ESF funding period in the EU member countries.

In connection with the second phase in the introduction of a uniform asylum system in the EU, the Commission assumes that harmonisation in the integration of refugees and asylum seekers in the labour market will proceed apace. To move developments forward in this area, the Commission submitted a Green Book on the future Common European Asylum System (CEAS) on 6 June 2007⁴³ which *inter alia* notes that considerable differences continue to exist in access to the labour market for asylum seekers. The Green Book was accompanied by a proposal from the Commission bearing the same date⁴⁴ which would place refugees and persons enjoying subsidiary protection under the same scope of the so-called “Permanent Residence Directive”⁴⁵.



Photo: Land Ahoy!

Labour politics for asylum seekers in Europe must be expanded.

Prospects in the European discussion

The implementation of the Reception Directive in the member countries, in particular with respect to the aspects of qualification, training and access to the labour market, were at the focus of a discussion which took place upon the occasion of the “European Policy Forum on Asylum” in

Conclusion: A beginning has been made

The national and European initiatives described herein thus offer several possibilities to implement the recommendations made in this Memorandum. The basic exclusion of asylum seekers and tolerated persons from the labour market is no longer in tune with the times and should be changed to allow these target groups access to existing employment opportunities. To close, the fact that asylum seekers and tolerated persons can be successfully integrated in the labour market is aptly summed up by a statement made by a Hamburg businessperson who was a strategic partner in the work of the EQUAL Development Partnership:

“We have noticed that young migrants and refugees are highly motivated and often show more commitment than ‘normal’ German trainees. These people often have ‘dormant’ qualities only waiting to be awakened from their slumber. However – and this is particularly important here – for a profitable business enterprise the size of ours it is of tremendous importance to receive the right support. Examples which can be cited here include: promotion of language skills if German skills are not sufficient. ... More extensive assistance for beginners in a profession above and beyond the normal company scale is very desirable. Here a more general type of multi-disciplinary assistance at the municipal level or for certain city districts would be very helpful. Oftentimes migrants and refugees face additional

problems and obstacles in everyday life in addition to training (at a company and in school) and the need to perfect their German. These include, among other things, time-consuming ordeals with the public administration. In the course of the general globalisation and liberalisation of the world markets, I see a societal mission for the business community to lie herein. To be able to help refugees and migrants in a sustained manner and thus facilitate the integration of fellow citizens of foreign origin, this topic needs to be placed higher up on the agenda and awareness raised to a much higher level.“

Götz Diederichs

Hotel Director of the Junges Hotel in Hamburg, speech delivered at the “European Policy Forum on Asylum”, Malmoe, May 2007.

Endnotes

- 1 The status of "toleration" (*Duldung*) is granted to asylum seekers whose application has been rejected if for humanitarian reasons it is unreasonable to deport them (Section 53 AuslG). "Toleration" is not a right of residence, but simply a limited suspension of the deportation of a foreigner.
- 2 In the EQUAL programme, "Development Partnerships" designate the networks which coordinate the work of the sub-projects while at the same time devising measures to eliminate discrimination in the labour market working together with various actors involved in labour market policy – from non-governmental organisations to educational facilities, business enterprises and associations, business chambers and trade unions all the way to government ministries and authorities. The EQUAL programme's "thematic area of asylum seekers" includes the group of "tolerated" persons and victims of trafficking.
- 3 The Federal Employment Agency (*Bundesagentur für Arbeit*) decides within the framework of a review of the labour market whether the employment of the applicant would have "a negative effect on the labour market" (§ 39, section 2, subsection 1, no. 1 of the Residence Act (*Aufenthaltsgesetz*)). This includes a review of whether more unfavourable conditions are to apply to the job being sought in comparison to German employees. The priority review is supposed to determine whether persons with higher priority are available for the job sought by the applicant. Higher priority employees may be both German nationals or foreigners who have priority status with respect to employment.
- 4 Federal Ministry of Labour and Social Affairs, National Integration Plan, final report by working group 3, "Gute Bildung und Ausbildung sichern, Arbeitsmarktchancen erhöhen" ("Ensuring Good Education and Training, Improving Opportunities in the Labour Market"), Bonn 2007, p. 31.
- 5 Development Partnerships are defined in the EQUAL programme as a "targeted amalgamation of actors such as organisations funding and sponsoring training and education, business enterprises, representatives of target groups and institutions working in the labour market which are working together to develop a common strategy against discrimination and inequality in the labour market." EQUAL 2004, p. 8.
- 6 Permanent Conference of the Ministers of the Interior and Senators, decision issued on 16-17 November 2006.
- 7 § 10a of the Residence Act contains a "grandfather clause" according to which a residence permit is to be issued if certain preconditions are met after eight years of tolerated residence (after six years in the case of families).
- 8 National Integration Plan 2007, p. 63 et seq.
- 9 National Integration Plan 2007, p. 78.
- 10 The dissemination and the transfer of ideas and results to potential users and political actors is referred to as mainstreaming, EQUAL 2005, p. 22.
- 11 PGI 2001, p. 197. To support sustainable consolidation of the project results in the thematic field of asylum, the sub-project "Migration, Asylum and the Labour Market" (MAA) was established under the sponsorship of the National Headquarters of the German Red Cross. For additional information, see the annex.
- 12 EQUAL 2004, p. 28. A publication is being prepared on the integration of Roma and Sinti in the labour market which links portraits of participants with references to educational, training and labour market policy actors (publication planned for autumn 2007)
- 13 "The thematic area of asylum" stands here for the area of measures referred to in the EQUAL programme as "thematic area of asylum seekers".
- 14 PGI 2001, p. 91.
- 15 PGI 2001, p. 75 et seq.. The EQUAL programme was not clearly formulated with regard to this point, but the persons in charge of the programme cleared up the matter (Schroeder 2005, p. 18).
- 16 In the first funding period, Germany assumed the obligation to spend € 35 million (7% of the total budget of EQUAL of € 500 million) for the area of asylum. In the first funding period total expenditures in the thematic field of asylum were approximately € 28.82 million. Total expenditures have been allocated at around € 29.62 million in the second funding period.
- 17 EQUAL 2004, p. 25.
- 18 *ibid.*
- 19 One common view is that the period of a prohibition against working issued under the Asylum Procedure Act will be credited here, i.e. the period does not begin anew with the conclusion of the asylum procedure and the following issue of toleration. This is only being expressly clarified in the Second Amending Act to the Immigration Act in § 61, section 2, subsection 1 of the Asylum Procedure Act.
- 20 Because § 11 of the Employment Procedure Regulation is based on § 5, section 5 of the Work Permit Regulation, it does not aim at any substantive change in the legal situation applying until the Immigration Act enters into effect.
- 21 The priority review and review of working conditions may also generally be waived for tolerated persons through an amendment to § 10 of the Employment Procedure Regulation in the Second Amending Act to the Immigration Act. This arrangement only applies after four years of tolerated or allowed residence, however.

