



Federal Office
for Migration
and Refugees



Unaccompanied Minors in Germany

Challenges and Measures
after the Clarification of Residence Status

Focussed Study by the German National Contact Point
for the European Migration Network (EMN)

Working Paper 80

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Summary

A considerable part of the refugees that came to Germany in 2015 and 2016 were unaccompanied minors. Time and again, their situation, their possibilities and society's dealing with them are in the spotlight of public debate. In legal terms, unaccompanied minors are subject to the stipulations of Book VIII of the Social Code, in which the Child and Youth Welfare Act is codified. They are thus accommodated, cared for and assisted by the regular youth welfare system in the same way that other minors are. This also means that the accommodation, care and assistance of unaccompanied minors are not primarily dependent upon the decisions on status under residence law.

However, the residence status of unaccompanied minors does play a role especially when looking at the possibilities of integration and social participation or at the possibilities of family reunification. With the transition to adulthood and the changes in legal status connected to this, the residence status of (former) unaccompanied minors becomes decisive.

Accommodation, care and assistance

When children or juveniles enter Germany unaccompanied, they are taken into care by the youth welfare system (Kinder- und Jugendhilfe). As of 2015 this process of taking unaccompanied minors into care is organised in several steps: upon arrival, the youth welfare office on site takes them into preliminary care. Within a short period of time, an assessment is carried out on whether they should stay in that location or be distributed throughout the Federal territory. After the distribution or the exclusion hereof, the phase of regular taking into care follows. During this phase, the situation of the unaccompanied minor as well as further accommodation and youth welfare assistance measures are clarified in a so-called clearing procedure. As part of this step, a guardian is appointed. Further accommodation then mostly takes place in a regular youth welfare institution or in facilities designed specifically to the needs of unaccompanied minors. Such specialised services exist, however, the increase of their capacities as well as a better qualification of the staff are seen as challenges - especially with regards to traumatised unaccompanied minors. Young adults may still be accommodated within the framework of the youth

welfare system as long as their individual situation necessitates such support.

Integration

The integration of unaccompanied minors into education and employment is given a high priority in Germany. All unaccompanied minors are entitled to schooling. However, access to schools is regulated differently from Land to Land and, partially, also from municipality to municipality. Specific schooling measures for unaccompanied minors are scarce, but different integration measures for newly arrived juveniles can be used by unaccompanied minors. For example, there are preparatory or transitional classes in schools or support and counselling for the transition into a vocational training or into the labour market. Most unaccompanied minors are aged 16 or older when they arrive. As questions of vocational training and employment often become relevant only shortly before reaching adulthood, indirectly, the residence status can have an impact on integration processes: for example, the prospect to remain conditions, whether unaccompanied minors have access to certain support measures before or during vocational training or whether a permit to take up a vocational training is issued at all.

Return

The return of unaccompanied minors to their country of origin or to another state can take place both on a voluntary basis and by force. Explicit legal provisions, however, only exist for the removal of unaccompanied minors. The authorities removing unaccompanied minors have to make sure that transfer, as well as assistance for the minor in the return state, is ensured by a family member, a person with custody or a suitable reception facility. In practice, this legal assurance obligation is often hardly possible to realise, which is why removals of unaccompanied minors are extremely rare. Some Länder, as a matter of principle, do not consider removals of unaccompanied minors. However, there have been refusals of entry at the border and removals following unauthorised entry, as well as transfers under the Dublin Regulation. There are no provisions for the voluntary return of unaccompanied minors in residence law. Return counselling services or the

foreigners authorities can indicate possibilities for the financial support of return, for example through the so-called REAG/GARP programme for assisted voluntary return.

Disappearance

A motive of the disappearance of unaccompanied minors is often thought to be them travelling on to family and friends or a dissatisfaction with the decision in the federal distribution process. However, it cannot be precluded that unaccompanied minors can be victims of criminal activity. In order to better clarify the whereabouts of unaccompanied minors and to protect them better, data availability and exchange need to be improved.

Family reunification under youth welfare law and under residence law

In general, living together with their parents and/or other relatives is in the best interest of a child. On the question of whether and how a reunification of unaccompanied minors with their family can take place, stipulations of both youth welfare law and residence law play a role.

During the preliminary and the regular taking into care, the youth welfare services are obliged to assess the possibility of family reunification within Germany or another Member State of the EU and initiate this process, where possible. During the following accommodation as part of the youth welfare assistance measures, the responsible youth welfare office may also effect a family reunification within Germany (e.g. with uncles or aunts), however, here the stipulations of the respective residence status of the unaccompanied minor concerned come into play, as do questions of competence and responsibility under youth welfare law.

With regards to family reunification under residence law (the subsequent immigration of dependent family members from a third country), the residence status of unaccompanied minors is decisive. Legal differences also exist with regards to the persons that are supposed to immigrate in order to join the unaccompanied minor. The Residence Act foresees different regulations regarding the possibility of family reunification with of parents, siblings and or other relatives.

The European Migration Network

The European Migration Network (EMN) was launched by the European Commission in 2003 on behalf of the European Council in order to satisfy the need of a regular exchange of reliable information in the field of migration and asylum at the European level. Since 2008, Council Decision 2008/381/EC forms the permanent legal basis of the EMN and National Contact Points have been established in the EU Member States (with the exception of Denmark, which has observer status) plus Norway.

The EMN's role is to meet the information needs of European Union institutions, Member States' authorities and institutions as well as the wider public by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in these areas. The National Contact Point for Germany is located at the Federal Office for Migration and Refugees in Nuremberg. Its main task is to implement the annual work programme of the EMN. This includes the drafting of the annual policy report "Migration, Integration, Asylum" and of up to four topic specific studies, as well as answering Ad-Hoc Queries launched by other National Contact Points or the European Commission. The German National Contact Point also carries out visibility activities and networking in several forums, e.g. through the organisation of conferences or the participation in conferences in Germany and abroad. Furthermore, the National Contact Points in each country set up national networks consisting of organisations, institutions and individuals working in the field of migration and asylum.

In general, the National Contact Points do not conduct primary research but collect, analyse and present existing data. Exceptions might occur when existing data and information are not sufficient. EMN studies are elaborated in accordance with uniform specifications valid for all EU Member States plus Norway in order to achieve comparable EU-wide results. Furthermore, the EMN has produced a Glossary, which ensures the application of comparable terms and definitions in all national reports and is available on the national and international EMN websites.

Upon completion of national reports, the European Commission drafts a synthesis report with the support of a service provider. This report summarises the most significant results of the individual national reports. In addition, topic-based policy briefs, so-called EMN Informs, are produced in order to present and compare selected topics in a concise manner. The EMN Bulletin, which is published quarterly, informs about current developments in the EU and the Member States. With the work programme of 2014, the Return Expert Group (REG) was created to address issues around voluntary return, reintegration and forced return.

All EMN publications are available on the website of the European Commission Directorate-General for Migration and Home Affairs. The national studies of the German National Contact Point as well as the synthesis reports, Informs and the Glossary are also available on the national website:
www.emn-germany.de



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1 Introduction

1.1 Context

Given their particular vulnerability, unaccompanied minors are frequently in the spotlight of the debate within society and the political arena on how to deal with forced migration. Unlike other young refugees, unaccompanied minors are generally assisted, cared for and accommodated in the youth welfare system. Special guarantees apply to them in the asylum procedure, and legal and practical obstacles to their removal are very high until they reach adulthood. From 2015 to 2016 more unaccompanied minors arrived in the EU in a short time than ever before. Germany, too, registered a steep rise in the numbers received. This posed a considerable challenge for the regular structures of accommodation, care and assistance. Simultaneously, since 2015, new concepts and structures have been created everywhere in Germany in this area, as well as for the integration of young refugees in schools and in training. Unaccompanied minors in Germany nonetheless find themselves caught between, on the one hand, youth welfare and integration and, on the other hand, the residence law regulations, which may have an impact on opportunities for participation and integration.

1.2 Content and structure of the study

This study provides an overview of the situation faced by unaccompanied minors in Germany. First of all, core terms will be described, as will the pertinent legal framework on residence and youth welfare, followed by statistics and the societal debate¹ (Chapter 2). The subsequent chapters will illustrate the structures and measures for accommodation, care and assistance (Chapter 3), for integration (Chapter 4) and for the return of unaccompanied minors (Chapter 5). These chapters will also pre-

¹ The presentation will not be exploring the discussions in the framework of the 2017 Bundestag election or the subsequent exploratory talks and coalition negotiations, given that the latter had not yet been concluded at the time of this study's completion (January 2018).

sent the legal framework, the relevant organisations and the most important measures and services. The study will additionally explore the issues related to the disappearance of unaccompanied minors (Chapter 6), as well as the regulations relating to family reunification (under youth welfare law and under residence law) (Chapter 7).

