

Coping with Migrants and Refugees

Multilevel Governance across the EU

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9 Multilevel governance of the “refugee crisis” in Germany: a chronological analysis of governance approaches and implementation outcomes

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Introduction

The large increase in arrivals of asylum seekers via the Balkan route in 2014–2015 led to an unprecedented peak in asylum applications in Germany. Since the last “asylum crisis” at the beginning of the 1990s, policy changes on the national and supranational levels—notably the change of national asylum legislation in 1992 and the introduction of the Dublin Regulation on the European Union (EU) level—led to a strong decrease in asylum applications until the early 2000s. Between 2004 and 2009, annual application numbers stayed well below 30,000, and the reception infrastructure was adapted to those low numbers. But during the 2010s, an overwhelming increase in asylum applications challenged the reception system and led to a number of policy changes and reactions on the ground.

The reception of asylum seekers in Germany is a multistage process. From the point of entry at a national border, asylum seekers are distributed among the sixteen German states. After an initial stay at a first reception facility where the asylum application is initiated, they are further distributed to the counties and municipalities of the states, where they have to stay during the asylum procedure. This type of distribution follows the logic of fair share, which represents a fundamental governance principle of Germany’s federal structure. A further important principle is the subsidiarity principle, which stipulates that each governance level should first sustain itself, before reaching out for support to higher governance levels. This principle is also extremely relevant for the asylum reception process, as municipalities are reimbursed by the state for the accommodation of asylum seekers, but have to pay for the initial integration provision out of their own budgets.

The aim of this chapter is to analyse the reception and redistribution of asylum seekers in Germany, focusing on the implementation outcomes at the local level. It will proceed in a chronological order to highlight how actor constellations and negotiation processes have changed in response to the increasing pressure faced by the German reception system since 2014.

The analysis will start with the dynamic developments of 2014 and 2015 and their effects on the quality of multiple actor relationships between different governance levels. Then it will turn to 2016–2017, which can be described as a period of consolidation. Lastly, it will address the long-term effects of this period of crisis from the perspective of 2019–2020, when reception systems were alleviated from the stress of high arrival numbers, and new debates emerged on the further development of the German reception system and the role of the local level. Throughout the analysis, the chapter will follow the main rationale of this volume, which is to analyse reception processes with a focus on multilevel policy-making dynamics, notably the interaction among different governance levels and between state and non-state actors.

As a result, the chapter will answer the main research question in two ways. On the one hand, it will show that reception policies were harmonised throughout the sixteen states, thus leading to converging political practices regarding redistribution practices and reception conditions. On the other hand, it will give insight into the specifics of local reception policies, where a multitude of state and non-state actors cooperate, and where decisions regarding the reception of asylum seekers have to be taken within the wider context of local conditions and demands. As a consequence, we see varying—if not diverging—policy implementation results, so that the very idea of “fair shares” is called into question. Hence, the chapter pleads for attention to be paid to the local level as an important context for negotiation and implementation processes.

The chapter is structured in four sections: following the introduction, it will describe the dynamics of asylum seekers’ arrivals and the structure of the German reception system as a contextual frame for the subsequent analysis. Then it will analyse major developments in the multilevel governance (MLG) of reception during and after the times of mass arrivals. It will specifically highlight decisions taken and developments introduced by higher governance levels and how these were understood, negotiated and implemented on the local level. Finally, it will discuss the results with regards to the guiding research question and formulate a conclusion¹.

The German reception system: structure and main actors

In the federal structure of Germany, responsibilities for the reception of asylum seekers are distributed across all levels of government: the federal, state, county and local levels. While the federal government is responsible for the framework legislation and the processing of the asylum procedure executed by the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*), the states are responsible for housing, social care, health care and the granting of benefits for vital needs (Müller 2013, 11). These responsibilities are allocated in a top-down process from federal and state levels to the county and local levels, with some variances between the states.

The asylum procedure in Germany starts after the border crossing of asylum seekers and their request for asylum. This request must be directed to a state institution such as a border authority, the police, an immigration authority or a reception facility. Every person is registered and receives a “notification of registration as asylum seeker.” Then, asylum seekers are distributed among the sixteen states based on a distribution key (*Königsteiner Schlüssel*) that regulates how many asylum seekers a state must take in. This distribution quota is calculated annually according to the tax revenue and the population share of a federal state. In 2014, North Rhine-Westphalia had to accommodate the highest rate (21.2%) and Bremen the lowest (0.9%) of asylum seekers (BAMF 2016, 16). This distribution is coordinated by the Federal Office for Migration and Refugees (Müller 2013, 20).