- 22 Under § 7 of the Employment Procedure Regulation, the priority review may be waived if the denial of employment "would lead to unusual hardship taking into account the special conditions relating to the individual case." An additional possibility to waive the priority review was only created towards the end of the second funding period within the framework of the implementation of the right-to-residence arrangement set out by the Conference of the Ministers of the Interior.
- 23 Foreigners may only forward claims under § 8, section 2 of the Student Loan Act (BAföG) and under § 63, section 2 of the Social Code III if their parents have already worked for five years or their parents have worked three years. For the reasons stated in the foregoing, tolerated persons are often unable to meet this requirement.
- 24 The Second Amending Act to the Immigration Act introduced exceptions to the spatial restriction on tolerated persons in § 61, section 1, subsection 3 of the Residence Act if persons would benefit from the provisions set out in the amended § 10 of the Employment Procedure Act (see above, thus the priority review and the review of working conditions are waived after a residence in Germany of four years). It can be assumed that this renewed use of spatial restrictions will also be eased in the future for persons who make use of the hardship arrangement set out in § 7 of the Employment Procedure Regulation.
- 25 "The Protocol to Prevent, Suppress and Punish Trafficking in Persons, in Particular Trafficking in Women and Children, amending the Convention of the United Nations against Transnational Organised Crime", in the Internet at: www.uncjin.org/Documents/documents.html#convention
- 26 "Freedom of Movement" (Freizügigkeit 2005), p. 15.
- 27 This process of discussion is being monitored on an ongoing basis. Four thematically tailored European workshops have taken place in different member states since 2002 with the aim of identifying different milestones.
- 28 Directive 2003/9/EC of the Council from 27th January 2003 Laying Down Minimum Standards for the Reception of Asylum Seekers, Official Gazette L31/18 from 6th February 2003.
- 29 see www.temaasyl.se.
- 30 "Both participants in the training measure as well as participants in instruction for multipliers from the fields of vocational training, counselling and public administration were selected.
- 31 Because not all the statistics were available from some sub-projects and the projects were not yet completed when the information was collected, the actual number of participants can probably be assumed to be higher.
- 32 PGI 2001, p. 129.
- 33 cf. 2007 National Integration Plan, p. 8.
- 34 "Case Chain Management" means that a possibility is created in the course of an operative linkage of programmes to continue to offer counselling and qualification programmes in the country of residence after return to the country of origin.
- 35 cf. the study by the Psychological Research and Model Out-Patient Clinic for Refugees at the University of Konstanz and from vivo, Konstanz, according to which around 40% of asylum seekers suffer from post-traumatic stress syndrome: The study concludes that it is not possible for specially trained individual decision-makers to recognise symptoms of post-traumatic stress syndrome in any reliable way. Gäbel 2005, p. 2..
- 36 2007 National Integration Plan, p. 62.
- 37 Directive 2004/81/EC from 29th April 2004 on the Issue of Rights to Residence for Nationals of Third Countries who are Victims of Trafficking or Who Received Accessory Aid for Illegal Immigration and Who are Cooperating with the Authorities, Official Gazette L 261/19 from 6th August 2004.
- 38 Directive 2003/9/EC from 27th January 2003 on the Stipulation of Minimum Regulations for the Acceptance of Asylum Seekers in the Member Countries, Official Gazette L 31/18 from 6th February 2003.
- 39 Persons deemed to especially require protection under Art. 17 of the Directive are in particular minors, minors living alone without family, disabled persons, older people, pregnant single mothers and victims of torture and violence.
- 40 Grounds 6 for Regulation (EC) no. 1081/2006 of the European Parliament and the Council of 5th July 2006 on the European Social Fund and the Revocation of Regulation (EC) no. 1784/1999, Official Gazette L210/12 from 31st July 2006.
- 41 Bundestag publication, p. 8.
- 42 Proposal for a Decision by the European Parliament and the Council on the Establishment of a European Returnee Fund for the Period 2008-2013 within the General Programme "Solidarity and Control of Migration Flows", KOM(2005) 123 final from 6th April 2005.
- 43 Green Book on the future Common European Asylum System. KOM(2007) 301 final version from 6th June 2007.
- 44 Proposal for a Directive by the Council pursuant to Amendment of Directive 2003/109/EC for the Purpose of Expanding the Scope to Persons having International Protective Status. KOM(2007) 298, final version from 6th June 2007.
- 45 Directive 2003/109/EC of the Council from 25th November 2003 Regarding the Legal Status of Nationals of Third Countries who are Entitled to Long-Term Residence, Official Gazette L 16/44 from 23rd January 2004.

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**Baden-Württemberg
Development Partnership
“QUASIE – Qualification for Asylum
Seekers in Europe”
1st funding period**

The QUASIE project was conceived by the Volkshochschulverband Baden-Württemberg e.V. (Association of Baden-Württemberg Adult Education Colleges) together with ten partners working in the area of refugees, non-statutory welfare services, vocational and further training and was only implemented in the first funding period.

Individual qualification through modular conception

The modular structure of the concept allowed the participating asylum seekers to begin their training with literacy or language courses depending upon individual needs. As soon as the language prerequisites were met, they were able to undergo instruction or training in many occupations such as e.g. baker, haircutter, electrician, ecological gardening, landscaping and data-processing. Day-care was offered for children during the training project. Social educationalists provided assistance to the participants during the project: this assistance included especially psychosocial help and assistance to provide these people an ori-

entation in everyday life and work. Instruction courses were offered to expand the intercultural competencies of staff who work in institutions providing support for asylum seekers. Together with the strategic partners – local peak associations in Baden-Württemberg, chambers of crafts, trade and commerce, employer associations and the Confederation of German Trade Union – more advanced strategies were developed for the placement of asylum seekers in the local labour market or in their countries of origin.

Objectives

Within the framework of this project the self-confidence of asylum seekers was strengthened following a lengthy phase without unemployment, while deficits in support structures were overcome, paths towards qualified work were tested and intercultural competencies of the target groups improved among multipliers and trainers.

Transnational cooperation

Parallel to the measures carried out for asylum seekers and the strategy meetings at the regional and national levels, cooperation also took place with other European projects for the qualification and training of asylum seekers. The transnational partners were from the Netherlands, Austria and Hungary.

QUASIE in figures:

1. Total number of participants in qualification and training measures:	1490
2. Participants in counselling programmes:	891
3. Persons who have completed practical training	24

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Bavaria
Development Partnership
“FLUEQUAL – Qualifying Refugees”
1st funding period

Learning language – vocational qualifications social orientation

The Development Partnership FLUEQUAL was a network which set the objective of helping asylum seekers and refugees obtain vocational qualifications. FLUEQUAL was coordinated by the “Tür an Tür e.V.” association, which has conducted several projects in the area of work with refugees in the past few years. The following operative partners offered qualification measures within the framework of the Development Partnership:

- ▶ The Housing and Refugees Office of the City of Munich,
- ▶ Euro-Trainings-Centre e.V. (Munich),
- ▶ Schlau-Projekt (Munich),
- ▶ Station 2 e.V. (Munich),
- ▶ SOS Training Centre (Nuremberg),
- ▶ Office for Asylum Seekers at the Diakonisches Werk (Schwabach),
- ▶ Augsburg German Courses (Augsburg),
- ▶ Tür an Tür e.V. (Augsburg).

