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ARRIVE – PARTICIPATE – STAY

Refugee Policy For Berlin

OUTLINE

Overdue: A different refugee policy in Berlin

Arrive – Participate – Stay is the guiding principle of the refugee policy concept presented in 2014 by the parliamentary group of the party DIE LINKE (“THE LEFT”) in the Berlin Abgeordnetenhaus, the “House of Representatives” and state parliament of Berlin. The concept, which is outlined in this leaflet, acts upon the growing criticism of the short-term thinking and lack of concepts of the current Senate’s policy. This red-black policy of the SPD (“Social Democratic Party”) and the CDU (“Christian Democratic Union”) is characterized by:

- Defence responses and marginalisation of refugees instead of debates focused on human rights and future chances on the one side, and the development of integration prospects at an early stage on the other side
- Short-run actions, secret policies and the handing over of responsibilities back and forth instead of consolidating the cooperation between the Senate Administrations, Berlin’s districts and the civil society
- The lack of an overall urban concept

With its refugee policy concept for Berlin, THE LEFT parliamentary group shows alternatives to the red-black refugee policy and points out the unused scope of action.

The Guiding Principle: Arrive – Participate – Stay

Our policy is based on the following guidelines:

Create prospects of staying right from the beginning: Berlin needs an open concept which rejects the policy of deterrence and marginalisation, and which rather strengthens the social cohesion of the city and puts newcomers in a position that allows them to build an independent life as soon as possible. That means, we have to acknowledge the skills and qualifications attained in one’s homeland, and we must use all possibilities of going through the process of granting residence permits quickly.

Comply with the life situation: Asylum seekers and refugees are not a homogeneous group of people. Depending on their different backgrounds, they come as a family or on their own, some are completely alone in Berlin, others have a network of friends and relatives already. A lot of refugees will find a way into their new lives on their own and without many difficulties if they are not deterred by defensive measures by the state. Others will need assistance. An open concept of admission and integration starts with these life situations, and it offers support where it is needed.

Support civil society: The citizens of Berlin respond with great solidarity with the refugees. Along with professional networks, they are a guarantee for a cosmopolitan city and together they stand as a bulwark against a policy of stigmatisation and marginalisation. The initiatives of the civil society have to be included equally in the development of future-oriented con-

cepts. Prejudices against refugees, which can be found also in the middle-class, are to be ostracised.

Improve coordination and strategic direction: Refugee policy is a cross-cutting issue – it calls upon the Senator of Construction and Urban Development as well as the Senator of Education, the Senator of Internal Affairs just as the Senator of Health, the Senator of Employment as well as the mayors and city councillors. It is first of all through cooperation, direction and reporting that the redirection can succeed, that individual measures complement one another, and that resources are invested where needed.

Become active for a different refugee policy in Germany and in Europe: Many of the repressive regulations that are targeted at the marginalisation of refugees are based on federal law. We commit ourselves to dismantle the compartmentalisation system of the European Union. It's not the borders, but the refugees who need to be protected, which is why the EU Border Agency Frontex has to be abolished. We want to change the Dublin System, so that refugees can determine their country of residence themselves, and there will be a fair balance between the EU member states.

Field of action: How Berlin can become more active

Even though the focus of the present debate lies on the refugees' accommodation situation, a responsible refugee policy has to take a lot more into consideration. Refugee policy is cross-cutting policy – it's about education for children, the access to the job market, health protection, the implementation of rights, and the struggle against discrimination and prejudices. Our concept holds suggestions for all fields of action and it explains how the different measures can complement one another.

1. Admission and Accommodation

Whoever puts refugees in camps or collective centres, incapacitates them and deprives them of their ability to act on their own and, thus, of the chance to quickly stand on their own feet. Therefore, it must be an absolute priority of any future-oriented admission strategy for Berlin to prevent collective centres and to allow refugees a life in proper accommodations from the very beginning. The possibilities of the house market are by no means fully exhausted. Yet, housing space for refugees does not open up on its own. It takes coordinated measures and team work of the Senate Administrations, the districts and the housing industry, as well as a mobilisation of the urban society.