After internal distribution, asylum seekers are accommodated in the first reception facilities of the states (*Erstaufnahmeeinrichtung*) for up to twelve weeks (since 2015 up to six months) while their asylum application is being processed. For this purpose, branch offices of the Federal Office for Migration and Refugees are affiliated to first reception facilities. After this initial period, asylum seekers are redistributed throughout the state to collective accommodation centres or decentralised housing, coordinated by the municipalities. In most states, this process is managed on the county level (or on the level of large cities which have the same formal status as counties). Only the state of Bavaria and the city states of Hamburg, Berlin and Bremen run the follow-up accommodation facilities themselves. Thus, the allocation of asylum seekers to municipalities is based on a negotiation process between county and municipal authorities and stakeholders.

The local design of the accommodation is regulated by corresponding state laws and ordinances, which in some cases show considerable differences, for example, with regard to the executive responsibility, the policy implementation and the political-administrative design of the follow-up accommodation. Furthermore, some municipalities prefer to provide centralised collective accommodation, while others promote decentralised accommodation in apartments. Some facilities are operated by state authorities, and others by private providers, who are contracted by private authorities (Müller 2013, 12–15). During the reception and status determination process, asylum seekers are supported by social workers, whose involvement is regulated by state law. Those social workers either have office hours in the group accommodation facilities, or they visit asylum seekers in their decentralised homes on a regular basis.

It is not only state organisations that ensure the accommodation and support of asylum seekers, but also non-governmental organisations are also frequently involved in different aspects of reception. These latter organisations offer help with asylum procedures, social counselling, language classes, school support for children, interpreting services and introductory programmes for daily life in Germany. Those offers and personal engagements, designed on a voluntary basis, were mostly triggered by humanitarian

values, combined with the experience that state authorities were not ready to provide sufficient support for the reception and social integration of asylum seekers, notably at the time of high arrival numbers.

Development of the German Reception System during the “Reception Crisis”

The asylum reception system under stress

As described above, the asylum reception system saw quickly increasing demands from 2014, but as arrival numbers continued to rise throughout 2015, the provision of accommodation became the most pressing and challenging problem. Emergency accommodation was erected throughout the country, consisting of tent camps, container camps, adapted gyms, storage spaces and exhibition halls. Furthermore, derelict public and private buildings such as schools or abandoned stores were used. To give some numbers: while the city of Leipzig (then approximately 530,000 inhabitants) accommodated 1,243 asylum seekers in 2014, numbers increased to 1,651 in March 2015, and to 4,230 in December 2015. Additionally, the city hosted 800 unaccompanied minors in specialised youth care facilities (Stadt Leipzig 2017). During winter 2015–2016, when the arrival numbers were highest, the city used the capacities of the Leipzig Trade Fair to host up to 1,800 asylum seekers in one of the halls. Later, a tent camp was erected on the Leipzig Trade Fair’s grounds.

During those times, allocations of asylum seekers were done at short notice. As one interviewee put it, “once we receive the notification, they are already on the bus from the first reception facility” (interview with a mayor, Leipzig County, May 28, 2015). Neither the municipality nor the county had a say about the composition of the asylum seekers, for example, regarding family status, ethnicity or special needs.

Reflecting on the developments in 2014 and 2015, many of my interviewees raised criticisms of the poor top-down management during—but also before—the crisis. Among other complaints, interviewees criticised the inability to accomplish asylum procedures within a reasonable time frame, so that many asylum seekers were allocated to municipal accommodation instead of being housed in the first reception facility for a quick decision on their asylum application. According to a representative of Leipzig County, 500 of the 1,000 asylum seekers who were hosted in the county at the end of 2014 should not actually have been there. Some of them were from crisis regions such as Syria who were eligible for refugee status and should have been moved into private apartments after the status determination instead of crowding municipal asylum seekers’ accommodation. The others consisted of asylum seekers from safe countries of origin who, he asserted, should have received a quick rejection of their asylum application and subsequently deported directly from the first reception facility. The additional

allocation of these people, argued the representative, hampered the implementation of the county's policy of decentralised accommodation and fair negotiation processes with the municipal authorities:

As the state and federal government are not performing their tasks, we are also denied the opportunity to implement our coordination concept with our municipalities. Usually, when we receive accommodation offers from private owners, we first discuss these offers with the municipal authorities, so that they can check if the allocation to a certain residential area is acceptable. Only then do we consider it as asylum seeker accommodation.