This study supplements the EMN Focussed Study entitled 'Unaccompanied Minors in Germany' from 2014 (Müller 2014). That Focussed Study described the conditions for entry and reception for unaccompanied minors and the stages of the asylum procedure or the motives and circumstances surrounding their displacement (Müller 2014). However, major changes have taken place since 2014 in almost all relevant areas addressed by this Focussed Study. At the same time, in concordance with the EMN's specifications for this study, the study is more tightly focussed, concentrating on the topics accommodation, care and assistance, integration and the return of unaccompanied minors after the clarification of their residence status. For the purposes of this study, clarification also includes the suspension of removal (Duldung), given that status is not finally clarified in some cases until adulthood is reached, and the removal of the unaccompanied minors in question is suspended until this time (cf. Chapter 2.3.2). The study does not, however, discuss the stages of the asylum procedure or other ways of obtaining a right to residence.

1.3 Methods and sources used

In common with all EMN studies, this study was drawn up according to uniform specifications in order to produce results that are comparable within the European Union and Norway. The specifications have been published on the EMN's website (EMN 2017).

Publically-available information and relevant specialised literature were largely used in drawing up the study. Information or statistics from the relevant organisational units of the Federal Office for Migration and Refugees, or from other public authorities,

were requested for individual aspects.² Bundestag documents, announcements made by ministries and public authorities, as well as media reports, were primarily used for the presentation of political measures and debates, and of legal developments. Communications or publications from specialist associations operating within civil society were also used where relevant.³

2 We would like to thank the representatives of authorities and organisations for providing relevant information during bilateral talks and during a workshop held in Nuremberg in December 2017.

3 We would like to thank Sara Tzur and Dana Wolf for their research and support during their internship at the Research Centre of the Federal Office for Migration and Refugees.

2 Unaccompanied minors in Germany – an overview

2.1 International and European framework

A variety of international agreements set the stage for dealing with unaccompanied minors in Germany in terms of legal and administrative practice. The central international agreement on children's rights is the United Nations Convention on the Rights of the Child (CRC).⁴ The Convention is founded on four core principles:

- The primary consideration of the best interests of the child in all actions concerning children, “whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies” (Art. 3 par. 1 CRC),
- the ban on discrimination against children, including because of their national, ethnic or social origin or because of their status or that of their parents or guardian (Art. 2 CRC),
- a guarantee of the development of the child to the maximum extent possible (Art. 6 par. 2 CRC), and
- the involvement of children in all matters affecting them (Art. 12 CRC) (Lewek 2016: 76).

The States Parties are obliged to take measures guaranteeing protection and humanitarian assistance in the enjoyment of the rights set forth in the CRC and in other international agreements such as the Geneva Refugee Convention⁵ vis-à-vis children who are seeking refugee status or who are considered refugees pursuant to international or domestic law and procedures (cf. Art. 22 CRC). Having been signed on 26 January 1990, the Convention on the Rights of the Child came into force in Germany on 5 April 1992 (BMFSFJ 2014). The CRC has been fully applicable to Germany since a reservation was withdrawn in 2010.

The primary consideration of the best interests of the child in all matters affecting children undertaken by public agencies or private institutions is also entrenched in the Charter of Fundamental Rights of the European Union (EU) (Art. 24 par. 2 of the Charter of Fundamental Rights). Moreover, EU directives on the Common European Asylum System specifically define unaccompanied minors “as a particularly vulnerable group with special rights” (Lewek 2016: 77). Next to the primary consideration of the best interests of the child, this includes accommodation appropriate for children, qualified assistance and legal counsel for unaccompanied minors in asylum proceedings (cf. EMN 2017a: 3 et seqq.).

2.2 Definitions and terms

As a matter of principle, a **foreign child or a foreign juvenile** is to be regarded as unaccompanied if s/he did not enter the country accompanied by a person with the right of custody or guardian (Section 42a subs. 1 second sentence of Book VIII of the Social Code).

- A **child** is defined pursuant to the Child and Youth Welfare Act (Kinder- und Jugendhilfegesetz) as someone who has not reached the age of 14, and a **juvenile** as someone who is 14 but not yet 18 years old (Section 7 subs. 1 of Book VIII of the Social Code).
- **Persons with the right of custody** are those individuals who are entitled to personal custody, either alone or jointly with another person, pursuant to the provisions of the Civil Code (generally the parents). They are at the same time the guardians. Legal guardianship may however also be exercised by any other person over the age of 18 if s/he carries out tasks related to personal custody on the basis of an agreement concluded with the person holding the right of custody, not only temporarily and not only for individual activities (Section 7 subs. 1 of Book VIII of the Social Code).

⁴ United Nations Convention on the Rights of the Child of 20 November 1989.

⁵ Convention of 28 July 1951 Relating to the Status of Refugees.

- The criterion “**foreign**” refers to anyone who does not have German citizenship (Section 2 subs. 1 of the Residence Act).⁶

A variety of different terms are used to define the group of minors entering Germany without their parents: unaccompanied minors, unaccompanied foreign minors as well as unaccompanied minor foreigners. The term unaccompanied minor refugees is also used, but in legal terms only describes those unaccompanied minors that fulfil the requirements to be recognised as a refugee under the Geneva Convention on Refugees (cf. Section 3 of the Asylum Act).⁷ As the study at hand describes the situation of all unaccompanied minors after the clarification of their residence status (independent of the outcome of that clarification), in the following the study uses the term “unaccompanied minor”.

2.3 Unaccompanied minors under the Child and Youth Welfare Act and under the Residence Act

2.3.1 Primacy of child and youth welfare

“When unaccompanied minors enter Germany, all necessary measures are to be taken to ensure the protection of the best interests of the child in the framework of the State’s guardian role [...], pursuant to the international legal provisions. The guiding principle of this Code is that each young person in Germany is entitled to receive support in his or her development and to be given assistance in growing into a responsible individual who is able to play his or her role in the community (Section 1 subs. 1 of Book VIII of the Social Code)” (BAG 2017: 11).

Unaccompanied minors are primarily children and juveniles. The “primacy of child and youth welfare” applies to them: When they enter Germany, it is pri-

marily the provisions contained in Book VIII of the Social Code, in which the Child and Youth Welfare Act is codified, that apply as to their accommodation, care and assistance, and only then do the Asylum Act and the Residence Act apply on a secondary basis. There is no separate body of law applying to unaccompanied minors; they are accommodated, cared for and assisted within the general child protection system, as is also the case with other vulnerable children and juveniles (cf. also Chapter 3.1.1).

2.3.2 Possibilities available under residence law

As third-country nationals, unaccompanied minors require a residence title in order to stay in Germany (Section 4 subs. 1 of the Residence Act).

If they are not in possession of such a residence title, which is the case normally, unaccompanied minors are first of all issued with a suspension of removal by the responsible foreigners authority after being taken into care by the youth welfare office (pursuant to Section 60a subs. 2 first or third sentence of the Residence Act). The suspension of removal is not a residence title, but merely certifies the temporary suspension of removal (Section 60a subs. 2 first sentence of the Residence Act). In order to ensure continued residence, unaccompanied minors can seek protection status either via asylum proceedings at the Federal Office for Migration and Refugees, or by applying to the responsible foreigners authority for an alternative residence title. They however retain suspension of removal in Germany in many cases until they have reached adulthood (cf. Chapter 5).

Asylum procedure and resulting residence titles

An asylum application to the Federal Office for Migration and Refugees can lead to recognition as a person entitled to asylum (Art. 16a of the Basic Law), as a refugee (Section 3 of the Asylum Act), or as a beneficiary of subsidiary protection (Section 4 of the Asylum Act). Removal bans (Section 60 subs. 5 and 7 of the Residence Act) can also be pronounced. There is no separate asylum procedure for unaccompanied minors, but the procedure is carried out by specially-trained decision-makers (“specially-commissioned case-officers”) in a child-friendly manner in order to safeguard the best interests of the child (BAMF 2017a: 37).

6 Unaccompanied minors within the meaning of Book VIII of the Social Code are hence also unaccompanied minors from Member States of the European Union. In this study, however, unaccompanied minors refers to unaccompanied minors who are third-country nationals.

7 The term unaccompanied minor refugees is in part deliberately used with a broader meaning; this, however, is debated (see discussion i.a. BumF 2015; Noske 2012).

Every asylum applicant is permitted to stay in Germany so that the asylum procedure can be carried out (Section 55 of the Asylum Act). Permission to remain pending the asylum decision is not issued to unaccompanied minors until the asylum application has been received by the Federal Office for Migration and Refugees, which must take place in writing via the guardian or the youth welfare office (Section 55 subs. 1 third sentence in conjunction with Section 14 subs. 2 alternative 3 of the Asylum Act).

If applicants are granted protection status in the asylum procedure, they receive a residence permit (Section 25 subs. 1 and 2 of the Residence Act). If they are granted asylum or refugee status, the permit is issued for three years, and in cases of subsidiary protection for one year (Section 26 subs. 1 second and third sentences of the Residence Act). If removal bans are established, they also as a general rule receive a residence permit (Section 25 subs. 3 in conjunction with Section 60 subs. 5 and 7 of the Residence Act), which is issued for at least one year (Section 26 subs. 1 fourth sentence of the Residence Act). On the other hand, the asylum application may be rejected as unfounded or as manifestly unfounded (Sections 29a and 30 of the Asylum Act). If an asylum application is turned down, even if the rejection is based on being deemed manifestly unfounded (for instance for unaccompanied minors from “safe states of origin”⁸), the fact of it not being practically possible to remove unaccompanied minors in many cases (cf. Chapter 5.1.2) leads to the issuance of a suspension of removal in most cases. At the same time, rejection as manifestly unfounded may lead to “the acquisition of a residence permit by other means being barred in the long term” (Espenhorst/Noske 2017a: 52; cf. on this Section 10 subs. 3 of the Residence Act).