These sub-projects were supported by a network of various strategic partners which included employee and employer organisations, associations, councils for foreigners and refugees, local government offices and clubs.

Regional conditions:

Viewed in structural terms, there are orientation and counselling services available for all traditional groups of immigrants in Bavaria, but not in sufficient quantities for refugees. This is first of all for language reasons, but it is also frequently the case that the measures are not tuned to the needs of refugees and do not have solid intercultural foundations. Refugees are subject to a prohibition against working during the first year of the asylum procedure. Regardless of their qualifications, many of them then work at casual jobs that are in the low-wage sector. It is in the interest of everyone that integration programmes begin as early as possible so

that the skills and possibilities that the refugees have to offer can be used and fostered in an optimum manner and disadvantages which they face in starting up employment can be overcome. In particular language and vocational integration is of key importance here.

Measures:

The sub-projects of FLUEQUAL carried out qualification measures for asylum seekers and refugees which were aimed at facilitating access of this target group to the German labour market or the labour market in their country of origin. This highly heterogeneous group was conceptually broken down into two sub-groups: children and adolescents of asylum seekers and single refugees who are minors on the one side and adult refugees on the other. In order to integrate them into the German labour market, language courses and programmes offering vocational and social orientation were necessary. The group of minors required additional educational training in order to be able to develop skills offering them adequate prospects for a life here. Thus the possibility was created for them to learn a profession and earn their own living.

The projects had the following in common:

- ▶ Assessments
- ▶ Language course modules as the basis for vocational qualification,
- ▶ Social and vocational orientation,
- ▶ Communication of knowledge of Development Partnerships,
- ▶ Training of multipliers,
- ▶ Improvement in equal opportunity for girls and women,
- ▶ Elimination of racism and xenophobia.

Because adolescents and refugee minors living alone are concentrated in the urban areas of Munich and Nuremberg, the focal points here were on programmes such as instruction similar to that offered in schools (Schlau-Projekt), preparatory measures for learning vocations (ETC) and modularised vocational training.

Different models were devised in the qualification measures, whose effectiveness was to be tested, refined and compared:

based on the skills of individual refugees, form-fitting qualification measures were offered in the “Educational Rucksack” (Munich). Modularised partial and full qualification programmes in various occupational fields were made possible at the SOS-Trainingcentre Nuremberg. Vocational qualification measures in Schwabach offered basic knowledge in separate curricula in the fields of nursing and home economics, data processing and the field of logistics.

A special studies programme in the area of textiles processing was aimed at helping women start up a business in their country of origin. In the “QUIF” project in Augsburg, four sequential modules were offered which aimed at improving employability and offering vocational orientation. Language acquisition, vocational and social orientation were densely networked with one another here. Refugees were supported in this project by voluntary workers as well.

FLUEQUAL in figures:

1. Total number of participants in qualification and training measures	530
2. Persons who were placed in positions in the first and second employment markets:	129
3. Persons who have completed practical internships:	27

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**Berlin/Brandenburg
Development Partnership
“bridge – Bridge towards Re-integration
through Fundamental Development of
Competencies”
2nd funding period**

The Development Partnership “bridge”, which is made up of 18 sub-projects in 13 institutions in Berlin and Brandenburg, prepares asylum seekers and tolerated persons for possible integration in Germany or re-integration in their home country or a third country through targeted, individual training and qualification measures.

To this end bridge has established an integrated guidance counselling system for qualification and training, counselling and assistance of asylum seekers and tolerated persons. Beginning with documentation of competencies, bridge provides individual training for participants in widely differing areas and places them in practical positions, training positions and work – if their status allows this. Bridge moreover supports business start-ups. The participants are supported by psychosocial assistance, social and legal counselling and receive individual assistance from mentors.

This integrated, target-oriented interaction between 13 different institutions from the social and economic sector is new to institutions working in the refugee and asylum field in Berlin and Brandenburg.

To document competencies in this area, bridge has developed and tested its own system in the form of a methods box – the “Modular Competence Documentation System”. Bridge uses a political dialogue and sets up cooperation projects on a continuous basis to facilitate access to training and work. With the aid of bridge’s newly conceived training-preparation courses, participants can in the meantime complete a training programme at the hospital enterprise Vivantes. There are additional cooperation projects aimed at placing people in jobs with e.g. German Rail, Karstadt AG, GESO Bau and other enterprises.

The Development Partnership bridge has achieved a visible, forward-looking success with its innovative concept for the promotion of employability of asylum seekers and tolerated persons as well as the promotion of intercultural opening of business enterprises.

The actors involved in the Development Partnership bridge are:

Overall coordination

- ▶ KOMBI Consult GmbH (KOMBI)

Technical coordination

- ▶ Commissioner of the Senate of Berlin for Integration and Migration

Documentation of competencies

- ▶ KOMBI Consult GmbH - for persons over 25 years of age
- ▶ WeGe ins Leben e.V., implementing organisation of the Counselling and Assistance Centre – for persons under 25 years of age

Qualification measures

- ▶ European Association for Vocational and Social Education, r.s.,
- ▶ Society for Vocational Training Measures,
- ▶ Initiative of Independent Immigrants,
- ▶ Treatment Centre for Victims of Torture,
- ▶ Trainingsoffensive e.V. (TOV),
- ▶ Rhineland Technical Inspection Centre Academy Berlin,
- ▶ Continuing Education Institute for Educational Practice,

Counselling/assistance/placement

- ▶ Commissioner of the Senate of Berlin for Integration and Migration – counselling,
- ▶ Worker’s Welfare *Land* Association, Berlin – mentoring,
- ▶ Education and Employment – counselling and placement,
- ▶ Treatment Centre for Victims of Torture – support and therapy,
- ▶ Migration Council Berlin-Brandenburg – placement in practical internships.

The transnational project Conventus

- ▶ Coordination: KOMBI Consult GmbH (KOMBI)

Project Advisory Council

The project receives strategic support

from an Advisory Council consisting of relevant institutions at higher levels.

“bridge” in figures:

1. Total number of participants in qualification and training measures	1057
2. Participants in counselling programmes:	1099
3. Number of practical internships completed	162
4. Persons who have been placed in training positions:	52
5. Business enterprises which have been gained as partners:	145

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**5 German Länder
Development Partnership
“MORE – Reintegration Assistance for
Trafficked Persons – Strengthening of
National Actors”
2nd funding period**

The Development Partnership MORE was made up of eight organisations, seven of them specialised counselling offices for victims of trafficking working in five German *Länder*. Together with partners from the fields of policy-making and civil society, MORE supported victims of trafficking, strengthened the network of participating actors and linked these up transnationally.

“MORE” stands for “more” support for victims of trafficking in Germany. The project adopted an all-embracing approach to documentation and combating the phenomenon of trafficking. Needs-oriented vocational qualification of victims helped improve their chances of taking part in society and working life on a sustained basis.