Find and guarantee accommodation for refugees: Refugees should move preferably into apartments. The provision and procurement of housing space with a basic standard for people in social need in general (among them asylum seekers) has to be added as obligatory to the catalogue of benefits of the communal housing companies, and ensured by the agree-

ment of objectives between the Senate and the housing industry. The funding of more housing space must comprise subsidies for the construction and remodelling of refugee accommodations. When allocating real estate, housing projects for refugees have to be considered with special priority. Furthermore, concepts for the temporary use of vacant buildings are to be developed; the management of vacancies has to become more effective.

Enforce minimum standards for collective centres: There have to be determined qualitative and quantitative minimum standards for collective centres – legally binding, transparent and checkable. In order to do so, we must establish a work group in which partake the Senate Administrations, the districts and groups of the civil society. To better control the centres and to make sure the accommodations really meet the standards, a centre inspection agency must be introduced. The work of each collective centre needs to be accompanied by a home advisory board, which may serve as a low-threshold contact point for complaints in addition.

Decentralise initial reception centres: Asylum seekers spend up to three months after their arrival at an initial reception centre. We have to create decentralised alternatives to the present collective reception centres, like the one on Motardstraße, which allow us to be more flexible and to adjust to the fluctuating number of new arrivals.

Improve coordination: There are many players in housing policy. The measures must be in line with each other and strategically coordinated. It has been long overdue to establish an inter-departmental coordination group with the participation of the districts and non-governmental organisations, which takes concerted action to develop a concept of reception and accommodation with a medium reach. In the medium term, all responsibilities regarding legal questions of residency and benefits are to be covered by the Senate Administration for Integration.

2. Kindergarten and school

The social disadvantage of refugees in Germany affects, above all, children. The accommodation in collective centres isolates them and impairs the integration and participation in the life of their peers. Refugee children need to get the same support and the same opportunities like any other child in Berlin.

Allow all children to attend kindergarten: The support of pre-school children is absolutely insufficient. Within the scope of the kindergarten expansion programme, the Senate has to ensure together with the institutions in the districts that there will be created and reserved new places with priority close to collective centres. There must be an improvement in the collaboration of the district youth welfare offices with regard to information, counselling, application and searching for a suitable kindergarten place. The counselling of the parents has to be an obligatory part of the contractual task catalogue of the social workers at Berlin collective centres.

Implement the right to attend school: In Germany, refugee children are subject to compulsory school attendance irrespective of their residence permit. The principle, “Regular school-

ing from the very first”, has been violated more and more frequently. It must be ruled out that newly arrived children without German language skills are taught in “Welcome classes” outside of the regular schooling. The children have to be integrated into regular school classes after three months maximum.

Create chances for adolescents: Adolescents older than 18 years, too, must be allowed to attend school to graduate. The possibilities to obtain a graduation externally from school have to be improved for older adolescents and young adults. The “Oberstufenzentren” (secondary schools for further education in Berlin) are to offer an education that enables all students to become professionally qualified, irrespective of their residence permit and at least until they are 27 years old.

Improve coordination: The Senate Administration for Education and the Regional Office for Health and Social Affairs Berlin (LaGeSo), which is responsible for the admission of refugees, have to act more concertedly. The districts must be informed early on about planned locations for collective centres, and have to be equipped so they can comply with the necessary tasks.

Secure rights of unaccompanied underage refugees: The clearing procedure practised in Berlin is subject to critique. The work of the clearing agency must be supervised by an independent agency. The determination of age shall only take place in justified individual cases and within the frame of the clearing procedure and a precisely defined time. In principle, single and associated guardianships must have priority over the in Berlin prevailing public guardianship.

Guarantee the well-being of the child also as priority in the German Aliens Law: According to Article 3 of the United Nations Convention on the Rights of the Child, the interests of the child are to be considered with priority in every decision that might have an effect on the child. To fulfil this norm, the priority of the well-being of the child must be included in all laws and official implementation regulations, especially in the Aliens Law.

3. Work and employment

Refugees want to stand on their own feet as soon as possible. It is of general interest to give them the possibility to work early on. The prohibition to work and procedures of long duration generate passivity and financial dependence. Job perspectives right from the start have to become a guiding principle of the new labour market policy for refugees.