Alternatives under the law on residence

In the course of the clearing procedure (cf. Chapter 3.1.2) it is examined, together with the unaccompanied minor, whether an asylum application is actually in the best interests of the child. Should it emerge that other ways of securing residence status appear to be expedient,⁹ the guardian applies in

writing to the responsible foreigners authority for a residence permit, stating the reasons. Unaccompanied minors retain their suspension of removal in Germany until the foreigners authority takes a decision (cf. Espenhorst/Noske 2017a: 52). The residence permit application therefore does not need to be directly concurrent with arrival in Germany.

Many alternative possibilities of obtaining a right to remain are contingent on an extended prior stay in Germany (cf. Chapter 5.4). They may therefore not yet be applied for upon entry to the country. During the period of suspension of removal until adulthood unaccompanied minors can however work towards satisfying the requirements for such arrangements to obtain a right to remain (cf. Espenhorst/Noske 2017a: 52 et seq.).

2.3.3 Tension between child and youth welfare and the Residence Act

The literature on unaccompanied minors frequently speaks of a tension between child and youth welfare on the one hand and residence law on the other (cf. e.g. Parusel 2015 or Schammann 2016). At political level, this tension manifests itself in the competition between migration control and the primacy of the best interests of the child. This tension however also has a highly-practical impact on the lives of individual unaccompanied minors if particular opportunities for participation and development depend on a residence permit being issued, or on the stipulations that it contains. This primarily relates to access to integration activities (cf. Chapter 4.3.2), the uncertainty which may occur if there are prospects for them to be removed on becoming adults (cf. Chapter 5), or when it comes to the possibilities of the subsequent immigration of parents and siblings (cf. Chapter 7). By contrast, regarding the accommodation and care of as well as assistance for unaccompanied minors the question of whether residence status has already been obtained, and what restrictions are imposed by the residence permit, is only relevant in a small number of cases – in general the primacy of child and youth welfare applies.

⁸ These are at present: the Member States of the European Union, as well as Albania, Bosnia and Herzegovina, Ghana, Kosovo, the former Yugoslav Republic of Macedonia, Montenegro, Senegal and Serbia (Section 29a subs. 2 in conjunction with Annex 2 of the Residence Act).

⁹ In cases, in which facts justify the presumption that the child or juvenile is in need of international protection within the

meaning of Section 1 subs. 1 no. 2 of the Asylum Act, Section 42 subs. 2 sentence 5 of the Social Code (Book Eight) foresees an obligation to promptly file an asylum application for the unaccompanied minor.

2.3.4 Overview: Transition to adulthood and young adults

The primacy of child and youth welfare vis-à-vis the Residence Act only pertains until adulthood. On becoming adults, former unaccompanied minors are fully responsible, as young adults¹⁰, for their own interests, including their legal representation. They may still receive youth welfare benefits, but this is not necessarily the case (cf. Chapter 3.1.2). At the same time, their residence status becomes pivotal, as it determines the possibilities that are open to former unaccompanied minors with regard to accommodation, integration, social benefits, etc.

If unaccompanied minors hold a residence permit when they become adults, depending on the stipulations of the residence title, it may be that they are free to take residence, that they can claim social benefits, that they may take up gainful employment, and hence enter into training, etc. Nonetheless, the transition may be particularly problematic for this group, given that former unaccompanied minors may in some cases suddenly cease to receive the full support of youth welfare, and due to their unfamiliarity with the German legal context (e.g. the German social insurance system) may not be aware of their entitlement to further support benefits (e.g. pursuant to Book II of the Social Code).

For most unaccompanied minors, removal is suspended. The suspension of removal stays in place when they turn 18 and thus these former unaccom-

panied minors are subject to all the legal provisions that are applicable to adult refugees with a suspension of removal. If asylum proceedings have been initiated but not yet completed, residence is generally permitted until the proceedings have run their course. When youth welfare runs out, former unaccompanied minors whose removal is suspended or who are permitted to remain pending the asylum decision are generally entitled to benefits pursuant to the Act on Benefits for Asylum Seekers.

The legal changes when entering adulthood, as well as the individual steps in the transition to adulthood, are described in detail in the next chapters with regard to the aspects of accommodation, care and assistance (Ch. 3), integration (Ch. 4), as well as return (Ch. 5).

2.4 Statistical data on unaccompanied minors

Data on unaccompanied minors in Germany can be found in the official Child and Youth Welfare Statistics¹¹, as well as in the Federal Office for Migration and Refugees' Statistics on Asylum. The Federal Office of Administration also holds administrative data on unaccompanied minors under the responsibility of the youth welfare service once they have been taken into care. However, there is no data on the number of residence titles, permissions to remain

¹⁰ A young adult is over 18, but not yet 27 (Section 7 subs. 1 no. 3 of Book VIII of the Social Code).

¹¹ The data contained in the Child and Youth Welfare Statistics relates to unaccompanied minors from third countries, as well as from EU Member States.

Table 1: Minors taken into care 2013-2016

Year	Total minors taken into care	Unaccompanied entry from abroad					
		Total	Percentage of all minors taken into care	age (in years)			
				below 14		14 to 17	
				No.	Percentage of all minors taken into care because of unaccompanied entry from abroad in %	No.	Percentage of all minors taken into care because of unaccompanied entry from abroad in %
2013	42,123	6,584	15.63	377	5.73	6,207	94.27
2014	48,059	11,642	24.22	723	6.21	10,919	93.79
2015	77,645	42,309	54.49	3,406	8.05	38,903	91.95
2016	84,230	44,935	53.35	3,160	7.03	41,775	92.97

Source: Statistisches Bundesamt 2017a, authors' calculation.

Table 2: Age and gender structure of minors taken into care in 2016 due to unaccompanied entry from abroad

Age in years	Total unaccompanied entries from abroad		thereof male		thereof female	
	Number	Percentage	Number	Percentage	Number	Percentage
below 3	91	0.2	58	63.7	33	36.3
3-6	97	0.2	55	56.7	42	43.3
6-9	313	0.7	209	66.8	104	33.2
9-12	819	1.8	632	77.2	187	22.8
12-14	1,840	4.1	1,622	88.2	218	11.9
14-16	9,398	20.9	8,735	93.0	663	7.1
16-18	32,377	72.1	29,906	92.4	2,471	7.6
Total	44,935	100.0	41,217	91.8	3,718	8.3

Sources: Statistisches Bundesamt 2017b, Table 5, authors' calculation.

pending the asylum decision or suspensions of removal issued to unaccompanied minors.¹²

2.4.1 Unaccompanied minors in the care of the youth welfare service

At the time of drafting this study, data was available on preliminary and regular taking into care (cf. Chapter 3.1.2 for a definition) up to and including 2016 (cf. Table 1). It reveals that cases of minors being taken into care due to unaccompanied entry from abroad increased considerably from 2013 to 2016. Unaccompanied minors accounted for more than half of all cases of minors being taken into care by youth welfare offices from 2015 to 2016. The age structure of children and juveniles taken into care because of unaccompanied entry from abroad has largely remained the same: The Child and Youth Welfare Statistics show that the vast majority of the juveniles arriving was aged from 14 to 17.

A more precise view of the age distribution of children and juveniles who were received in 2016 due to unaccompanied entry from abroad makes it clear that the vast majority of unaccompanied minors are between 16 and 18 years old, and will therefore soon be entering adulthood (cf. Table 2).

The same statistics also reveal an unmistakable gender distribution: The vast majority of unaccompanied children and juveniles entering from abroad in 2016 and taken into care were male (91.73 %).

Table 3: Unaccompanied minors and young adults in the care of the youth welfare service

Total number on 30 December 2016	Total number on 8 December 2017	thereof unaccompanied minors	thereof young adults
64,045	54,962	30,874	24,088

Source: von Nordheim/Karpenstein/Klaus 2017: 4 on the basis of information from the Federal Office of Administration.

The statistics on minors taken into care reflect the number of newly-arrived unaccompanied minors in Germany. The total number of unaccompanied minors and young adults accommodated, cared for and assisted in Germany pursuant to Book VIII of the Social Code (cf. Chapter 3) is recorded in the administrative data of the Federal Office of Administration (cf. Table 3). This data reveals that a total of 54,962 unaccompanied minors and young adults were in the care of the youth welfare service as per the reference date of 8 December 2017 (definitions cf. Chapter 3). 30,874 of them, or 56.2 %, were unaccompanied minors, so that 24,088, or 43.8 %, were young adults. A total of 9,083 fewer persons were in the care of the youth welfare service as per the reference date than had been the case on 30 December 2016.