The holistic, all-embracing approach encompassed the following activities:

Initial contact was sought with victims through innovative strategies in outreach social work. Specialised counsellors stabilised victims and established trust and confidence by means of counselling and assistance in order to be able to provide help on a sustained basis. A contribution to new life prospects for victims of trafficking was made by providing opportunities for vocational qualification. Prevention was improved and willingness to promote the socio-economic reintegration of victims increased through the sensitisation of the public and actors involved (customers of prostitutes,

police, etc.) in Germany and the countries of origin. MORE networked with central and eastern European non-governmental organisations and government authorities to improve future assistance after the return of these persons to their respective countries of origin.

Together with partners from Lithuania, Estonia, Poland, Italy and Portugal, the Development Partnership MORE formed the transnational partnership HEADWAY. These partners acted jointly to:

- ▶ Create the foundations for mutual understanding of the respective national situation (literature studies, comparative studies on national legislation, description and exchange of good practice, study visits),
 - ▶ Developed the foundations for long-term cooperation across national borders (collection of data on relevant actors and establishment of a transnational database) and generated ideas on how to better document the phenomenon of trafficking throughout Europe (through a study on monitoring systems).
- The results of the project can be viewed at: www.osservatoriotratta.it/headway.

What is the legacy?

We have been successful in documenting wide-ranging, different types of experiences in the field of vocational qualification and training of victims of trafficking in a “reintegration manual” for specialised counsellors. A database facilitates the initiation of contact and cooperation between German and specialised counselling offices in important countries of origin. The project results and additional information on the topic of trafficking can be called up at the Internet site www.gegen-menschenhandel.de.

MORE in figures

(Information from 5 out of 7 sub-projects)

1. Total number of participants in qualification and training measures:	316
2. Participants in counselling programmes:	58
3. Persons who have completed practical training:	6
4. Persons who have been placed in training positions:	8
5. Business enterprises which have been gained as partners:	17

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Hamburg
Development Partnership
“Qualification Campaign for Asylum
Seekers and Refugees in Hamburg” and
“FLUCHTort Hamburg – Hamburg as
a Safe Haven – Vocational Training for
Refugees”
1st and 2nd funding periods

Networks and partners

A network has been established in which a number of extremely heterogeneous operative and strategic partners are linked through the Hamburg Development Partnerships “Qualification Campaign for Refugees and Asylum Seekers” (2002-2005) and “FLUCHTort Hamburg – Hamburg as a Safe Haven – Vocational Training for Refugees”. At present the following sponsors are involved in the network under the leadership of passage gGmbH (coordinator):

- ▶ International Diakonie-Café Why not?,
- ▶ Employment and Education,
- ▶ School Information Centre,
- ▶ Network for Intercultural Communication and Education (Verikom),
- ▶ International Meeting Point for Women and Girls (KAROLA),
- ▶ Africa-Club e.V.,
- ▶ Land Office for Child-Rearing and Vocational Education,
- ▶ Coordination Council of Iranians in Hamburg,
- ▶ Training Centre Construction in Hamburg,
- ▶ Basis & Woge e.V.,
- ▶ Central Information and Counselling for Refugees,
- ▶ Caritasverband für Hamburg e.V.

The following are involved as strategic partners: the Bundesagentur für Arbeit (Federal Employment Agency), the Authority for Internal Affairs, the Authority for Education and Sports as well as the Authority for Social and Family Affairs. The Hamburg Chamber of Crafts and various business enterprises are also involved.

Focal points and results

With the objectives of testing new labour market policy tools and improving the chances of employment in Germany, in the countries of origin or, in the event of continued migration, in third countries, a total of 2000 tolerated refugees have been provided counselling, therapy and training in language courses, prepared for training and the labour market and trained at business enterprises in 16 respective sub-projects so far in both funding periods. Several hundred participants have been successfully placed in practical internships, training positions and jobs down to the present (July 2007).

What is the legacy?

The Hamburg network has been successful in carrying out experiments in labour market policy in a field in which the barriers are at their highest. Business enterprises have been persuaded to make additional training positions available. As a result, the participants have been given access to the labour market by taking advantage of the latitude offered by laws and regulations. The concept of vocational integration of tolerated refugees and asylum seekers, which is oriented towards social zones and the living situation of refugees, has contributed to an improvement in future opportunities for the participants on a sustained basis and minimised unnecessary costs associated with non-integration for the city of Hamburg. Moreover, it has succeeded in enhancing the success of the programme by including refugees' and migrants' own organisations through a high level of target-group knowledge of the living situation of the participants. This has been reinforced by the involvement of in part high-placed partners from the field of policy and public administration at various public institutions all the way to business enterprises which have been actively involved in the joint work process. New forms of cooperation have come about on this basis to form a viable basis for the implementation of this field of work in the Free and Hanseatic City of Hamburg.

The “Qualification Campaign” in figures:

1. Total number of participants in qualification and training measures:	435
2. Participants in counselling programmes:	680
3. Persons who have completed practical training:	112
4. Persons who have been placed in training positions:	22
5. Business enterprises which have been gained as partners:	136

FLUCHTort Hamburg in figures:

1. Total number of participants in qualification and training measures	812
2. Participants in counselling programmes:	1267
3. Persons who have completed practical training:	242
4. Persons who have been placed in training positions:	83
5. Business enterprises which have been gained as partners:	242

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FLUCHTORT

HAMBURG

Lower Saxony
Development Partnership
“SPuK – Language and Culture: Foundations for an Effective Health Care” and
“SAGA – New Approaches in Employment Promotion and in Health Supply for Asylum Seekers”
1st and 2nd funding periods

Operative actors in the Development Partnerships

- ▶ Caritasverband für die Diözese Osnabrück e.V. (coordination),
- ▶ Association of Educational Initiatives in Lower Saxony, Department Intercultural and International Work, Barnstorf,
- ▶ University of Osnabrück, Department for Child-Rearing and Cultural Sciences,
- ▶ Refugees Council of Lower Saxony.

SPuK – Language and Culture: Foundations for an Effective Health Care

The task of the Development Partnership SPuK was to help stabilise the health situation of asylum seekers by developing new strategies for health care and thus at the same time foster their employability. The interaction between the special fields of individual organisations implementing projects from the areas of counselling to refugees, training of multipliers, science and qualification were at the same time key focuses of the project. The establishment of the language and cultural mediation-translation service especially for asylum seekers was based on two ideas: first of all, it can be seen in the area of health care that both language and in the broadest sense culturally related misunderstandings lead to problems. Secondly, this field of activity exhibited a gap in services which cannot be filled by the majority of indigenous Germans and which makes it easier for the target group – in spite of existing legal restrictions – to gain access to the labour market. A qualification programme for language and cultural translation was tested and followed up by efforts in the direction of institutionalisation. At the same time the health situation of asylum seekers was surveyed in a research project while individual counselling sessions were held throughout

the country. Moreover, network meetings and continuing education were organised for actors in the health sector and the field of help for refugees.