(Interview with a representative of Leipzig County Administration,
Leipzig County, May 26, 2015)

This quote shows the difficulties of the vertical dimension of governance in a situation of crisis. County administrations were sandwiched between the governance levels above them (state and federal levels) and the local level (municipalities). While county authorities usually put great effort into maintaining good cooperation with the municipalities, at this point in time, faced with quickly increasing accommodation demands by the state authorities, some decisions were taken against the will of local authorities, or without proper negotiation. One telling example is given by a mayor from Meißen County. As there was inadequate housing in the municipal housing stock, the county accepted an offer from a private person who had an almost empty housing unit that had originally been used to accommodate agricultural workers, but was almost empty at that moment. The county rented the house for five years and sent thirty-five asylum seekers to live there, without having discussed the issue beforehand with the mayor of the municipality. The mayor would have objected to this plan, as the location is in a peripheral, rural part of the municipality, without any infrastructure and a small population of only 175 inhabitants, so that integration conditions were rather poor. During the interview, the mayor reflected on the situation and on his bad negotiating position: "And then, as a municipality, you have a very weak position if you say 'I don't want to have them there,' but you cannot offer anything in exchange" (interview with a mayor, Meißen County, May 26, 2015). Because even though the county authorities are basically dependent on good cooperation with the municipalities, they have the right to intervene in emergency situations. In the case of the accommodation of asylum seekers, the Saxon State Reception Act, for example, clearly states that municipalities must cooperate. If they do not do this to a sufficient extent, county authorities may also designate emergency shelters on municipal grounds.

Thus, from a MLG perspective, we can see that actors have different rationales for action: while county and state authorities formally need to cater for persons during the asylum procedure, it is the municipal level

where asylum seekers are actually allocated. Even though the relationship between counties and municipalities is built on trust and on mutual dependency regarding the multiplicity of relevant policy issues under negotiation, in times of crisis, such as 2014–2015, the vertical structure of the relationship clearly shows the power asymmetries between the different stakeholders.

If we now take a look at asylum governance at the local level, the different rationales of county and municipal levels become even clearer. While at the county level, negotiations usually focus on state and institutional actors, municipal authorities are much more determined to explain policies to local residents, keeping in mind the local specifics (such as political power constellations, local mentalities, and power structures between state and non-state actors) and the multiplicity of policy issues they have to deal with. Thus, the disapproval of decisions in one policy field may provoke public protest or disapproval in other policy fields and thus diminish or destabilise local power relations. So in order to uphold “social peace,” as some of my interviewees formulated it, local authorities made efforts to negotiate with local stakeholders and the local population in order to explain the decisions imposed from above, even if they did not agree with those decisions.

This can be highlighted with the example of an emergency first reception centre which was planned in a state-owned building—a gym—in Kamenz, a town of approximately 17,000 inhabitants in Bautzen County, Saxony. When the mayor was informed about the state’s decision, he was very upset, especially as Kamenz at that time already had a group accommodation facility for asylum seekers with 700 inhabitants, while other municipalities in the county had not yet engaged in the reception of asylum seekers. As the gym was used by the largest sports club in town, which had no alternative facilities, the mayor needed to find a solution which could be acceptable for all stakeholders in order to uphold social peace. He approached the responsible state minister and succeeded in arranging a meeting with the minister, the president of the sports club, and himself, to discuss the issue:

He [the state minister] immediately agreed. And that shows that even if there is a really serious situation, there was a real will to find solutions to the arising problems instead of only issuing orders in a top-down logic.

(Interview with a mayor, Bautzen County,
May 11, 2019)

The final agreement was that the gym would only be used from February until August. After that, the minister promised, another, more durable solution would be found. The sports club director agreed to this negotiation result and managed to communicate it proactively to the club’s members, even though they had already been to court to obtain an injunction against the further use of the gym for accommodation purposes.

That means if we hadn't done anything, buses with refugees would have come on Friday and would not have had access to this property. The buses would have needed to return. And this in a rather agitated atmosphere.

(Interview with a mayor, Bautzen County,
May 11, 2019)

As the interviewee put it, a solution was only found that was acceptable for all sides via the multilevel negotiation processes between state and non-state actors:

It also showed that the [sport club's] board of directors was then ready to defend our solution with its members. Not like "The mayor of this city does it",...rather, "our own board of directors says, look, the situation is like this...we should also join in, as this issue will be over in August. And meanwhile we will find another place for our training." So we achieved this solution because we united with each other.

(Interview with a mayor, Bautzen County,
May 11, 2019)

Our research showed that the emergency situation increased cooperation between multiple actors on the local level and thus the horizontal governance dimension, while the vertical dimension was severely challenged. Even though county representatives were very much aware that their activities in the field of asylum governance would have spillover effects on other policy fields and could complicate further policy implementation processes in municipalities, they found themselves sandwiched between the governance levels above and below them and realised that they had limited room for manoeuvre. One interesting observation during those times was that municipal stakeholders initiated activities to bypass the meso level of governance (the county level) and intensified direct communications with federal and state authorities. But also at the federal level, there were increasing activities throughout 2015 to intensify contacts with local stakeholders, for example, by establishing regular meetings with representatives of the Association of German Cities.