¹² On the assessment of the data quality see Deutscher Bundestag 2017b: 20.

2.4.2 Unaccompanied minors in the asylum procedure

If we look at the development of the first time asylum applications filed by unaccompanied minors, a considerable increase can be observed between 2013 and 2016, namely from 2,486 to 35,939 (cf. Table 4). The number of applications then once more fell considerably in 2017 (to 9,084).

It is noticeable that the first time asylum application figures are not on the same scale as the number of decisions. Amongst other things, this results from the fact of unaccompanied minors becoming adults during the asylum procedures, and hence no longer being recorded as unaccompanied minors in the statistics (Deutscher Bundestag 2015a: 37).

This is also related to the fact that some decisions are not taken until the year after the application is filed, as may happen with any asylum procedure. This is also reflected in the increase in the number of decisions taken on asylum applications filed by unaccompanied minors in 2017.

Table 4: First time asylum applications, asylum decisions, protection rates for first asylum applications filed by unaccompanied minors

Year	First time asylum applications filed by unaccompanied minors	Decisions on unaccompanied minors	Protection rate of first time asylum applications filed by unaccompanied minors
2013	2,486	1,024	57 %
2014	4,398	1,544	73 %
2015	22,255	2,922	90 %
2016	35,939	9,300	89 %
2017 As of: Dec.	9,084	24,930	78 %

Sources: BAMF, Statistisches Bundesamt 2017a.

An examination of the statistics on asylum applications relating to unaccompanied minors reveals that these are lower than the figures for minors taken into care. This is a consequence of the fact that the figures on minors taken into care also include the taking into care of unaccompanied minors from EU Member States, it also has to do with the

Table 5: Overview of applications and decisions – unaccompanied minors (as per December 2017)

Overview of applications and decisions – unaccompanied minors (as per December 2017)											
TOP	Country of origin	First time asylum applications	DECISIONS							Positive decisions	Protection rate
			Total	Asylum entitlement Art. 16a/ family asylum	Recognition as a refugee, Section 3 subs. 1 of the Asylum Act	Subsidiary protection, Section 4 subs. 1 of the Asylum Act	Removal ban, Section 60 subs. 5&7 of the Residence Act	Rejections	Formal conclusions of procedure		
1	Afghanistan	2,213	10,453	-	1,737	1,002	4,509	2,841	364	7,248	69 %
2	Eritrea	1,544	2,003	-	466	1,414	29	11	83	1,909	95 %
3	Somalia	1,204	1,252	1	424	367	192	171	97	984	79 %
4	Guinea	903	508	-	43	34	213	176	42	290	57 %
5	Syria	708	5,843	-	1,578	4,139	5	3	118	5,722	98 %
6	Iraq	459	2,305	1	1,495	418	69	276	46	1,983	86 %
7	The Gambia	383	186	-	3	7	71	83	22	81	44 %
8	Ethiopia	213	327	-	52	21	82	156	16	155	47 %
9	unclear	148	411	-	161	147	15	56	32	323	79 %
10	Pakistan	126	237	-	9	5	39	158	26	53	22 %
	All countries	9,084	24,930	7	6,240	7,706	5,455	4,473	1,049	19,408	78 %

Source: BAMF analysis.

disappearance of unaccompanied minors that had been taken into care (cf. Chapter 6), but also with the abovementioned alternatives under the Residence Act.

The statistics on asylum enable a further breakdown of the unaccompanied minors filing applications: They are primarily male (2017: approx. 86 %; 2016: 91 %) and 16 to 17 years old (2017: approx. 81 %; 2016: 71 %). The vast majority of them are from Afghanistan (2017: approx. 24 %, 2016: 42 %) and Eritrea (2017: approx. 17 %, 2016: 5 %).

With 19,408 positive decisions out of a total of 24,930 decisions, the total protection rate¹³ for first time asylum applications filed by unaccompanied minors was approx. 78 % in 2017 (2016: 89 %). Table 5 provides information on the decisions, as well as on the most important ten states of origin of unaccompanied minors.

2.4.3 Statistics on residence titles

Unlike statistics on minors taken into care and on asylum, no data is available on the nature and duration of residence titles issued to unaccompanied mi-

¹³ The total protection rate covers all decisions leading to recognition as persons entitled to asylum, refugees, beneficiaries of subsidiary protection, or to a removal ban under Section 60 subs. 5 and 7 of the Residence Act.

nors in Germany. “Residence titles and suspension of removal are granted by the foreigners authorities responsible in individual cases, who report this information to the Central Register of Foreigners. However, the Federal Government does not have information on the application, rejection and issuance in this regard since the Central Register of Foreigners does not record whether a foreigner entered Germany as an unaccompanied minor” (Deutscher Bundestag 2015a: 32). Although the responsible youth welfare office has been registered in the Central Register of Foreigners since the entry into force of the Data Sharing Improvement Act on 3 February 2016 (Section 3 subs. 2 no. 9 of the Act on the Central Register of Foreigners), it is still not possible to conclude from this whether a person who is registered in the Central Register of Foreigners is an unaccompanied minor. For the same reason, it is impossible to cite the number of unaccompanied minors, whose removal has been suspended.

2.4.4 Statistics on returns of unaccompanied minors

No unaccompanied minors were removed to third countries from 2015 to 2017.¹⁴ As table 6 shows, a total of 385 unaccompanied minors left the country from 2013 to 2017 with the return assistance of the REAG/GARP programme (cf. Chapter 5.1). Return

¹⁴ For the years 2010-2014, cf. Deutscher Bundestag 2015a: 26f.

Table 6: Departures via REAG/GARP - Total and TOP 10 countries of origin

	2013	2014	2015	2016	2017	Total departures (2013-2017)
Albania	2	4	45	31	31	113
Afghanistan	2		6	73	21	102
Iraq	3	3		31	8	45
Kosovo (UNSCR 1244)		2	27	4	1	34
Russian Federation		7	1	2		10
Syria				3	7	10
Iran		1	1	6	1	9
Serbia		2	4	3		9
Tajikistan		2	1		3	6
Turkey		1	4		1	6
Total (per year)	12	27	96	170	80	385

Source: BAMF evaluation 2018. The data for 2017 is preliminary (as per 17 January 2018).

assistance was provided most frequently to Albanian and Afghan unaccompanied minors. 80 unaccompanied minors left the country via the programme in 2017; 170 left the country in 2016 (cf. also Hoffmeyer-Zlotnik 2017: 44).

2.4.5 Statistics on the disappearance of unaccompanied minors

There is no valid data on the disappearance of unaccompanied minors (cf. discussion in Chapter 6).

2.5 Legal amendments

2.5.1 Amendments since 2014

Several legal reforms since 2014 have impacted on unaccompanied minors.¹⁵ Because of the considerable need for regulation during phase of heightened immigration in 2015 and 2016, some laws contain several provisions impacting on not only one, but on several areas of the lives of unaccompanied minors (e.g. integration, accommodation, etc.). The list below is therefore chronological.

With the **Act Redefining the Right to Remain and the Termination of Residence**¹⁶, which came into force on 1 August 2015, the possibility of a right to remain regulated by Section 25a of the Residence Act was expanded. “Section 25a of the Residence Act grants all minors who entered Germany before turning 17 and whose removal has been suspended or who have permission to remain pending the asylum decision a right to remain after four years’ lawful residence in Germany” (BumF 2017b: 2; cf. Chapter 5.4.3). The Act also introduced training-related suspension of removal (see below).

The **Asylum Procedures Acceleration Act**¹⁷ came into force on 24 October 2015. Amongst other things, this Act ordered that the age of capacity to pursue asylum proceedings be increased from 16 to 18 years, for which civil society had been calling for

some time. Since juveniles are now no longer able to act themselves in the asylum procedure, the proceedings cannot be dealt with until a guardian has been appointed (cf. Chapter 3.4). Moreover, a ban on taking up employment was introduced for unsuccessful asylum applicants from safe countries of origin (pursuant to Section 29a in conjunction with Annex II of the Asylum Act) who filed their asylum applications after 31 August 2015 (including unaccompanied minors) (Section 60a subs. 6 of the Residence Act).

Whilst the above Acts treated unaccompanied minors as a part of the larger group of refugees, the **Act on the Improvement of Care Arrangements for Foreign Children and Juveniles**¹⁸, which came into force on 1 November 2015, was explicitly adopted because of the large numbers of unaccompanied minors arriving in the country and the concomitant overburdening of individual municipalities. It introduces preliminary taking into care (Section 42a of Book VIII of the Social Code), prior to regular taking into care, including an official age assessment procedure (Section 42f of Book VIII of the Social Code), as well as the principle of Land- and nation-wide mandatory reception and a national distribution mechanism for unaccompanied minors (Section 42b of Book VIII of the Social Code) (see Chapter 3.1.2 for more details). Moreover, the age of legal capacity vis-à-vis the foreigners authority, which previously was 16, was increased to 18, so that all unaccompanied minors also need to have legal representation vis-à-vis the foreigners authority (as is also the case in asylum law).