SAGA – New Approaches in Employment Promotion and in Health Supply for Asylum Seekers

The focal point was placed on the areas of promotion of employment and structural improvements in access to the labour market in the development partnership SAGA. At the same time, the aspect of improving health care continued to be pursued as a micro-element of employability. SAGA's points of focus were: basic courses focusing on the target groups, the creation of employment possibilities, analysis and elimination of barriers to employment, information on labour law, expansion of self-help and network structures, secondary prevention and health promotion. SAGA provides counselling to asylum seekers, employers, social services, medical facilities, government authorities as well as full-time and voluntary staff with respect to questions relating to labour law and access to the labour market. It trains asylum seekers in courses and practical internships, analyses basic conditions and barriers in the employment of refugees and offers information material, an Internet database and continuing education courses as a service.

What is the legacy?

The topic of integration and in particular work have been moved more to the forefront of attention in the area of help for refugees. A greater awareness for the needs of the target group of asylum seekers has been brought about in the domain of various actors in the labour market and education sector. The network for traumatised refugees in Lower Saxony will also continue to work in the future with the aim of becoming a permanent fixture. An open network for language and cultural translation has been initiated in Osnabrück and this will also continue to exist after SAGA. Continuing the database can improve access to information regarding questions relating to the labour market for the target group of asylum seekers. It must especially be welcomed that the Federal

Agency intends to place a flyer on the topic of “job permit” on the website of the Federal Agency drafted by the project and translated into several languages so as to fulfil the ob-

ligations assumed at the integration summit – to make more material available in foreign languages and to integrate the target group into existing labour market structures.

SpuK and SAGA in figures

1. Total number of participants in qualification and training measures:	1429
2. Participants in counselling programmes:	409
3. Persons who have completed practical training:	34
4. Persons who have been placed in training positions:	3
5. Business enterprises which have been gained as partners:	39

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North Rhine-Westphalia
Development Partnership
“TransSpuK – Transfer of Language and Culture in Health and Social Services”
and “TransKom – Transcultural Communication in the Health Care and Social Services Sector”
1st and 2nd funding periods

Operative actors in Development Partnerships

TransSpuK:

- ▶ Diakonie Wuppertal,
- ▶ Rhine-Ruhr Institute for Social Research and Policy Consulting (RISP) at the University of Duisburg-Essen,
- ▶ Regional Office for the Promotion of Children and Adolescents from Immigrant Families (RAA) from the cities of Remscheid, Solingen and Wuppertal,
- ▶ Ver.di, Regional Office for the Tri-State Area of Remscheid-Solingen-Wuppertal.

TransKom:

- ▶ Diakonie Wuppertal,
- ▶ Düsseldorf Psychosocial Centre,
- ▶ North Rhine-Westphalia Ministry for Generations, Family Affairs, Women and Integration,
- ▶ Aachen Educational Centre,
- ▶ Hamburg-Eppendorf University Clinic – Institute for Medicine-Sociology,
- ▶ Diakonie of the Protestant Church in the Rhineland,
- ▶ Essen Institute for Education in the Health Sector,
- ▶ Medikon GmbH Oberhausen.

TransSpuK – Transfer of Language and Culture in the Health and Social Services

The TransSpuK Development Partnership was composed of partners working in the field of refugees, vocational training and continuing education, welfare care, trade unions and local communities. The main goal of the Development Partnership was to develop and implement new solutions in the area of health care which lead to a structural improvement in social and medical care of refugees and migrants.

TransSpuK developed a new vocational field for asylum seekers and tolerated per-

sons as language and cultural translators in the field of health and social care with a three-year qualification programme. The training directly opened up new employment prospects for the participants. The use of language and cultural translators indirectly contributed to an improvement in medical care of migrants and thus to the removal of obstacles to employment. A great demand for language and cultural translation in the health and social sectors on the part of refugees still undergoing training became evident as early as during the project term. Comprehensive further training of multipliers targeting specialists working in the health and social fields was supported by information on health topics for refugees and activities encouraging networking in the health and social fields, while a company assistance management system was launched. For more information, see: www.transspuk.de.

TransKom – Transcultural Communication in the Health Care and Social Service Sector. Competence where communication is the key. A contribution to better health care for refugees and migrants.

The sectoral Development Partnership “TransKom”, which links up to the strategic objective of TransSpuK with old and new actors, was founded in the second funding period of EQUAL. The network was made up of eight operative partners who were supported by ten strategic partners from NRW. Cooperation took place at the transnational level with partners from Austria, Italy, Spain and the Czech Republic. The primary objective of TransKom was the vocational qualification of refugees and the promotion of intercultural communication in the health and social system. Refugees were offered training programmes with different terms which were commensurate with their prior knowledge and preferences: preparatory measures related to nursing training, training of nursing assistants, the voluntary social year and qualification as a language and cultural translator with the focus being on the health and social system or intercultural family assistance. In addition, a service office was responsible for the conveyance of training programmes for young refugees as

well as the use of trained language and cultural translators. Additional project activities aimed at changes in intercultural perception and communication of specialised staff in the health and social areas. Among other things, specialised conferences and comprehensive diversity training were offered for specialised staff and leaders, while staff qualification programmes lasting several days and in-house training on the topic of intercultural competence also took place.

Innovation – Sustainability:

What is the Legacy?

Both Development Partnerships encouraged an awareness of the need for changes in order to attain equal access to social and health benefits for refugees and migrants. They were able to demonstrate the need for improved access to qualification and training of highly motivated refugees through their

measures and increase the awareness of actors working in the labour and educational market of the target group. The interdisciplinary network formed by TransKom out of operative and strategic partners will offer a crucial foundation for the pursuit of these aims in the future. A national initiative was started for the recognition of the vocational profile of language and cultural translators in order to institutionalise language and cultural translation in health and social system structures. The curricula from the multipliers' training which were developed, applied and tested and the training of participants will be adopted in future training programmes by the operative and various strategic partners. New national and transnational networks for transcultural psychiatry have emanated from TransKom's diversity project and these will continue to exist after the funding period.

TransSpuK and TransKom in figures

1. Total number of participants in qualification and training measures:	217
2. Participants in training programmes for multipliers:	312
3. Participants in counselling programmes:	233
4. Persons who have completed practical training:	174
5. Persons who have been placed in training positions:	34
6. Business enterprises which have been gained as partners:	173

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gesund & sozial.
TransKom

Saarland/Bavaria
Development Partnerships
“SEPA I – Development Partnership for Asylum Seekers and Refugees of Saarland” and “SEPA in EQUAL II – Development Partnership for Asylum Seekers and Refugees in Southern Germany”
1st and 2nd funding periods

Structure

The Development Partnership for Asylum Seekers and Refugees of Saarland (SEPA) consisted of voluntary welfare organisations, institutions supporting and implementing education and research facilities. The network was coordinated by AGEF Saar gGmbH in Saarbrücken.