In those times of increased pressure and rising public attention, new actors appeared in the field of refugee reception, notably on the local level and among members of civil society. Since 2015, voluntary engagement for refugees has become one of the largest fields of civic engagement. A representative survey revealed that the share of volunteers in the field of refugee relief increased from 7.3% in November 2015 to 8.7% in May 2016. Moreover, three quarters of respondents declared their general readiness to engage in refugee relief activities (Ahrens 2017, 42). The increase of volunteers and non-governmental organisations (NGOs) also led to a diversification of civic engagement. While before 2015, refugee relief was mostly implemented

by politically similar initiatives such as religious societies, one world or peace movements or anti-racism groups, volunteers who joined since 2015 have varied profiles, competences and ideas about engagement (Karakayali 2016, 3). As a consequence, forms of volunteering have diversified. While on the one hand, there are non-governmental humanitarian organisations such as the Red Cross or Caritas, many spontaneous volunteer groups and individual actors have emerged, some of them focusing on very particular activities, such as running one specific emergency accommodation facility. Furthermore, the areas of engagement have diversified, ranging from the acquisition, processing and distribution of donations (e.g. clothing store, furniture exchange, bicycle workshop) and social activities such as leisure events for refugee children to the organisation of neighbourhood cafés for creating meeting opportunities with locals, as well as very individual and specialised everyday support, such as providing interpretation for visits to public authorities or the doctor (Speth and Becker 2016).

A quote from a local stakeholder highlights the necessity of having strong non-governmental actors in this situation:

We have one social worker who is financed by the county. Fortunately, I have the Catholic, Protestant and Free Evangelical Churches that are doing their best. Then I have the NGO "Bon Courage", who are taking their time for every single asylum seeker, helping with bureaucracy. All of them are volunteers, and they are on site and can work and act in a way that we couldn't do as a local authority, and neither could the county authority.

(Interview with a mayor, Leipzig County,
May 28, 2015)

All interviews and pieces of research highlighted that during the stress situation of 2014–2016, refugee reception would have failed if civil society actors had not been ready to jump in and fill the gaps in the support system, notably by providing highly individualised support in all areas of everyday life for asylum seekers and refugees.

The rapid development of new initiatives sometimes caused overlaps of activities, and clashes between stakeholders regarding competences. A survey among eighty-seven volunteer agencies in September 2015 showed the great potential of civil society organisations in the field of refugee relief on the one hand, but also pointed to problems such as being overwhelmed by rapidly changing framework conditions, the large number of inquiries and the often poor structural resources of NGOs (Bagfa 2016, 3) on the other hand. As greatest obstacles, volunteer agencies cited a lack of coordination (74.0%), a lack of resources (68.8%) and a lack of information management (48.1%). Other frequently mentioned problems were the (false) expectations of volunteers, competition and a lack of cooperation among the actors as well as a lack of support from the municipality (Bagfa 2016, 14).

Also from the side of the asylum seekers, the multiplicity of actors could cause considerable confusion, as a study by Vertovec et al. (2017, 9) in the city of Goettingen revealed: "While such a range of actors and institutions may be perceived as welcome helpers, many asylum- seekers are at a loss to identify who's who, who can offer what kind of help—and who not, who belongs to the government (or who otherwise might influence an asylum application outcome), or who is simply a friendly person offering assistance."

Regarding the effects of the "asylum crisis" for asylum seekers, we can say that while they were affected by prolonged status determination procedures and a deterioration of housing conditions on the one hand, on the other hand, they profited from increased support from non-governmental actors, with a wider variety of often highly professional support. It should however be recognised that the landscape of non-governmental actors—and thus the availability and efficiency of support—varied considerably among the municipalities.

Looking back on this period of stress, we can summarise that all governance levels, non-state actors and the larger society were strongly challenged by the situation. In this situation of crisis, civil society actors showed their strength, providing an established structure of voluntary organisations and a great, initially overwhelming individual willingness to help. On the other hand, the strengths, but also the challenges embedded in the federal principles of the German government system were laid bare. While federal and state levels created the structural and political frameworks for the reception of asylum seekers, local stakeholders shaped reception systems, drawing from state and non-state resources. Thus, the initially high differentiation and sometimes divergence of local reception and relief systems can be explained by the high variability of local constellations. While horizontal cooperation was enforced, vertical cooperation was strongly hampered by the implementation of top-down decisions, sometimes neglecting the sensitive relationships between the various governance levels. This resulted in a loss of trust in the higher governance levels, which was partly directly addressed from the local to the federal level, thereby shunning established modes of multilevel communication. The pressure from the local level might have contributed to the fact that not only reception policies but also the asylum laws were reformulated at the national level. The following section will look into this point in more detail.

Rectification of political decisions and policy outcomes

Since autumn 2015, the German Parliament has made a number of amendments to asylum law that has affected the distribution and reception procedure on the state and local levels.