The **Act Amending the Federal Training Assistance Act**¹⁹, which came into force on 1 January 2016, is particularly relevant to the promotion of the integration of unaccompanied minors. The Act provides that juveniles and young adolescents in possession of a residence title or of suspension of removal are entitled to federal training assistance not only after four years, but after 15 months. Unaccompanied minors with permission to remain pending the asylum decision are however still excluded from such assistance (see also Chapter 4.3.3).

The entry into force of the **Act on the Introduction of Accelerated Asylum Procedures**²⁰ on

15 An overview of all legal amendments since 2015 is offered by BumF 2017b.

16 German: Gesetz zur Neubestimmung des Bleiberechts und der Aufenthaltsbeendigung.

17 German: Asylverfahrensbeschleunigungsgesetz.

18 German: Gesetz zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder und Jugendlicher.

19 German: BAföG-Änderungsgesetz.

20 German: Gesetz zur Einführung beschleunigter Asylverfahren.

17 March 2016 suspended the subsequent immigration of dependent family members to join beneficiaries of subsidiary protection until 16 March 2018. This provision is particularly relevant for unaccompanied minors with regard to the subsequent immigration of parents (more details in Chapter 7).

The **Integration Act**²¹, which came into force on 6 August 2016, modified the training-related suspension of removal, which had been introduced in 2015, and made it into a mandatory entitlement, given that the conditions are met. Accordingly, under Section 60a subs. 2 fourth sentence of the Residence Act, suspension of removal is to be issued regardless of age if unaccompanied minors take up qualified vocational training (more details in Chapter 5.4).

Most recently, the **Act to Improve the Enforcement of the Obligation to Leave the Country**²², which came into force on 29 July 2017, entailed an amendment relevant to the residence status of unaccompanied minors. The legal acts that the youth welfare office is obliged to carry out when unaccompanied minors are taken into care now particularly include the prompt filing of an asylum application for unaccompanied minors in certain cases (Section 42 subs. 2 fifth sentence of Book VIII of the Social Code). There was particular discussion of the provision in child and youth welfare circles (more details in Chapter 3.1).

2.5.2 Discussed and planned amendments

There were no legislative initiatives in the Bundestag or Bundesrat at the time of completion of this study that would have directly impacted on unaccompanied minors with suspension of removal, permission to remain pending the asylum decision, or a residence permit. Several legislative projects were however not concluded or continued during the last legislative period. These include a “Draft Act Supporting Children and Juveniles: Children and Juvenile Support Act”²³, as well as a reform of the law on guardianship (BumF 2017b: 9). It remains to be seen to what extent these projects will be taken up once more in the nineteenth legislative period of the Bundestag, which began in November 2017.

21 German: Integrationsgesetz.

22 German: Gesetz zur besseren Durchsetzung der Ausreisepflicht.

23 German: Gesetz zur Stärkung von Kindern und Jugendlichen: Kinder- und Jugendstärkungsgesetz –KJSG.

2.6 Public debate on unaccompanied minors

Unaccompanied minors have gained considerable attention in the public discussion in the media and political arena in recent years. 2014 to 2018 saw a fundamental change in the debate from matters related to accommodation and integration towards a more problem-orientated perception of unaccompanied minors.

Nationwide mandatory reception and redistribution

The increased immigration of unaccompanied minors from 2014 onwards burdened the Länder and municipalities unequally. As the Federal Government reported in 2015, municipalities “which are located at specific entry hubs or which are particularly preferred by the children and juveniles as destinations have [in parts] been heavily burdened. The capacity limits have been exceeded to such an extent in some places that it is very difficult or indeed no longer possible to provide accommodation, care and assistance for the children and juveniles in line with the best interests of the child” (Deutscher Bundestag 2015b: 16). The situation was also discussed at federal level during the refugee summit held at the Federal Chancellery on 11 December 2014, amongst other fora, and led to the adoption of the Act on the Improvement of Care Arrangements for Foreign Children and Juveniles, which came into force on 1 November 2015 (see above and Chapter 3.1).

The adoption of this Act had been preceded by a widespread debate in the public and among experts. Even before its adoption, the envisioned nationwide and Land-wide distribution procedure was criticised by the parliamentary opposition and civil society organisations as “bureaucratic” (Deutscher Bundestag 2015c: 12138), and fears were voiced that it would not prove possible to comprehensively guarantee the best interests of the child in practice (PRO ASYL/ BumF 2015).

In an evaluation of the redistribution mechanism carried out in July 2016 by the Federal Association for Unaccompanied Minor Refugees (Bundesfachverband unbegleitete minderjährige Flüchtlinge e. V. (BumF)), the association criticised the fact that the redistribution was unable to do complete justice to the standards demanded by the law because of tight deadlines, poorly-qualified staff, as well as a lack of specific capacities for unaccompanied minors

(BumF 2016a: 29 et seq.). In a report published in March 2017, the Federal Government shared some of the criticism that had been advanced with regard to excessively tight deadlines, but summed up that the procedure was working on the whole, that it reduced the strain on practitioners in the municipalities and guaranteed the special needs and protection requirements of unaccompanied minors (Deutscher Bundestag 2017b: 7 et seq.).

Unaccompanied minors as criminal offenders and removals of unaccompanied minors

The overall societal debate on unaccompanied minors took on a more problem-orientated form from 2016 and 2017 onwards. It focussed increasingly on questions related to “successful integration”, crime and possibilities for the removal of unaccompanied minors. There were more frequent reports of criminal activities by unaccompanied minors or by gangs of unaccompanied minors in individual towns and cities (e.g. Soldt 2017; Heine 2017). In the political arena, calls grew louder to remove unaccompanied minors who had committed crimes (e.g. Leubecher 2018). In this context, civil society organisations repeatedly stated that criminal unaccompanied minors were a small minority, and that the primary educational challenge was to extricate juveniles from criminal structures (e.g. NDR 2017).

Age assessment of unaccompanied minors

The assessment of whether a person is a minor or an adult, and the legal consequences this has (for instance entitlement to child and youth welfare, child-specific obstacles precluding removal, etc.) has been repeatedly discussed in the public domain in recent years. In 2015, in conjunction with the introduction of the preliminary taking into care, the age assessment procedure by public authorities was codified. Section 42f of Book VIII of the Social Code stipulates that the youth welfare offices are explicitly required to carry out an age assessment in the course of preliminary taking into care unaccompanied minors, but the practice in the Länder differs in this regard (Deutscher Bundestag 2017b: 34 et seq.).

The public debate was considerably fuelled towards the end of 2017 and the beginning of 2018 due to a media report accusing the majority of unaccompanied minors of lying about their age (Leubecher 2017a), as well as due to a murder that had been carried out by a refugee who was registered as an unaccompanied minor, but who was classified as an adult according to a court-ordered medical report

(Leubecher 2017b). Several politicians then called for the introduction of legally-mandatory medical age reports (Leubecher 2017b). Specialist associations however rejected this demand, pointing to the considerable inaccuracy and susceptibility to error of medical age diagnostics and rendering them “symbolic politics and dangerous populism” (BumF/ Deutsches Kinderhilfswerk/IPPNW 2017); according to the President of the German Medical Association, medical age diagnostics methods are “cumbersome, expensive and highly uncertain” (Ueberbach 2018). Within the expert medical discourse, the opinion also exists that the assessment “of the scope of the possible age, which can subsequently be placed into relation with the legally relevant age limits”, can in certain cases allow to exclude “minority with the highest standard of evidence, i.e. without reasonable doubt” (Rudolph 2018). This sparked a media debate in which the pros and cons of medical age diagnostics were deliberated and the existing provisions were discussed (e.g. Tieg 2018; Becker/Soldt 2018; Schughart 2018), amongst other things.

The Federal Minister of the Interior, Dr. Thomas de Maizière, stressed in a statement that standardised stipulations should be developed: “It should not be left to the discretion of individual authorities to have doubts and take action. Instead, there should be clear rules stipulating that in cases where no official and genuine document can be presented other measures must be taken to assess a person’s age, e.g. through a medical examination, if necessary” (BMI 2018). The task should however be continued to be carried out by the youth welfare offices in the future.

Further topics of public debate

The public debate also addressed the integration potential and possibilities of unaccompanied minors, the disappearance of unaccompanied minors, as well as the subsequent immigration of parents and siblings to join unaccompanied minors. The debates will be outlined in the topical chapters below.

3 Accommodation, care and assistance of unaccompanied minors and young adults

3.1 General overview of accommodation, care and assistance

3.1.1 Primacy of child and youth welfare regarding accommodation, care and assistance

The responsibility of youth welfare for unaccompanied foreign children and juveniles, as well as the obligation incumbent on the youth welfare offices to take unaccompanied minors into care, have been explicitly embedded in Section 42 of Book VIII of the Social Code since 2005. The primacy of child and youth welfare was confirmed by subsequently-enacted statutory provisions (most recently by the Act on the Improvement of Care Arrangements for Foreign Children and Juveniles, which came into force on 1 November 2015 or the Act Prohibiting Child Marriages, which came into force on 18 July 2017) (González Méndez de Vigo 2017: 43 et seq.).²⁴

²⁴ The following describes the provisions of Federal law. All the Länder have implementing acts for Book VIII of the Social

This also means that accommodation, care and assistance for unaccompanied minors are not primarily dependent on the decision on their residence status. The descriptions below hence only explore the legal provisions under the Residence Act where this in certain cases impacts on the accommodation, care and assistance situations of unaccompanied minors.