Acknowledge and promote skills: There is a good working network of initiatives for professional integration in Berlin. Early integration and counselling of asylum seekers as well as of people who have been granted leave to remain must be ensured. This concerns in particular the procedure of authentication of professional qualifications. Refugees need the full access to the benefit instruments of the Social Security Code II and III (“Soziales Gesetzbuch”, SGB) with the purpose of professional integration and vocational training, adaption of vocational

skills and commencement of work. They also have to get access to the integration courses right from the start.

Use the margin of discretion: The Aliens Department's authority to issue directives has got to be changed in order to make full use of the margin of discretion for granting work permits. There has to be put a lot more effort into improving intercultural competences and eliminating racism at the Aliens Department and institutions of the labour market policy.

Abolish the work permit requirement: Berlin must advocate the abolishment of the requirement of a work permit, and campaign for an unlimited access to the labour market for all migrants living in Germany.

4. Health

Medical care of refugees is extremely limited through the Asylum Seekers Benefit Act ("Asylbewerberleistungsgesetz", AsylbLG). Consequently, it is necessary to increase the pressure on the federal legislator to abolish the Benefit Act. In spite of this, there is a scope of action for the federal state of Berlin.

Ensure medical care: Every person entitled to benefits, in accordance with the AsylbLG, is to be admitted to a compulsory health insurance ("gesetzliche Krankenversicherung", GKV), and they shall receive a chip card, as it is already practised in Bremen and Hamburg. All institutions of the public health service, which provide special services to newly arrived asylum seekers, must be equipped adequately.

Protect the traumatised: The EU has defined minimum standards for the medical care of groups of "particularly vulnerable refugees". This refers to underage children, handicapped persons, older persons, pregnant women, single parents with underage children, and persons who have suffered from torture, rape or other severe forms of psychological, physical or sexual violence. The need of assistance is verified through a multi-level procedure developed in Berlin, so that people receive their adequate benefits. It's a model which serves nationwide as exemplar and it must be adjusted to the increasing number of refugees. At federal level, Berlin must advocate the incorporation of the Berlin model into the implementation of the EU Reception Directive as national law due on 31 July 2015.

Even the **people who live in Germany without any residence permit** have got the right of medical treatment. As a matter of fact, most of them do not exercise it, because they are afraid of being reported to public authorities. The dense network of assistance, where people without residence permits can find treatment, must be supported a lot more and further developed towards an "anonymous health insurance certificate".

5. Policy of abode

We need a fundamental change in refugee policy. Berlin has to become active in the Bundesrat, the “Federal Council” of Germany, for the true implementation of the right of abode, and for the abolishment of the Asylum Seekers Benefit Act, just as the ban on employment for refugees and the requirement of residency. Furthermore, it is necessary to open up the promotion of integration of refugees, and the Federal Government has to contribute more to the costs of admission and integration. Still, there is a scope of action on the regional level of Berlin, too.

Use the margin of discretion: The Federal Government makes the laws – but the federal state has a margin of discretion to use in favour of the refugees. Here, the Aliens Department plays a decisive role. The federal state policy has to guarantee that it uses its margin of discretion and implements the German Residence Act with generosity.

Reinforce the authority of the Commission for Cases of Hardship: The Commission for Cases of Hardship is an important judicial instance through which the right of residence has been granted in many cases when every other legal option had already been ruled out. Since the inauguration of the red-black coalition, the number of cases has increased in which the Senator of Internal Affairs refused to grant the right of residence despite the unanimous assent of the Commission. This wrong trend must be stopped and the hardship procedures have to be reformed.

Prevent custody pending deportation: There is only one reliable way to prevent custody pending deportation: its legal abolishment. We fight for that. On federal state level, it has to be taken full advantage of all options of granting residence permits for humanitarian reasons. An actual example from Niedersachsen shows how custody pending deportation can be avoided. Among other things, there it is mandatory to notify in written form the date of deportation, and families are not allowed to be separated due to deportation. During custody pending deportation, the minimum human rights standards have to be ensured. This includes also the service provided by a lawyer as well as the access for supporters and charity organisations.