The Asylum Procedure Acceleration Law of 0 October 20, 2015 prolonged the maximum duration of stay in a first reception facility from three to six months. Asylum seekers from what are deemed safe countries of origin

(Bosnia and Herzegovina, Macedonia, Serbia, Ghana, Senegal and since 2015 Kosovo, Montenegro as well as Albania) are now accommodated in initial reception facilities for the whole asylum procedure—more than six months, if necessary. Furthermore, the Law for Better Enforcement of the Obligation to Leave the Country of July 20, 2017 allows the states to impose an obligation to stay in initial reception facilities for up to twenty-four months (subs. 47 subs. 1b AsylG). As a specific form of first reception centres, the state of Bavaria introduced two integrated first reception facilities in former military compounds in the cities of Manching and Bamberg in September 2015. In the centres, all steps of the status determination process until the final decision and possible deportation can be managed on the spot. These were first aimed at the large number of asylum seekers from the Western Balkan countries, who were considered to have little chance of receiving refugee status and thus would be kept in the collective accommodation under state control so that deportation could be efficiently implemented after the finalisation (and rejection) of the asylum procedure. After the federal elections in 2017, the new coalition agreed to introduce this kind of integrated accommodation—which by then had received their current title of AnkER centres (the acronym stands for “arrival—*Ankunft*—, decision—*Entscheidung*—, redistribution/return—*Rückführung*”—), in other states too. Thus, the federal authorities reacted to the frequent demands from the local level to only redistribute those asylum seekers who have a chance of staying in Germany, so that integration efforts on the local level are not “wasted” on a temporary population, as one mayor put it:

When I know that they are staying, then I can organise it properly. Also with pre-school, even if it needs six months to get a place, some day I will have it. But now, pre-schools resist and say, they are gone anyway after six months. Then the next arrive, but again only for six months... From the state side, I say now, create admission capacity until the status is clarified, and then proper integration. During this initial admission, [the state provides] medical care, kindergarten and school. As soon as it is clear what status they have, deport them or integrate them.

(Interview with a mayor, Meißen County,
May 26, 2015)

A further considerable change regarding the distribution of asylum seekers was introduced with the new Integration Act of August 6, 2016. While before, residence restrictions were only relevant during the asylum procedure, the new act introduced a residence obligation for people with refugee status. The amendment aimed to “counteract segregation tendencies which hamper integration” (Deutscher Bundestag 2016, 3). It stipulates a residence obligation for a duration of three years after status determination. During this time, residence is restricted to the state where the asylum seekers lived during the asylum procedure. More detailed residence obligations focusing

on specific municipalities are at the discretion of the state. Exceptions are possible for those refugees who are employed and can sustain themselves, or who follow a vocational or higher education course. Since August 2016, seven of the sixteen states have implemented those geographically more specific residence obligations (Renner 2018, 10).

A special type of this residence requirement is the residence ban, which can be decided by the district or state government at the request of individual municipalities. In the course of 2017, especially medium-sized district towns (30,000–100,000 inhabitants) mounted concerns regarding providing housing and integration structures due to secondary movements of refugees from the rest of the county, or expressed worries about social peace. Between 2017 and early 2018, five cities implemented or applied for residence bans for refugees, based on the new amendments to the Residence Act (§ 12a Abs. 4 AufenthG).

While those new amendments introduced in the Integration Act were generally aiming at supporting integration, preventing segregation and upholding the principle of fair burden-sharing among German cities, counties and states, policy outcomes indicate adverse effects with regards to labour market integration: a representative survey of around 3,350 asylum seekers and refugees carried out in 2017 and 2018 showed that those respondents who were not living with residence obligations had a higher probability of integrating in the labour market than those who were living under such obligations (Brücker, Hauptmann and Jaschke 2020). The reason for this was the larger range of job-seeking opportunities for the former group, resulting in a higher chance of finding employment and a better matching of individual qualifications and labour market requirements.

The post-crisis period: from reception to integration

In 2018 and 2019, arrival numbers further decreased, and in many municipalities the integration system was consolidated. As the large number of asylum seekers who had arrived in 2015 and 2016 had progressed in their integration trajectories, asylum support structures on the ground gradually shifted from “first aid” towards specific integration issues, such as housing or labour market integration. At the same time, policy outcomes of integration politics, resulting from the interaction between policies and realities on the ground, clearly showed diverging results on local and regional levels and thus increased local claims for a differentiated, context-sensitive approach to migration, asylum and integration politics. The following subsections will address these developments using the example of housing and municipalities’ mobilisation.