3.1.2 Youth welfare measures for unaccompanied minors and young adults

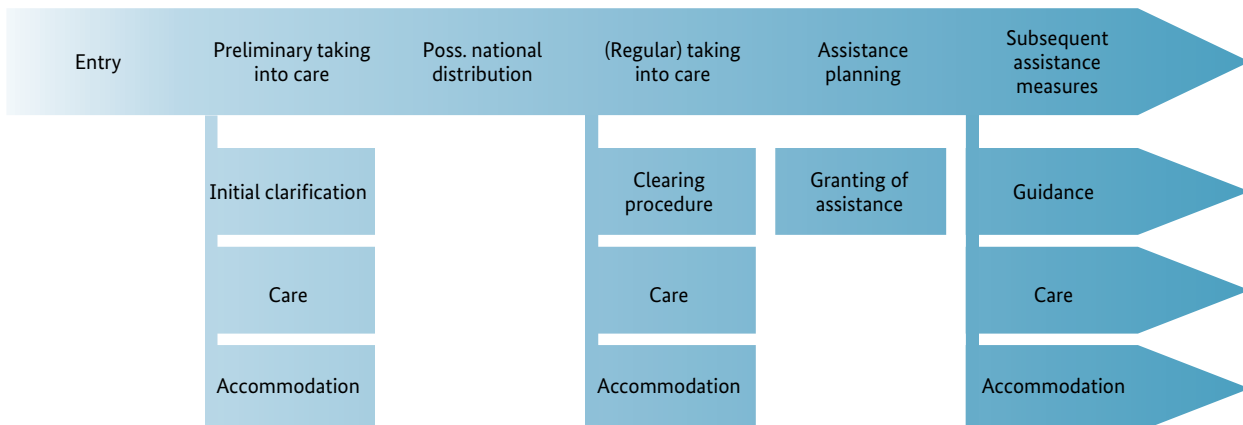
Accommodation, care and assistance for unaccompanied minors start when they first come into contact with German public authorities. As can be seen in figure 1, different processes apply here at different phases of arrival, and these will be portrayed below.

Preliminary taking into care and national distribution procedure

When foreign children and juveniles arrive in Germany unaccompanied and come into contact with

Code, which are not analysed below.

Figure 1: Overview - processes of the accommodation, care and assistance of unaccompanied minors



government agencies, the latter inform the locally-responsible youth welfare office (cf. Müller 2014: 16). Pursuant to Section 42a subs. 1 first sentence of Book VIII of the Social Code, this office is entitled and obliged to take unaccompanied minors into preliminary care. Preliminary taking into care (as well as regular taking into care, see below) entails their accommodation, in line with the child's best interests, with a suitable individual, in a suitable institution or in another form of accommodation, ensuring that their material needs are met, providing healthcare, as well as legal representation of the child (cf. Section 42a of Book VIII of the Social Code). Preliminary taking into care also entails the official age assessment procedure (Section 42f of Book VIII of the Social Code).

During preliminary taking into care, the youth welfare office must also assess by carrying out an initial clarification procedure whether it is at all possible to distribute an unaccompanied minor within the so-called national distribution procedure "given the concrete situation of the child or juvenile and his or her best interests" (González Méndez de Vigo 2017: 27). Pursuant to Section 42a subs. 2 first sentence of Book VIII of the Social Code, an examination is carried out, together with the child or juvenile, as to:

1. whether the child's or juvenile's best interests would be placed in danger through the implementation of the distribution procedure,
2. whether a person who is related to the child or juvenile is resident in Germany or abroad,
3. whether the child's or juvenile's best interests require that they be taken into care together with siblings or other unaccompanied foreign children or juveniles, and
4. whether the state of health of the child or juvenile rules out the implementation of the distribution procedure within 14 working days of the commencement of preliminary taking into care.

On the basis of the result of this assessment, the youth welfare office decides whether the unaccompanied minor is to be registered for the national distribution procedure, or whether s/he is to be excluded from distribution (Section 42a subs. 2 second sentence of Book VIII of the Social Code). The youth welfare office must inform the agency responsible pursuant to Land law for the distribution of unac-

companied foreign children and juveniles, within seven working days, that the unaccompanied minor has been taken into preliminary care, as well as of the outcome of the assessment (cf. on this e.g. von Nordheim/Karpenstein/Klaus 2017: 19 et seq.). The Land agency responsible for the distribution is the Land youth welfare office, if Land law does not provide other stipulations (Section 42b subs. 3 of Book VIII of the Social Code).

In turn, the respective Land agency must register the child or juvenile with the Federal Office of Administration for distribution, or note exclusion from distribution, within three working days (Section 42a subs. 4 of Book VIII of the Social Code). The Federal office of Administration within two working days names the Land that is obliged to receive the unaccompanied minor (Section 42b subs. 1 of Book VIII of the Social Code). The fulfilment or non-fulfilment of a reception quota (which currently is aligned with the so-called Königstein key) is decisive here (Section 42c subs. 3 of Book VIII of the Social Code). The agency responsible pursuant to Land law for the distribution of unaccompanied foreign children and juveniles of the obliged Land within two working days assigns the unaccompanied minor to a youth welfare office within its district, which then is responsible for the process of regular taking into care. The specific protection requirements and other requirements of unaccompanied minors are decisive for the allocation.

If the unaccompanied minor is assigned to a new youth welfare office within the distribution procedure, the youth welfare office taking him or her into preliminary care must ensure that s/he is accompanied to the new youth welfare office by an individual who is suitable to do so (Section 42a subs. 5 first sentence of Book VIII of the Social Code) in order to hand him or her over to a specialist, together with the information that has been collected so far on the person in question. The "new" youth welfare office then takes the unaccompanied minor into regular care (see below).

Preliminary taking into care ends either

- if the child or juvenile is handed over to an individual with personal custody or to a legal guardian, or
- if the child or juvenile is handed over to the youth welfare office that is responsible (on the basis of the allocation decision of the responsible Land authority), or

- if exclusion from the distribution procedure (pursuant to Section 42b subs. 4 of Book VIII of the Social Code) is notified (Section 42a subs. 6 of Book VIII of the Social Code).

Moreover, preliminary taking into care ends if it is ascertained that the conditions no longer apply, for instance if the age assessment reveals that the individual is not a minor. In this case, administrative law requires withdrawal or recall (Trenczek et al. 2017: 374). Preliminary taking into care must also be declared to have been terminated if the unaccompanied minor withdraws from assistance by absconding, so that the youth welfare office is no longer able to fulfil its supervisory duty (ibid.).

The Federal working group of Land youth welfare offices (Bundesarbeitsgemeinschaft Landesjugendämter) defines standards for the preliminary taking into care of unaccompanied minors in its recommendations for action (BAG 2017: 21-26).

Preliminary taking into care, and the distribution procedure, were introduced with the Act on the Improvement of Care Arrangements for Foreign Children and Juveniles in November 2015 in order to make better use of accommodation capacities that are available throughout the country, but also to spread the burden more evenly among municipalities. Prior to the legal reform, the latter were responsible for taking all unaccompanied minors into care who were picked up in their area of responsibility, which involved a significant burden for municipalities in regions close to borders. The distribution procedure resolves this situation via nationwide mandatory reception. The number of unaccompanied minors received by each Land is governed by a set reception rate (Deutscher Bundestag 2017b: 4; cf. Section 42c of Book VIII of the Social Code).

The distribution procedure has been the subject of criticism from the Federal Association for Unaccompanied Minor Refugees at various junctures. It stressed, firstly, that the statutory stipulations could lead to problems in practice, for instance due to very tight deadlines (González Méndez de Vigo 2017: 36 et seq.). It was criticised, secondly, that the care and assistance provided within the redistribution procedure very frequently fell short of the standards applicable within youth welfare: “Children and juveniles are accommodated in many places in temporary structures which are unsuitable for the accommodation of children and juveniles; preliminary taking into care lasts longer than intended by the law. [...] Healthcare during preliminary taking into

care is inadequate in many cases; the specialists are in a sorry state with regard to their specific knowledge and experience, but there were also insufficient opportunities available to obtain the requisite qualifications. The specialists considered that the prerequisites to examine whether the child’s best interests precluded distribution, to ensure their [the unaccompanied minors, J.T.] participation in the distribution process, and that the information that had been gathered in preliminary taking into care was systematically passed on” (BumF 2016a: 7 et seq.).

The Federal Government shares some of the criticisms with regard to tight deadlines or the excessively long duration of the proceedings, but found that the distribution procedure had relieved the municipalities of burdens on balance, and goes on to sum up: “All in all, the Federation and the Länder, and the municipal youth welfare offices, agree in their positive assessment of both the result and the stages of the procedure to implement national mandatory reception” (Deutscher Bundestag 2017b: 7 et seq.).