The following partners worked together as operative actors from 2002 to 2005:

- ▶ Isoplan Institut,
- ▶ Workers' Welfare *Land* Association Saarland (beginning in 2003),
- ▶ International Federation Educational Centre Palatinate/Saarland (until 2003),
- ▶ Caritasverband für die Region Saar-Hochwald e.V.,
- ▶ Caritasverband für die Diözese Trier e.V.,
- ▶ German Red Cross – *Land* Association Saarland e.V.,
- ▶ Catholic Adult Education, Work – Education – Future,
- ▶ Working Group for Development and Specialists (AGEF).

The network was supported by a large number of strategic partners, including *Länder* ministries, the Saarland Chamber of Crafts and, until 2003, the former Saarland/Rhineland-Palatinate Employment Office.

Measures and results

SEPA pursued jobs-policy and socio-political objectives to improve labour market policy from the perspective of asylum seekers and refugees. People interested in the programme were provided counselling, psychologically stabilised, received qualifications if necessary and were placed in practical internships and jobs depending on legal factors. The Development Partnership focused on the continuing development of

the underlying political-administrative conditions and the individual ability of asylum seekers and refugees to take action themselves. The qualification, counselling and placement work was performed within the framework of an integrated approach, i.e. first of all psychological and socio-educational counselling was to improve the ability of the participants to take things into their own hands so that they could take part in qualification and training measures, while secondly participation in qualification measures was to lead to more structure in everyday life, in this way making a contribution to psychological healing. In addition to the activities described here, a white book was put out on the labour market situation of asylum seekers and refugees in Saarland.

At the transnational level SEPA cooperated within the framework of “RAISE” (www.equal-raise.de) with a Dutch Development Partnership (HIT). In addition to a European conference on the topic of “Vocational training for asylum seekers: effects and methods” held in Maastricht in September 2004, another highlight in the cooperation was an excursion to Kosovo, where the possibilities of a “sustainable return” were examined at ground level (<http://217.160.190.96/RAISE/Kosovo/index.htm>).

Structure

SEPA in EQUAL II is an amalgamation of two Development Partnerships from the EQUAL I phase: FLUEQUAL from Bavaria, with its sites in Augsburg and Munich, and the Saarland Development Partnership for Asylum Seekers and Refugees (SEPA). The network was coordinated by AGEF Saar gGmbH in Saarbrücken.

The following partners have been working together as operative actors since summer 2005:

- ▶ Tür an Tür – Integrationsprojekte gGmbH (Augsburg),
- ▶ Integration through Language (Augsburg),
- ▶ The Chamber of Crafts for Swabia (Augsburg)
- ▶ *Land* capital Munich – Social Department, Office for Housing and Migration (Munich),
- ▶ Euro-Trainings-Centre e.V. (Munich)

- ▶ Implementation Institutions for the Promotion of Education and Integration of Adolescent Refugees (Munich),
- ▶ Station 2 e.V. (Munich),
- ▶ Caritasverband für die Region Saar-Hochwald e.V. (Saarland),
- ▶ Caritasverband für die Diözese Trier e.V. (Saarland),
- ▶ German Red Cross – *Land* Association Saarland e.V. (Saarland),
- ▶ Work – Education – Future, Saarland (Catholic Adult Education),
- ▶ Working Group for Development and Specialists AGEF (Berlin).

The network was assisted and supported by a large number of strategic partners, including *inter alia* ministries of the *Land*, chambers, employers and employees organisations as well as refugee organisations.

Measures and results

SEPA in EQUAL II has been testing new approaches in psychological and socio-educational counselling and assistance, language acquisition, in school and vocational qualification and in the counselling of return-

ees and promotion of asylum seekers and refugees since the summer of 2005. All the measures had the common goal of empowering this group of persons. The partners have cooperated in working groups across funding organisations in order to be able to develop certain products through the work of the individual projects (language acquisition, a balance sheet on competencies, and business start-ups among returnees). As a result of the different conditions prevailing in the urban areas of Augsburg and Munich and the rural area of the *Land* admissions office in Lebach, Saarland, additional knowledge has been gained regarding the labour market potential of asylum seekers and refugees.

SEPA in EQUAL II cooperates transnationally within the framework of “The Alliance” (www.equal-the-alliance.net) with Development Partnerships from the Netherlands (TOP and WIN) and the Czech Republic (WIP). The outstanding result of this cooperation is the conference “Shaping Migration Strategies” held at the European Parliament in Brussels in September 2007.

SEPA I in figures:

1. Total number of participants in qualification and training measures:	434
2. Participants in counselling and psychological support programmes:	445
3. Persons who have taken part in vocational qualification measures:	246
4. Persons who have completed practical internships:	125

SEPA in EQUAL II in figures:

1. Total number of participants in qualification and training measures:	468
2. Participants in counselling programmes:	359
3. Participants in pre-vocational qualification	282
4. Participants in qualification programmes analogous to secondary school:	33
5. Participants in business start-up seminars:	28

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Schleswig-Holstein
Development Partnership
“perspective – Professional Qualification
for Refugees in Schleswig-Holstein” and
“Land Ahoy! – Vocational Qualification
for Refugees in Schleswig-Holstein”
1st and 2nd funding periods

Operative partners in the Development Partnerships:

- ▶ Refugees Council of Schleswig-Holstein,
- ▶ Heinrich-Böll-Stiftung Schleswig-Holstein,
- ▶ Diakonische Werk Landesverband Schleswig-Holstein,
- ▶ Environment – Technology – Social Affairs and
- ▶ Central Education and Counselling Office for Migrants.

Measures and results

The Development Partnership “perspective – Professional Qualification for Refugees in Schleswig-Holstein” was formed under the coordination of the Schleswig-Holstein Refugee Council in 2002. Asylum seekers and tolerated persons were provided counselling in the funding association from 2002 to 2005 (life, vocation and labour market counselling), given vocational qualifications and placed in schools, training and continuing education programmes and jobs within the framework of existing legal conditions. The qualification measures concentrated on the areas of crafts and services, social institutions and the media. Continuing education and workshops tuned to needs on the topics of underlying legal conditions, exodus and migration, diversity, anti-racism and anti-discrimination and intercultural opening were offered to actors in the labour administration as well as multipliers working in the fields of education and counselling.

The network made up of specialised migration offices, educational funding organisations, welfare associations, representatives of the labour administration and ministries was successful in involving different actors in a common project and working programme to promote the market integration of asylum seekers and refugees in Schleswig-

Holstein. For more information, see: www.frsh.de/perspective/index2.htm.

The sectoral Development Partnership “*Land Ahoy!* – Vocational Qualification for Refugees in Schleswig-Holstein”, which made use of the experience of actors and strategic partners from “prospects”, was formed in the second funding period under the auspices of the Schleswig-Holstein Refugees Council e.V..

The work in a heterogeneous network made up of so-called strategic partners such as e.g. *Land* and local authorities, representatives of employers, churches and associations, educational funding organisations, business enterprises and social facilities, specialised migration offices and self-organisations promoted the implementation of the project measures considerably and made a significant contribution to the development of possible solutions.