The horizontal dimension of governance: refugee housing

As already outlined above, many local and regional accommodation policies focused on decentralised accommodation for asylum seekers. This

was based on the assumption that individual housing would support early independence and avoid stress and re-traumatisation, which are likely in group accommodation. During the time of increased arrivals and emergency accommodation, there were certain centralisation tendencies, but many counties tried to uphold their decentralisation strategy and built new administrative structures for the acquisition of rental apartments. However, when those quantitatively strong cohorts of asylum seekers of 2015–2016 received their residence status, they were confronted with the competitive pressure of local housing markets. If they cannot sustain themselves, accepted refugees or persons under subsidiary protection can rely on the financial assistance and practical support of the local authorities (notably the so-called “job centres”) regarding housing. But given the large number of persons in need, those local authorities also failed to find appropriate accommodation for all refugees. Therefore, many people remained as “overstayers” in asylum seekers’ group accommodation. A representative survey among 4,500 asylum seekers before and after status determination revealed that in 2016, 33% of respondents with refugee status were still living in group accommodation. Among those who had not received residence status and lived under “toleration,” no less than 55% lived in group accommodation. Among all respondents, the share of collective housing differed between 21% in the state of Saarland and 83% in Berlin (Figure 9.1). A closer look shows that the share of collective housing is not only a result of diverging policies, but is also due to differences in the local housing markets. Notably in rapidly growing cities such as Munich, Frankfurt or Berlin, refugees have difficulties finding appropriate housing, given the narrow framework of social housing. The size of the problem is highlighted by the statistics of homeless people: between 2017 and 2018, the number of homeless refugees increased from 416,000 to 441,000, while the number of other homeless people increased from 234,000 to 237,000 (BAG 2019). According to calculations on housing those migrants who arrived between 2014 and 2016, about 320,000 new social housing units would be necessary (Braun and Simons 2015, 5). One of my interviewees in the city of Rostock gave a rather pessimistic outlook on the further development of social housing for refugees:

Our group accommodation facilities in Rostock have now turned into shelters for the homeless. The rate of “overstayers” is somewhere between 70 and 80%. The people from the social authorities say there will be people who will still be there in 20 years. Especially for people with special needs, with disabilities, elderly people, and large families—there is nothing being created for them. We actually have some new social housing projects which will be available in 2022, but refugees are not calculated in those projects.

(Interview with an NGO representative, Rostock,
September 21, 2018)

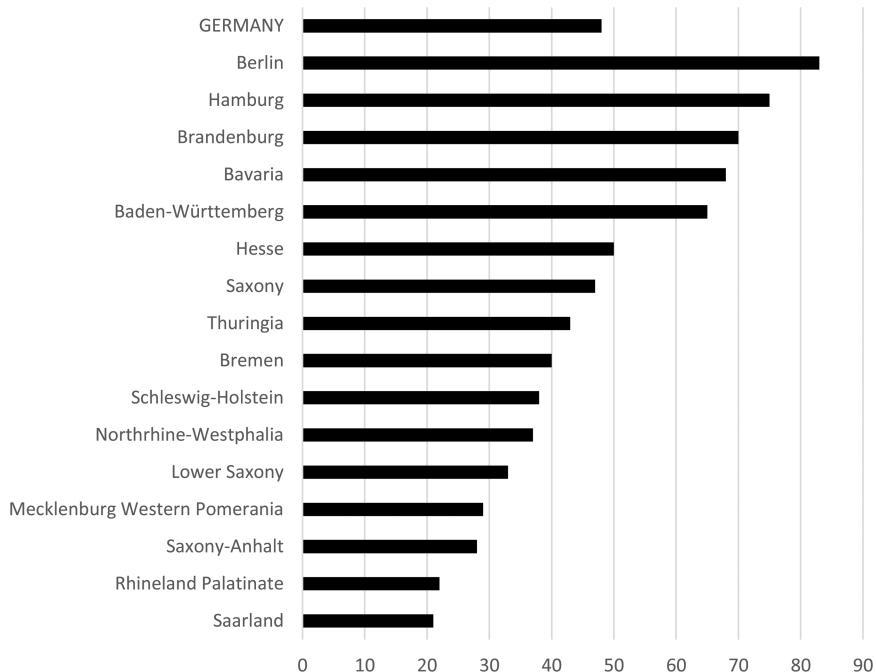


Figure 9.1 Share of collectively housed asylum seekers and refugees per state, 2016

Source: Baier and Siegert 2018; own design.

