

passage gGmbH Hamburg, Germany
Coordinator Development Partnership EQUAL
Asylum Seeker and Refugees in Hamburg:

DP Qualification Initiative for Asylum Seekers and Refugees in Hamburg
(EQUAL first funding period)

DP A Safe Haven in Hamburg: Vocational Training for Refugees
(EQUAL second funding period)

“Success Story”

Refugee flows and migration are caused by armed conflict, by political persecution and by poverty that reduces people to below the minimum needed for existence. It is now recognised by the experts that people do not leave their home country voluntarily, but that they decide to migrate simply because the perspectives of life there are so threatening that they are prepared to accept the risk inevitably involved in fleeing the country, such as the risk of drowning in a boat that is not seaworthy, the risk of putting themselves in the hands of gangs that move illegal migrants, or exposing themselves to degrading conditions under the control of traffickers in human beings, or in prostitution.

The number of asylum seekers and refugees in Germany has dropped continuously over the past 10 years. At present there are some 227,000 people in Germany who have a status of temporary right to stay (2003 figure), and 67,848 applications for asylum were submitted last year (first applications and repeat applications). In May 2004 a total of 2,609 first applications for asylum were made in Germany. That means the number of asylum seekers was down 1,149 people (30.6%) compared with the equivalent month in 2003.¹ The number of juveniles and young adults is particularly significant there, accounting for a total of 19.1% of first applicants in 2003 aged between 18 and 25 years.

On the basis of the legal instruments and mechanisms where refugees are clearly disadvantaged – in other words how the German system of exclusion operates - we have tried to respond with the concept and strategy of our Hamburg Development Partnership, which was supported in the first funding period of the Community Initiative in the asylum sector. The results and success are considerable, especially there was firstly a great deal of interest on the part of business companies in training people from migration backgrounds, and secondly that there are major obstacles in the form of bureaucratic hurdles (work permit procedures), so that ultimately the decision on whether a person can be taken on is made by the Labour

¹ Federal Agency for the Recognition of Refugees (Bundesamt für die Anerkennung von Flüchtlingen)

Agency and by the authorities. It is important to build on networking with the business companies, and to continue and deepen the dialogue with the trade associations.

The project had a long preliminary phase, which certainly contributed to its success – a network was established as early as 2000 and laid the foundations for the project work from which the “Qualification Initiative for Asylum Seekers and Refugees” was created. The German title of the project includes the word “Offensive” where the English title says “Initiative” – according to the authoritative Duden dictionary of the German language, an “Offensive” is a carefully planned and prepared attack by an alliance formed for this purpose. It was important for us with the EQUAL programme to launch an attack on those restrictions which exclude refugees from the labour market, and that has been and is the declared strategic goal of the development partnership.

An important aspect in consideration of the reality of life for refugees in Germany is directed at the legal and social mechanisms of exclusion.

The characteristic structural problems in Germany are as follows:

- Restrictions resulting from aliens legislation, resulting from the legal status which refugees have where their right to stay has not been secured – they normally live with a temporary residence permit (“Aufenthaltsgestattung”) pursuant to Section 55 Asylum Procedure Act (AsylVfG), a temporary right to stay (“Duldung”) pursuant to S. 60a Right of Residence Act (AufenthG) or a long-term residence permit (“Aufenthaltserlaubnis”) pursuant to S. 25, paras. 3 to 5 of the Right of Residence Act. There are numerous other regulations which have the effect of further exclusion – accommodation in refugee camps, restrictions to freedom of movement, underprovision of health care, low level of social provisions under the Asylum Seekers Act (reduced social security benefits), provision in the form of goods in kind rather than cash payments (food and clothing vouchers, food packets).
- Restrictions in the issue of work permits – based on S. 39 Right of Residence Act in conjunction with the Employment Procedure Ordinance, the issue of a work permit has to consider whether (1) the employment of foreigners will have a negative impact on the labour market, particularly related to the employment structure, regional aspects and the specific sector of industry; (2) the work could be done by German citizens or by persons with equivalent legal status to German citizens who take on the employment in question. In practice, that means that refugees without secured rights of stay will normally have no access to the labour market.