New qualification and training strategies in vocational orientation and the promotion of employment opportunities for refugees whose residence status is in doubt in the areas of language, crafts, nursing care, gastronomy and social services were carried out throughout Schleswig-Holstein. One focal point was to encourage access to secondary school and in-house training, particularly for adolescent and young adult refugees. Language courses, vocational orientation and (further) qualification, profiling and application courses were able to improve opportunities for refugees in the labour market. In spite of difficult underlying legal conditions, refugees whose residence status was uncertain were placed in upper-level secondary schools, training positions and jobs. The qualification measures and the practical internships which were part of these took place at 12 different locations in Schleswig-Holstein. In particular small and medium-scale enterprises were persuaded to offer practical positions and encourage intercultural openness.

The sub-project INFONET, which continuously expanded a web-supported research/information pool, operated in a supportive manner. The website www.infonet-frsh.de provides information on relevant foreign regulations and labour market policy tools

and the qualification programmes which were made available to the target group. The results flowed continuously into the production of printed media, schools and events. Strategies for intercultural openness were developed within the framework of so-called in-house training programmes and specialised events were carried out throughout

perspective in figures:

1. Total number of participants in qualification and training measures:	372
2. Participants in training programmes for multipliers:	333
3. Participants in counselling programmes:	372
4. Persons who have completed practical training:	178
5. Persons who have been placed in training positions:	21
6. Business enterprises which have been gained as partners:	104

Schleswig-Holstein with selected facilities, authorities and business enterprises.

We have acted to strengthen the position of refugees and to counter discrimination, exclusion and the stripping of these people's rights by means of secondary school, vocational training courses and information material for refugees and multipliers.

Land Ahoy! in figures:

1. Total number of participants in qualification and training measures:	365
2. Participants in training programmes for multipliers:	243
3. Participants in counselling programmes:	586
4. Persons who have completed practical training:	155
5. Persons who have been placed in training positions:	9
6. Business enterprises which have been gained as partners:	160

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Land in Sicht!
 Berufliche Qualifizierung
 für Flüchtlinge
 in Schleswig-Holstein

Thuringia/Bavaria

“Vocational further training for refugees through regular programs” and “Education and Employment International”

1st and 2nd funding periods

Who were we?

The project “Vocational further training for refugees through regular programs” was implemented by a Thuringian Development Partnership in which the following institutions were involved with sub-projects:

- ▶ DGB Bildungswerk Thüringen e.V.,
- ▶ Refugee Council of Thuringia,
- ▶ Society for the Promotion of Innovation and Work-Oriented Educational Training,
- ▶ The Structure and Technology Consulting Agency for Employees in Thuringia.

What did we want?

The project pursues two main objectives: to maintain or restore the employability of asylum seekers or refugees both in the labour market in Germany as well as in their home countries.

Prejudice and xenophobia were to be combated through the creation of possibilities for encounters between refugees and Germans in learning and work processes. This also included intercultural continuing education programmes for staff working for government authorities and agencies, other institutions implementing continuing education or business enterprises.

The target group includes:

Asylum seekers, refugees from wars and civil wars, asylum seekers whose application has been rejected and tolerated asylum seekers.

Trainers, teaching staff and German participants in measures in educational facilities, employers and employees in potential enterprises offering practical positions, staff at participating government authorities and non-profit social counselling offices.

What did we do?

Three one-year courses with 20 participants each took place over the project period from May 2002 to June 2005. A three-month

language module in German was respectively followed by a three-month module on vocational (re-)orientation. A six-month vocational field-related training course was then carried out at a company or continuing education facility on this basis. At the same time, the participants were provided intensive social-educational assistance. The courses were supported with a wide variety of public relations activities and intercultural training courses, particularly with institutions for continuing education.

What did we achieve?

Even if only very few participants – usually in connection with a change in the residence status – were able to obtain employment, the results of the evaluation show that the vast majority of them are stabilised psychologically and socially and have been able to develop vocational prospects. Moreover, the project was successful in sensitising many actors at enterprises, government agencies and parts of the public to the situation and problems of asylum seekers.

Structure

“Arbeit und Bildung International” (“Education and Employment International”) consists of a total of seven funding organisations, six of them in Thuringia and one of them in Bavaria. Two funding organisations come from the field of vocational education (HWK Erfurt and bwf), one from the field of adult political adult education (DGB-Bildungswerk Thuringia with the project coordination), two are (political) interest lobbies for migrants (Refugee Council for Thuringia and the Jewish Community of Thuringia) while two work in the area of assistance and language promotion for migrants (Diakonisches Werk Schwabach and the International Federation – Youth Migration Service).

Initial situation

The joint work was especially influenced by the special situation prevailing in eastern Germany over the past two years: a very low percentage of foreign nationals together with a high unemployment rate and rampant xenophobia among the population. In effect, this means:

- ▶ Scarcely any contacts between enterprises and migrants,
- ▶ Scarcely any common experience among employees and migrants,
- ▶ Little awareness on the part of the public about the situation of asylum seekers and Jewish immigrants.

Objective 1: employability of asylum seekers and Jewish immigrants

In particular the linkage between the acquisition of language skills with the exploration of and access to the German labour market made the project attractive to the target group. By placing people in practical positions or in continuing education courses, the project has been successful in creating opportunities for encounters between migrants and Germans. With regard to the question of permanent placement in the labour market, the group of asylum seekers showed that legal barriers generally make employment less likely. When migrants' status change, their chance of being employed also increases.

Objective 2: intercultural education and elimination of prejudice

The desired opening up of actors in the labour market began, for example, with the chamber of crafts, one of most important implementing organisations for vocational qualification and training with intercultural continuing education programmes. The

Thuringia/Bavaria in figures

1. Total number of participants in qualification and training measures:	448
2. Participants in counselling programmes:	237
3. Persons who have completed practical internships:	87
4. Persons who have been placed in training positions:	4
5. Business enterprises that have been gained as partners:	90

chamber of crafts focused both on trainees as well as adolescents who were to undergo training. It was not always possible to arrive at a better understanding of this target group with the other enterprises involved in the project, however. In the area of public-relations work it became evident that it is a good idea to include migrants along the lines of employment, but that this requires comprehensive preparation.

Work by the network within the project

It could be seen in the course of the project how important successful networking is in order to establish mutual trust and confidence in the competencies of all the funding organisations and parties involved. This also requires permanent linkages between these actors. Only when different sub-projects are interlinked can an optimum be achieved in joint work in a manner which holds out prospects of sustainability through future cooperation (or at least the intention of such).

Work with strategic partners

The establishment of the project and the outfitting with the required resources allowed continuous, competent work with different strategic partners. Funding from the EU and Federal Ministry of Labour and Social Affairs in addition enhanced the status of the project in the public eye to a level which the sponsoring agency could not have achieved on its own.