Our research found various strategies to deal with the housing problem, which also highlights the effects of horizontal cooperation between multiple stakeholders. In some municipalities, arrangements were made that asylum seekers who were accommodated in municipal apartments during the asylum procedure could remain in their apartments after status determination. This was enabled by cooperation between foreigners' or social departments, which are responsible for housing during the asylum procedure and thus hold the housing contract for decentralised asylum accommodation, and the local job centres, which are responsible for organising (social) housing for people with a refugee status who are dependent on social benefits. As arrival numbers strongly decreased after March 2016, decentralised asylum seekers' housing was not needed in such great numbers anymore and could be re-purposed for use by refugees after status determination. In those cases, asylum seekers could stay in place and thus maintain the social ties they had already built up, and the housing contracts were transferred from foreigners' or social departments to the individual refugees, after consultation with the local job centres and the landlords. However, this strategy was only effective in cities with rather relaxed housing markets, such as the city of Chemnitz:

Theoretically, they have to leave their apartment when they receive their refugee status, because the apartments belong to the social authority, and we don't have to accommodate them any more after status determination. That's why they have to leave the apartment. But as we have those capacities, we decided early in this procedure: we will do everything we can to transfer the housing contract from us to them. So we contact the landlord and ask if he would be interested in keeping the tenant. Then we can cancel the contract, and this contract can be transferred to the refugee tenant without delay.

(Interview with a representative of the office for social affairs, Chemnitz, October 22, 2018)

Another example of the importance of multiple stakeholder cooperation is the specialisation of refugee organisations in the search for housing for refugees after the asylum process. This resulted from the observation that refugees were often overwhelmed when looking for accommodation individually. Survey results show that in 2016 only 8% of refugees found an apartment on their own after the asylum procedure (Baier and Siegert 2018). They could not interpret the details in the rental advertisements, failed during phone calls due to a lack of German language skills or due to discrimination, and often found themselves in an unfavourable position *vis-à-vis* the landlord when negotiating a rental agreement. Although, as mentioned above, the job centres are actually responsible for finding and initiating tenancies for refugees in social need, they were frequently overwhelmed by the increasing number of refugees looking for accommodation, who moreover often had special requirements (e.g. apartment for large families). Therefore, the commitment of voluntary helpers often turned to the field of housing. A survey on the activities of volunteers in group accommodation in the city of Leipzig showed that assisting the search for individual housing was the most common area of engagement (61%) (Glorius 2017, 20). Also, some NGOs entirely shifted their focus to the field of housing. In Leipzig, the NGO "Contact Point Housing" assists refugees to find an apartment or a room in a shared apartment. They arrange individual partnerships between refugees and volunteers who assist their search. Refugees and volunteers are supported by the NGO during the entire process. They receive all necessary information and documents and can get individual advice. Furthermore, volunteers are trained on issues of housing law, refugee rights or housing market specifics. The NGO also serves as a contact point for landlords interested in offering apartments to refugees. In our research, many municipal authorities candidly admitted that they could not provide the kind of highly individualised coaching and assistance offered by NGOs, which has proven to be very effective.

***The vertical dimension of governance: the pressure
of municipalities on the federal government***

As a further long-term consequence of the “refugee crisis” of 2015, we saw a growing mobilisation of local actors who want to have a voice in refugee politics. In Bautzen County, for example, a group of about sixty mayors signed an open letter to Chancellor Merkel, trying to bring local perspectives on migration and asylum politics to the fore. Their argumentation was inspired by individual experiences, with sometimes unrealistic attitudes and aspirations of asylum seekers which hampered integration, and on the other hand, the absurdity of deporting well-integrated people without protection status. One of the initiators from Bautzen County explained the motivation:

This country doesn't have an immigration law that clearly defines the conditions of successful immigration, like is done in other countries. It would be wonderful if we could tell this person [we just talked about a well-integrated asylum seeker who would be deported, author], well, following asylum law, you have no chance, but following the foreigners law, you would.... And that's what I criticise about Mrs Merkel's politics. We do understand the empathetic approach, but we don't understand that she does not create the framing rules, meaning she creates the impression that Germany has unlimited opportunities for immigrants.... So we stated our position, because we know what we are talking about at this point. And we did this regardless of party affiliations, and I think that was a good thing.

(Interview with a mayor, Bautzen County,
March 11, 2019)

Since 2018, there have also been increasing demands from municipalities regarding the admission of additional refugee contingents in order to save shipwrecked migrants from immediate danger. In the aftermath of the conflicts around the rescue ship “Lifeline,” which was denied entry to a harbour in southern Europe for more than one week in summer 2018, over fifty German cities joined the “Seebrücke/Sea Bridge” movement and declared themselves as “Cities of Safe Harbours.” The initiative aimed to put pressure on the federal government to directly admit refugees who have been rescued from distress to the municipalities. The cities addressed the federal government to show their support for the direct admission of refugees to the municipalities.

This includes creating the legal and financial prerequisites, developing an additional distribution key in addition to the previously used Königstein Key and the assurance that all procedures and regulations that have been put in place for individually arriving asylum seekers should also apply to the quota refugees.