Development Partnership in the asylum area – an example from Hamburg

Section V of the European Community Initiative EQUAL – that is funding for asylum seekers – is particularly important from the German viewpoint, because this is the first time that asylum seekers and refugees without secured status of stay are explicitly the subject of such a programme.

The Hamburg Development Partnership “Qualification Initiative for Asylum Seekers and Refugees in Hamburg” has been one of 8 projects approved in Germany in the asylum sector. The project has been designed to test new models of qualification and cooperation concepts in the city of Hamburg. This development partnership is a cooperative effort involving a number of different players from the refugee advice offices, youth service organisations, foreign associations, employment and education support organisations and school institutions. It also has been involved various Departments of the Hamburg administration, the Federal Labour Agency, the Chamber of Trades, and a number of business companies.

15 of the sub-projects that has been completed and evaluated by mid-year 2005 has been aimed at young and adult asylum seekers and refugees. It comprised a range of carefully tailored offerings for language training and basic vocational training, targeted pre-qualification measures and programmes for initial training for young people, together with opportunities for counselling and support.

The 15 sub-projects worked in an integrated system and were handled by 12 operating partners. They were grouped under certain thematic headings. The strategic direction of the EP was concentrated on four fields of action:

1. Facilitating and improving access
2. Developing and testing various target group specific concepts of education and training
3. Establishing new target group and labour market political approaches to deal with specific disadvantages
4. Training multipliers / Launching intercultural processes of opening

Practical results in Hamburg

In the course of the three-year funding period, a total of some 1100 asylum seekers and refugees with temporary right to stay have been given counselling, social worker advice and care, therapy, and preparation for the labour market, schooling and training. The Qualification Initiative has enabled some 240 people to successfully complete training and re-training courses and obtain vocational qualification certificates.

This is the first time that young refugees have been given training in trades and services, for qualifications as carpenters/joiners, painters, gardeners, hairdressers, IT technicians, and as gas/water installation technicians, ending up with examination by the Chamber of Trades and a recognised certificate. The course of training was organised in modular form in both of the two sub-projects, enabling participants to acquire partial certification depending on the duration of their stay.

The work in the sub-projects is embedded in a strategy for identifying and mobilising qualification places in the free labour market. Despite the difficult economic situation in the training and labour market, there have repeatedly been individual cases of success in finding

placements and training positions for further participants, and gaining the cooperation of business companies for practical cooperation. Thanks to persistent and dependable cooperation between the sub-projects and business companies, it has proved possible to make use of the existing potentials such as high motivation, key qualifications and multi-lingual skills. Altogether, the project has succeeded in gaining the support of nearly 140 companies for provision of placement, traineeships and jobs in the primary labour market.

We would like to present two “good practice models” as examples of successful cooperation and intervention of our Development Partnership:

Example 1: Teamwork

All the players in the development partnership have undertaken to cooperate in the framework of an agreement, in order to support the strategic and practical implementation of the project goals. This cooperation will be effected in various groups, e.g. a plenary group for the sub-projects, a steering group, and thematic working groups. The “Access” working group, comprising representatives of the Hamburg Department of Internal Affairs, the labour administration and representatives of the DP, has proven to be an indispensable committee providing support to practical operations in the sub-projects in matters of procedure, related to securing residence status and work permits, which are essential for participation. This provides a more or less unbureaucratic procedure for participants and organisers, to simplify the examinations of matters related to regulations for foreigners and for work permits with the various bodies responsible, by using the scope of action allowed within the law for the purposes of the project. The new quality of this cooperation is a good example of effective networking.

Example 2: Educational success is prevented by inadequate living conditions

Asylum seekers are normally housed in collective municipal accommodation in the initial years. Most of the participants in the Hamburg EQUAL programmes for vocational training live in these collective housing arrangements. Very soon after the beginning of the courses and programmes, it becomes evident that the requirements linked with participation in further vocational training are in serious conflict with these housing conditions – there is no space in the accommodation, there is no room for privacy for the purpose of learning and preparation, and the daily routines of the other people living there are not in compliance with the necessary pattern of life of the participants (regular sleeping times, early rising).