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Berlin
**“Migration, Asylum and
 Labour Market”**

December 2006 – December 2007

To support the sustainable consolidation of project results in the Thematic Field of Asylum, the sub-project “Migration, Asylum and Labour Market” (MAA) was established under the general guidance of the National Headquarters of the German Red Cross. The task of the MAA is to coordinate the network activities of the National Thematic Network on Asylum and in particular to optimise mainstreaming at the Federal level. To implement this, the MAA is cooperating with the national EQUAL coordination office in the Federal Ministry for Labour and Social Affairs and the working staff of Prof. Dr. Maria Bömer, Minister of State in the Federal Chancellery and Federal Government Commissioner for Migration, Refugees and Integration. The MAA is a sub-project in the Development Partnership “QiA – Intercultural Resources for the Labour Market” (www.qia-berlin.de), which is being coordinated by the office of the Commissioner of the Berlin Senate for Integration and Migration.

The objective of the mainstreaming is to apply models and methods which were

successfully tested within the framework of EQUAL at the national level as well. To this end, the experience which has been gained and results which have been generated are to be processed and prepared for general use and disseminated as examples of good practice at the national and European level. This is aimed at securing the sustainability of the programme for combating inequality and discrimination in the labour market. Mainstreaming is to be applied at two levels to ensure a dissemination and application of the model along as broad a front as possible. First of all at the operative level, which means exchange between the Development Partnerships and sub-projects in the same thematic field. The other level seeks to transfer results to the fields of policy, legal and institutional action.

The sub-project “Migration, Asylum and Labour Market” is carrying out a large number of activities within the framework of the mainstreaming:

- ▶ Organisation of regular meetings of the National Thematic Network on Asylum,
- ▶ Integration of experts, multipliers and decision-makers in the mainstreaming,
- ▶ Assessment of the Development Partnerships and sub-projects for the two funding periods,
- ▶ Staging of a final national conference,
- ▶ Organisation of press and public relations work,
- ▶ Involvement in the “European Policy Forum on Asylum” in Malmö (Sweden),
- ▶ Coordination of the creation of brief films and a publication on the target group of Sinti and Roma,
- ▶ Support for a special conference on the target group of Jewish immigrants, and
- ▶ Documentation of the results and activities on the MAA website.

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Munich
**“ProMi – Profiling and Empowerment
 for Migrants”**
October 2005 – July 2007

The Development Partnership München Kompetent forms a multi-disciplinary competence network with 14 project partners which are developing innovative strategies to improve employment opportunities in the Munich labour market in the five project areas of business start-ups, lifelong learning, cooperation in the school/working world, organisational development in enterprises and good governance. The objective is to bring the existing relationship between supply and demand into better harmony through networked cooperation and make it possible for disadvantaged target groups to be placed more effectively.

ProMi – Profiling and Empowerment for Migrants

Within the framework of the Development Partnership, the sub-project ProMi is subsumed under the Office for Living and Migration in the Munich Social Department – a qualification and counselling project within the framework of the second area of “competence development through lifelong learning”. It addresses migrants, asylum seekers and “tolerated” persons who would like to enter the labour market on a long-term basis or develop vocational opportunities in their home country. The counselling programme includes counselling on training, secondary school and vocational education, balancing competencies and skills, placement in training measures and job placement. Migrants often possess a large number of abilities and competencies which, however, often cannot be used here. The living situation of many migrants, asylum seekers and tolerated persons in Germany is marked by major restric-

tions and difficulties. As a result of legal, economic or social circumstances as well as due to training certificates and degrees not being afforded recognition, access to the labour market and continuing education is frequently limited. The sub-project ProMi works with a deliberately resource-oriented approach. It is not aimed at identifying personal deficits, but rather making the potential of individuals visible and reflecting on how this potential can be used to benefit these individuals’ own situation in the labour market. The aim is to strengthen self-esteem and self-confidence along with the ability to act, in this manner allowing these people to improve their own vocational prospects.

By helping these people help themselves, the counselling programmes on offer combined with opportunities for placement in training measures and job placement are supposed to put the participants in a position to apply the entirety of their potential and personal skills:

- ▶ to the planning and design of their future vocational path,
- ▶ to be able to better position themselves in the labour market,
- ▶ in this manner allowing them to improve their own situation in a sustainable manner.

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Potsdam
**“Strategies for the Employment
of Refugees”**
2nd funding period

The implementing organisation of the sub-project “Strategies for the Employment of Refugees” is the Refugees Council of Brandenburg. It has been involved in the Development Partnership “Inclusion II – Network for Migrants in Brandenburg” since 2005 and is the only project there which has the thematic area of asylum as a field of activity. The Development Partnership is involved in the European Community Initiative EQUAL, with which new methods and strategies against discrimination and inequality in the labour market are to be developed, tested and disseminated.

Situation at the outset

Asylum seekers were almost completely barred from access to gainful employment as well as training and continuing education for a long time even though they have often lived here for many years. The qualifications they obtained in their home country often go unrecognised and accordingly cannot be applied and made use of here. Support and promotion are not provided by employment offices or job centres, and employers who intend to employ asylum seekers are confronted with tedious application

procedures and afterwards have to accept an uncertain employment status. Young asylum seekers cannot begin to undergo vocational training after graduating from secondary school and are thus condemned to inactivity and a paucity of prospects. In order to find opportunities to reverse this negative situation and be able to contribute to the process of integrating refugees with constructive proposals, the Brandenburg Refugees Council participated in the Development Partnership “INCLUSION II – Network for Migrants in Brandenburg” and initiated the project “Strategies for the Employment of Refugees”.

Measures and results

It was against this backdrop that the Refugees Council analysed access barriers to the labour market in Brandenburg in particular, both from the perspective of refugees seeking jobs as well as potential employers. In additional steps, papers and counselling programmes were developed based on the results of these surveys and analyses which were presented in numerous decentralised events, especially following the Resolution on Residence Rights issued by the Conference of the Ministers of the Interior in November 2006 and made available to interested persons as well as the people affected. The horizontal mainstreaming within the framework of the Development Partnership was a significant element of the work of the network at the *Land* level and led to a sustained strengthening of the sought-after integration network for Brandenburg. The continuous involvement in the Thematic Network of Asylum, in which the networking of the EQUAL-Asylum Development Partnerships has been advanced, stimulated a considerable transfer of know-how for the sub-project while at the same time making it possible for the Refugees Council to carry out networking throughout Germany in the area of access to the labour market for refugees.

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The National Thematic Network on Asylum in the European Community Initiative EQUAL



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Asylum seekers and “tolerated” persons have been almost completely shut out of the German labour market for years. Their wide-ranging knowledge and their competencies are either lying dormant, or can only be contributed to a limited extent. To change this, new models of vocational integration for asylum seekers and refugees were tested throughout Germany within the framework of the European Community Initiative EQUAL from 2002 to 2007. In 16 regional networks it was demonstrated that, in spite of a host of restrictions, it is possible to place these persons in training positions and jobs. In spite of statutory residence arrangements, a greater opening of the labour market is necessary in order to offer asylum seekers and refugees a real chance of integration in Germany.

In this Memorandum the actors involved draw conclusions regarding their work and forward recommendations for action to be taken to the areas of policy-making, public administration and the business community based on their long years of practical experience.