Regular taking into care and the clearing procedure

Once unaccompanied minors have been handed over to another responsible youth welfare office within the distribution procedure, or if they remain with the youth welfare office that had taken them into preliminary care in cases in which distribution has been ruled out, regular taking into care and the clearing procedure commence. “A comprehensive clarification of future prospects, biographical work, the clarification of the residence situation and an assessment of needs are carried out as part of regular taking into care. At the same time, generally, taking into care furthermore entails for unaccompanied minors that the youth welfare assistance process is initiated” (González Méndez de Vigo 2017: 44).

By taking the unaccompanied minor into care, the youth welfare office is granted the power to accommodate a child or juvenile with a suitable individual, in a suitable institution or in another form of accommodation on a preliminary basis (Section 42 subs. 1 second sentence of Book VIII of the Social Code). During taking into care, the youth welfare office has to ensure the child’s or juvenile’s best interests, and in doing so must ensure that their material needs are met and that they are provided with healthcare (Section 42 subs. 2 first sentence of Book VIII of the Social Code). During taking into care, the youth welfare office is entitled to take all

legal measures that are necessary in the child's or juvenile's best interests. The presumed will of an individual with personal custody or of a legal guardian is to be suitably accommodated in this process (Section 42 subs. 2 fourth sentence of Book VIII of the Social Code). With unaccompanied minors, these legal acts also include the prompt filing of an asylum application under certain conditions (Section 42 subs. 2 fifth sentence of Book VIII of the Social Code; see below for a discussion). The youth welfare office must also take action to have the Family Court appoint a guardian (Vormund) or a curator (Pfleger/Pflegerin) (Section 42 subs. 3 fourth sentence of Book VIII of the Social Code).

During taking into care, the youth welfare office, together with the child or juvenile, is also to clarify the situation that led to taking into care and point to ways of providing assistance and support (Section 42 subs. 2 first sentence of Book VIII of the Social Code). The objectives pursued in this "clearing procedure" are "the protection, the clarification of the situation and the prospects of the unaccompanied minor" (BAG 2017: 33). It includes clarifying the state of health (including any medical treatment), collecting information about previous circumstances, clarifying the potential for language acquisition and education, deciding on the type of residence title that is to be applied for, as well as clarifying and preparing subsequent youth welfare assistance. "The clearing procedure can be carried out both in a special clearing facility, and in another form of accommodation pursuant to Section 42 subs. 1 second sentence of Book VIII of the Social Code. The clearing procedure is to be carried out by the youth welfare office. The office may carry out the clearing procedure itself or commission independent organisations to do so. Ultimate responsibility however remains with the responsible youth welfare office" (BAG 2017: 33). The clearing procedure generally ends when any unresolved questions have been resolved to the extent that the decision can be taken on appropriate assistance and the concrete planning of subsequent assistance measures can commence (BAG 2017: 35). Standards regarding the content and stages of the clearing procedure, as well as forms for gathering case-histories and the socio-educational assessment, can be found in the recommendations of the Federal working group of Land youth welfare offices (BAG 2017).

Regular taking into care ends either when the child or juvenile is handed over to an individual who has personal custody or is a legal guardian (e.g. parents, which rarely happens with unaccompanied minors),

or when a decision is taken on granting assistance pursuant to the Social Code, these being known as "subsequent assistance measures" (Section 42 subs. 4 of Book VIII of the Social Code).²⁵

Assistance planning and subsequent activities

"Like other children and juveniles living in Germany, unaccompanied minors and young adult refugees are entitled to necessary, suitable assistance pursuant to Sections 27-35 and 41 of Book VIII of the Social Code²⁶ and to integration assistance for mentally handicapped children and juveniles pursuant to Section 35a of Book VIII of the Social Code" (Müller 2017: 136). If it is ascertained during the clearing procedure that assistance is to be granted pursuant to Book VIII of the Social Code, assistance planning is commenced. The assistance planning procedure defined in Section 36 of Book VIII of the Social Code provides for the minor in question to be advised of the assistance available and of its impact (Section 36 subs. 1 first sentence of Book VIII of the Social Code), but also that s/he is to attend the assistance planning discussions:

If it is likely that assistance will be provided for a prolonged period, the decision on the type of assistance that is appropriate in the individual case is to be taken jointly by several specialists. Together with the person who has custody and the child or juvenile, they are to draw up an assistance plan, which will form the basis for the provision of assistance, as well as defining the requirements, the nature of the assistance that is to be provided, and the necessary benefits; they are to examine on a regular basis whether the type of assistance selected remains suitable and necessary. If other individuals, services or institutions are involved in the rendering of assistance, they or their staff are to be involved in drawing up and monitoring the assistance plan. If vocational integration measures appear to be required, the agencies responsible for the integra-

25 In order to prevent the person in question slipping into a legal vacuum whilst waiting for instance for a place in a home, taking into care is however not terminated until the individual has been de facto transferred into another form of assistance (Trenczek et al. 2017: 299 et seq.).

26 Pursuant to Book VIII of the Social Code, these are supervisory assistance (Section 27), educational counselling (Section 28), social group work (Section 29), supervision by a social worker, care assistant (Section 30), social-educational family assistance (Section 31), supervision in a day group (Section 32), full-time foster care (Section 33), placement in a home, other assisted living arrangements (Section 34), intensive social-educational individual care (Section 35), as well as assistance for young adults and subsequent care (Section 41).

tion are also to be involved (Section 36 subs. 2 of Book VIII of the Social Code).

The unaccompanied minor has a right to express wishes and make choices in the selection of the type of assistance, and this is to be accommodated if it does not cause disproportionate additional costs (Section 36 subs. 1 fourth sentence of Book VIII of the Social Code). Unlike other children and juveniles, given the language barrier faced by unaccompanied minors and the fact that they are unfamiliar with the child and youth welfare system, the challenge arises as to “how they can be at all enabled to exercise their rights in assistance planning” (Müller 2017: 138). The results of a survey carried out at youth welfare facilities, where 10 % stated that they held their assistance planning discussions without any involvement of the person concerned, also show that there is much to be done here (Moos 2017: 127).

In line with the results of the assistance planning, the unaccompanied minor is accommodated in one of the forms of assistance, for instance in a home placement institution, in an assisted living arrangement, in a host or foster family, in socio-educational accompanied living arrangements, or in intensive, individual socio-educational care (Sections 32-35 of Book VIII of the Social Code). Each of these forms of accommodation differs as to the intensity of socio-educational assistance and care (see below).

Accessing assistance is independent of the unaccompanied minor’s residence status. Should his or her status not have been clarified during taking into care, the clarification is carried out concurrently with the assistance being provided. Given the primacy of child and youth welfare until adulthood, however, a decision on residence status has no direct impact on accessing assistance.

Identifying the child’s best interests in youth welfare procedures

Every young person in Germany is entitled to the advancement of his or her development and to assistance in growing into a responsible individual who is able to play his or her role in the community (Section 1 subs. 1 of Book VIII of the Social Code). In order for this right to be realised, the youth welfare system is to promote young people in their individual and social development and help them to avoid or reduce disadvantages. It is also the youth welfare office’s task to protect children and juveniles against dangers to their best interests, to conserve or create a positive space in which young people and their

families can live and a child- and family-friendly environment (Section 1 subs. 3 first sentence nos. 1 as well as 3-4 of Book VIII of the Social Code).

In order to do justice to this mandate vis-à-vis unaccompanied minors, at several junctures during accommodation, care and assistance both formalised and non-formalised processes are foreseen to determine the options best suited to ensure and enforce the child’s best interests.

- As part of preliminary taking into care, this is the initial clarification process, in which it is clarified whether the questions stipulated in Section 42a subs. 2 of Book VIII of the Social Code have been resolved.
- As part of regular taking into care, this is the detailed clearing procedure, which is regulated in Section 42 subs. 2 first sentence of Book VIII of the Social Code, but without concrete procedural stipulations. The recommendations of the Federal working group of Land youth welfare offices lend concrete shape to this stipulation, and define the stages to be included in the clearing procedure (BAG 2017: 32-35). Recommendations and guidelines of the Länder on handling unaccompanied minors also contain recommendations on the implementation of the clearing procedure (e.g. NRW 2017: 18-21).
- If assistance is granted, assistance planning pursuant to Section 36 of Book VIII of the Social Code constitutes a formalised process in which specialists are to come together at regular intervals with the unaccompanied minor and the guardian, as well as with any other players who may be involved, in order to determine the best options.

Specialists repeatedly point out that the child’s best interests are ensured not only by clarifying future prospects until adulthood, but that they must demonstrate specific prospects beyond the time when they reach 18 (cf. Karpenstein/Schmidt 2016).