(Städte Sicherer Häfen, 2019)

By January 2020, 120 cities had joined this initiative, and their demands had expanded to the admission of unaccompanied minors from refugee camps on the Greek islands. Miriam Koch, Director of the Department for Migration and Integration of the City of Düsseldorf—a “city of safe harbours”—calculated the municipal admission capacities based on the logics of the Königstein Key. Even if Germany took all 40,000 people who needed to be evacuated from the Greek islands, and one-fifth were allocated to the state of North Rhine-Westphalia in accordance with the Königstein Key, this would mean 300 people being hosted by the city of Düsseldorf. As the accommodation facilities were only running at 80% of their capacity at that time, this would be an easy task: “We can take in those people at once and directly,” she said. Also the Mayor of the City of Potsdam, Mike Schubert, stressed the power and the will of municipalities to solve the humanitarian crisis: “The number of those who are ready to solve the humanitarian crisis is increasing every day.” He argues that this is also the democratically legitimated decision of the city parliament, and that is why municipal authorities would now be obliged to act (Hofmann 2020).

Those claims were made even stronger when the refugee camp of Moria on the Greek island of Lesbos burned down on September 8, 2020, leaving 12,000 asylum-seeking migrants homeless, among them many families and minors. Facing this humanitarian catastrophe and the unwillingness of national governments in the EU to solve the situation by evacuating all migrants from Moria, municipal but also state authorities in Germany demanded that the federal government implement state admission programmes and allow more flexibility for authorities on the meso and micro levels to take in refugee contingents in a planfull manner. This example highlights the increased interest of local, county and state actors to influence political decisions on the upper policy levels, as policy outcomes highly affect governance on the ground.

Discussion and conclusion

This chapter gave insight into the development of the reception structure for asylum seekers in Germany, since 2015, focusing on the local level and its interactions with higher levels of government. Concentrating on the reception and redistribution of asylum seekers and refugees, it highlighted the development of reception structures and policies in Germany during and after the “refugee crisis” of 2015. The empirical evidence showed that a considerable level of harmonisation was achieved by the cooperation of actors on multiple levels of policy-making. The central government (Federal Parliament—*Bundestag*—and Federal Council—*Bundesrat*) agreed on several amendments regarding the redistribution of asylum seekers, a reconfiguration of the first reception system, and regulations regarding mobility restrictions for refugees after status determination. However, the example of housing and the elaboration of regional accommodation schemes and

housing market features showed considerable divergence in implementation. This is due to high variance in framing features, local actor constellations and negotiation processes, but also due to varying problem pressure on the municipal level.

The findings of this chapter focused on the implementation side of redistribution and reception politics. From this perspective, we saw that the refugee crisis partially disrupted multilevel coordination, especially in its vertical dimension. While the various policy-makers did see the benefits of vertical collaboration, in practice collaboration often turned out to be impossible because of the pressure of problems and the different rationales of the actors located at the various levels of government. This finding partly correlated with failures in the third aspect of MLG configurations—the implication of cooperative interactions and negotiations among all involved actors—as in times of crisis cooperation and negotiation was replaced by power and imposition.

On the other hand, we saw increased horizontal cooperation or network governance, not only in practical terms of refugee reception, but also in political terms: municipalities joined bottom-up movements, addressing state and federal levels and demanding a revision of existing governance arrangements concerning asylum seekers' redistribution and reception. Pressure from municipal actors travelled up the hierarchy, so that local demands were addressed towards Chancellor Angela Merkel and the federal ministries. Those demands not only questioned the implementation side, such as proper financial support for municipal expenses for asylum seekers, but also EU regulations such as the Dublin Regulation insofar that municipalities claimed a more active role in arriving at humanitarian solutions for pressing problems in the context of refugee mobility.

As a consequence of the aspects discussed above, it is clear that a mere imposition of power in a hierarchical top-down approach would not have led to acceptable results in the long run. Multilevel policy-making dynamics appear to be characterised by good cooperation among policy-makers and stakeholders at different levels, and good horizontal cooperation in a field characterised by a multiplicity of actors. As many laws and regulations allow for a considerable level of discretionary decisions, a rigorous hierarchical policy implementation strategy would have led to counter-reactions from below and to a loss of trust between the stakeholders at the various levels of policy-making. This would have resulted in deteriorating relationships in the long run, which would have affected all policy fields, not only asylum.

Notes

- 1 The analysis presented in this paper is based on the research conducted with the CEASEVAL project, exploratory interviews in the region of Saxony during summer 2015, and expert interviews conducted as part of the project "Future for refugees in rural regions of Germany" which examines the integration

conditions and practices for asylum seekers in rural regions of Germany. The project was supported by funds of the Federal Ministry of Food and Agriculture (BMEL) based on a decision of the Parliament of the Federal Republic of Germany via the Federal Office for Agriculture and Food (BLE) under the rural development programme.

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