This was one of the problems described impressively by participants at a specialist event on the conditions of life of the Hamburg EQUAL participants and linked with a demand to accommodate participants in apartments. A panel discussion held immediately afterwards with representatives of the authority responsible for accommodation of asylum seekers (the

Department of Social Affairs and the Family) considered possible solutions, and established a round table on the subject of “Housing”.

The following was agreed at a first round-table discussion with representatives of the EQUAL development partnership, the Department of Social Affairs, and a municipal housing company:

- EQUAL participants and members of their families are to be given priority for transfer to apartments of the housing company.
- Single participants are to be given a single room.
- As a second priority, it is possible for them to move to pavilion villages, where rooms can also be provided for learning.
- These forms of housing are likewise to remain applicable after termination of the EQUAL programmes.

More obstacles than opportunities

All in all, the cooperation established for the first time by EQUAL between refugee organisations and training organisations on the one hand and the administrative departments and the business companies on the other hand makes an important contribution to identifying structural discrimination against refugees, taking up their resources, and recognising their needs for training. That certainly applies within the action radius of our development partnership.

The main barriers to implementation of the EQUAL initiative in Germany are obstacles in access to the labour market due to the existing legal regulations. Refugees with a status of temporary right to stay have virtually no chance of gaining access to the labour market because of the currently applicable priorities, which mean that priority for training places and jobs goes to Germans and/or migrants from European member states. Despite the requirements of this community initiative which explicitly sets out support to refugees who have no secured right to stay, implementation in Germany is subject to enormous obstacles from the viewpoint of the eight development partners, because the legal barriers mean that the participants do not normally have access to the programmes. It is paradoxical and absurd that these legal provisions are maintained, and at the same time the experimental character of the programme is highlighted. There is a conflict here between the intentions of the programme and the restrictions applied in refugee and asylum seeker policies in this country – though the development partnerships still achieve remarkable successes despite these problems.

Perspectives

Despite the conflicts associated in Germany with the issue of asylum seekers, we have taken a pro-active approach for the approval of a new development partnership for refugees in the Hamburg region. We succeeded in persuading those responsible at Federal level and the Hamburg authorities.

Since the beginning of 2005, the development partnership “A Safe Haven in Hamburg – Vocational Training for Refugees” has been implemented in Hamburg.

The follow-up development partnership, likewise coordinated by passage as the organising body, has started up with a changed network constellation and a new concept. By the end of 2007 there will be a total of 16 sub-projects running on the basis of experienced gained in the Development Partnership “Qualification Initiative for Refugees and Asylum Seekers in Hamburg”. They will be trying out further activities to eliminate discrimination against refugees in access to the training and labour markets, and launching legal policy initiatives for transfer of activities to the regular offerings in promotion of the labour market.

I would like to present the current Development Partnership, not in detail, but rather with a focus on two selected aspects which are particularly important for our work:

1. We have learned a lot from the experience of the first funding period – no doubt about that! Other experts quite rightly pointed out to us that we were not selling our project results well enough. They encouraged us to do more mainstreaming, and to do it in a more pro-active manner. As a result, we have established our own mainstreaming agency. It provides services in coordination and for the whole of the Development Partnership, looking after public relations work, presenting products and working with decision makers in government and administration.
2. Even if the European guidelines for the Community Initiative EQUAL have to remain largely subordinate to German law in this period, too, there are opportunities to work in the spirit of the experimental idea of the programme within the niches that the law allows, but at the same time the players can expect no free gifts! At the level of an Ordinance (not at the level of a law!) an exemption was granted, allowing refugees who entered the country as under-age juveniles, and who cannot reasonably be expected to leave the country again, to have access to the training and labour market. However, in practice it emerges that the authorities involved do not implement this on a self-evident basis, but rather they maintain their obstacles. We are taking up this challenge, and are making great efforts to gain access for the participants in question. There are two sub-projects in our present Development Partnership that aim to provide training in cooperation with companies in the primary labour market. This concept was finally approved, despite the resistance I have mentioned. Thus EQUAL is once again providing a platform for debate on the conflict with the decision makers, for presentation of possible solutions, and for recommendations to government and administration, and for what we hope will be sustainable transfer of integration models for Europe.

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