Abolish custody at the airport: It is planned that refugees who arrive at the airport BER will be taken into custody on the spot, and their application for asylum shall be processed via summary procedure. This so-called airport procedure has to be stopped, as it is also demanded by a broad alliance of the Churches, charity organisations and non-governmental organisations. Berlin must support Brandenburg’s endeavours “to keep on advocating the abolishment of the airport asylum”, as it was stipulated in the coalition contract by the SPD and THE LEFT.

Prospects for the refugees at the Oranienplatz and the Gerhart-Hauptmann-Schule: The way the Senate treats these refugees is the opposite of any reliable refugee policy. An easing of tension requires that the Senate keeps its promises of a “favourable examination”. It would be possible to grant a residence permit to the people involved “for humanitarian reasons” in accordance with §23 of the German Residence Act. The Senator of Internal Affairs

immediately has to take up negotiations with the Federal Minister of Internal Affairs about this issue, for the resolution depends on the Minister's approval.

Reform the Aliens Department (“Ausländerbehörde”): Berlin's Aliens Department shows no sign of meeting the new challenges of a refugee policy that is orientated towards the prospects of staying and being integrated. Passing it on to the responsibility of the Senate Administration of Internal Affairs makes residence issues turn primarily into matters of security. Thus, the work of the Aliens Department is to be passed on to the responsibility of the Senate Administration of Integration in the medium-term. In the short-term, a complaints department needs to be established as well as a legal council of non-governmental organisations, districts and the Senate Administration to accompany the continuing reformation process.

Berlin's chance: An active civil society

Next to charity organisations, the Churches and traditional refugee organisation, new neighbourhood initiatives have been created by citizens who are committed to the refugees. The initiatives are an important guarantor for a peaceful atmosphere in the city. However, instead of supporting these initiatives, the Senate's policy hampers their work. The most recent example is the clandestine decision for the locations of collective centres made of containers, which got to the refugee initiatives completely out of the blue.

Stop secret policy: The initiatives have to be taken seriously as partners for a humanitarian refugee policy. Important players in the districts and refugee work must be involved early on in the planning of collective centres to mobilise neighbourhood resources and quickly recognize potential for conflicts. The access to the refugees is to be ensured for the initiatives. The operator agreements are to be changed so that neighbourhood initiatives can use, if necessary, the facilities of the accommodation and take part in the decision-making related to the development of the home advisory boards of the collective centres.

Support citizens in their fight against right-wing extremism: Again and again, right-wing extremist groups try to stir up fear and create a negative sentiment against refugees whenever there is a new collective centre to be planned. But there are many initiatives that oppose. The police has to open up for a cooperation “on an equal footing” with the citizen's initiatives as well as the residents of the collective centres. Local strategies against right-wing extremism are to be developed at the different spots of the collective centres. The professional network of information centres on right-wing extremism might be of help here. Furthermore, the issue “Escape and Asylum” needs to be addressed more prominently in the Berlin Programme against Right-Wing Extremism, Racism and Anti-Semitism.

Take refugee self-organisation seriously as a partner organisation: In the past years, the refugees themselves have gone public more often. They exercise their right of protesting against the inhumane European refugee policy. They operate locally and develop international networks. The collaboration with such initiatives is not an easy one, because refugees raise fundamental questions which can't be answered by the federal state. However, refugee self-organisation is neither an element of disturbance nor an enemy, but an important partner in the struggle for a different refugee policy. The red-black Senate has never put any effort into a constructive cooperation. Even when the Churches and charity organisations suggest-

ed a round table to talk about the fundamental terms of how to treat the refugees, the Senators in charge rejected the invitation. This is the opposite of a democratic city policy which is characterised by taking the civil society and civic commitment seriously. The political heads of the red-black coalition have to give up their attitude of refusal and look for collaboration instead. Only together, with all parties involved, it will be possible to keep up the communication and to find solutions in the actual and future situation of conflicts.

There lies a big chance within the power of all these initiatives to further develop Berlin as a city of human and civil rights, to create participation and to encourage solidarity in the city. It is the great failure of the red-black policy that this offer has been refused carelessly so far.