The transition to adulthood under youth welfare law

The law stipulates that under certain circumstances youth welfare offices may continue to provide assistance to persons who received such assistance as minors when they have reached adulthood:

A young adult is to be granted assistance in personality development and in leading a responsible life if and to the degree that assistance is needed due to the individual situation of the young person (Sec-

tion 41 subs. 1 first sentence of Book VIII of the Social Code). The assistance is generally only granted up to the age of 21; in well-founded individual cases, it is to be continued for a limited period beyond this (Section 41 subs. 1 of Book VIII of the Social Code). At most, however, youth welfare may be granted in cases in which the person in question has yet to reach 27 (Section 41 subs. 1 of Book VIII of the Social Code in conjunction with Section 7 subs. 1 no. 3 of Book VIII of the Social Code). Benefits for young adults are generally a mandatory entitlement. “Only in atypical cases does the youth welfare office have any discretion. The existence of such a case must be justified by the public youth welfare funding agency” (Winkler 2017: Section 41 of Book VIII of the Social Code, margin no. 14). There are however reports from practitioners that granting assistance to young adults is decided on differently at local level (cf. Karpenstein/Schmidt 2016: 58 et seq., von Nordheim/Karpenstein/Klaus 2017: 42 et seqq.).

The alternative to continuing to provide assistance is release from youth welfare. The young adult in those cases becomes responsible for himself or herself in all matters on turning 18, which has consequences for almost all areas of life (accommodation/housing, finance, etc.).

3.1.3 Institutions involved

Accommodation, care and assistance are provided jointly by a variety of actors. Table 7 below does not list by name all the actors involved in the accommodation, care and assistance of unaccompanied minors in Germany, but provides an overview of the actors that are involved at the local level.

Table 7: Actors involved in accommodation, care and assistance

Institution	Description	Responsibilities/activities
Youth welfare office	<p>“Within the State’s guardian role [...],” the youth welfare office “is tasked with all necessary measures to ensure the protection of the child’s best interests” (Brinks et al. 2017: 72). The local youth welfare office is part of the local administration. Each public youth welfare funding agency (generally these are districts and municipalities with district status) is obliged to establish such an office in order to carry out the tasks pursuant to Book VIII of the Social Code (Section 69 subs. 3 of Book VIII of the Social Code). Almost 600 youth welfare offices exist in Germany (Brinks et al. 2017: 74).</p> <p>The local youth welfare office consists of two parts: the youth welfare committee and the administration. Decisions on the organisation and orientation of child and youth welfare are taken in the youth welfare committee, which also has among its members voting representatives of the independent child and youth welfare organisations (see below). The administration of the youth welfare office implements the resolutions and goals of the committee (Brinks et al. 2017: 74 et seq.).</p>	<p>As the specialist socio-educational authority, the local youth welfare office is responsible for the implementation of all benefits pursuant to Book VIII of the Social Code (Brinks et al. 2017: 72). With regard to unaccompanied minors, this means amongst other things that it is responsible for</p> <ul style="list-style-type: none"> ■ the (preliminary and regular) taking into care of unaccompanied minors, ■ possibly the organisation of national distribution on site, ■ assistance planning, ■ aptitude testing of foster families, and ■ granting assistance pursuant to Book VIII of the Social Code.
Independent child and youth welfare organisations	<p>In addition to public youth welfare agencies, there are independent youth welfare organisations. “The independent youth welfare organisations are the Churches and religious communities under public law, the national associations united in the Federal working party of independent welfare (Workers’ Welfare Association [Arbeiterwohlfahrt], the Caritas Association, the German Red Cross, the German Equal Representation Welfare Association [Deutscher Paritätischer Wohlfahrtsverband], the Social Service Agency [Diakonisches Werk] and the German Central Jewish Welfare Federation [Zentralwohlfahrtsstelle der Juden in Deutschland]), youth associations, youth groups and self-help groups to name only the most important examples. One furthermore encounters an increasing number of independent commercial organisations” (Winkler 2017: Section 3 of Book VIII of the Social Code, margin no. 2.2).</p>	<p>Amongst other things, independent organisations operate accommodation facilities (inclusively or exclusively for unaccompanied minors), advise and assist unaccompanied minors’ foster families, or offer other assistance to unaccompanied minors. Where suitable institutions, services and events are run by recognised independent youth welfare organisations, or these can be created in good time, public youth welfare is to refrain from measures of its own (Section 4 subs. 2 of Book VIII of the Social Code).</p> <p>“There are cooperation agreements between youth welfare offices and independent organisations in many places. These refer either to transferring the entire area of assistance for fostering unaccompanied minor refugees as a matter of principle, or to transferring individual elements such as assistance for and guidance of host families” (Kompetenz-Zentrum Pflegekinder e.V. 2016: 23).</p>

Institution	Description	Responsibilities/activities
Family Court	The Family Court is a division of the Local Court which is responsible for ruling on family matters (Section 23b subs. 1 of the Courts Constitution Act*).	The Family Court has jurisdiction with regard to unaccompanied minors for examining which activities are necessary in the child's or juvenile's best interests. It particularly examines and rules whether a guardian is to be appointed for the unaccompanied minor, orders guardianship ex officio (Section 1774 first sentence of the Civil Code), selects the guardian after having heard the youth welfare office (Section 1779 subs. 1 of the Civil Code), and appoints the guardian (Section 1789 of the Civil Code).
Guardian	Minors are given a guardian if they are not subject to parental custody, or if the parents are not entitled to represent the minor either in matters affecting either their person or their assets (Section 1773 subs. 1 of the Civil Code). If an unaccompanied minor is taken into care, the youth welfare office must promptly apply to the Family Court to have a guardian or custodian appointed (Section 42 subs. 3 fourth sentence of Book VIII of the Social Code).	Guardians exercise care for the person and property of the child for unaccompanied minors, and act as their legal representatives. In practice, the youth welfare office is appointed as guardian for unaccompanied minors in most cases (Trenczek et al. 2017: 281). See below for further information.

* German: Gerichtsverfassungsgesetz.

Cooperation

In addition to the above actors, other actors are also indirectly involved in the accommodation, care and assistance of unaccompanied minors on site (e.g. foreigners authorities, migrants' organisations, welfare associations, volunteers, health and school offices, job centres and employment agencies, etc.). Some of these may have a seat on the youth welfare committee. They may however also be associated as part of less formal networks. Local networking between the involved actors is however repeatedly stressed as being pivotal to successful assistance for unaccompanied minors (e.g. Jagusch 2017, Brinks et al. 2017: 80).

time foster care in order to operate such institutions (Section 44 of Book VIII of the Social Code), or an operating licence for institutions (Section 45 of Book VIII of the Social Code)" (Deutscher Bundestag 2017b: 72). Some of the Länder have defined their own minimum standards for the accommodation of unaccompanied minors (Deutscher Bundestag 2017b: 73). Further, the concrete implementation of accommodation takes place at the level of the municipalities. This creates major differences in some cases, not only between the Länder, but also within individual Länder (Müller 2014: 36). "As a matter of principle, it is possible to distinguish in accommodation between residential institutions, socio-educational accompanied living arrangements, as well as host and foster families" (Deutscher Bundestag 2017b: 70).

3.2 Accommodation

3.2.1 Legal basis for accommodation

A variety of statutory provisions apply when it comes to providing accommodation to unaccompanied minors, depending on the phase in which the unaccompanied minor happens to be (preliminary taking into care, regular taking into care, subsequent accommodation). The "basis for the accommodation of unaccompanied foreign minors is Book VIII of the Social Code. Standards provided for at national level by Book VIII of the Social Code include accommodation orientated towards the child's best interests, the obligation to hold a permit for full-

3.2.2 Accommodation during (preliminary) taking into care

Forms of accommodation

Both as part of preliminary taking into care (Section 42a subs. 1 second sentence of Book VIII of the Social Code in conjunction with Section 42 subs. 1 second sentence of Book VIII of the Social Code), and of regular taking into care (Section 42 subs. 1 second sentence of Book VIII of the Social Code), the youth welfare office is empowered to accommodate unaccompanied minors with a suitable person, in a suitable institution or in another living arrangement on a preliminary basis.

Institutions under residence law (reception centres or collective accommodation facilities) generally do not satisfy the preconditions for issuing the operating licence needed pursuant to Section 45 of Book VIII of the Social Code for the operation of institutions in which children and juveniles are assisted on a whole-day basis, and hence as a matter of principle are not suitable institutions within the meaning of Book VIII of the Social Code (González Méndez de Vigo 2017: 30; Deutscher Bundestag 2017b: 10).

If the preconditions are met for taking an unaccompanied minor into care, but separating him or her from accompanying adults who entered the country together with them (e.g. adult siblings), would render the danger to the “best interests of the child greater than that of an unsuitable accommodation in a reception facility under residence law not orientated towards the child’s best interests” (González Méndez de Vigo 2017: 31), an accommodation in such a facility may also be indicated in the individual case. This does not however absolve the youth welfare office of its obligation to order the taking into care of the unaccompanied minor concerned and to carry out the appropriate tasks.

The same standards apply to accommodation within **regular taking into care** for unaccompanied minors as with German children and juveniles: Unaccompanied minors may for instance be accommodated with relatives if both the unaccompanied minor and the relatives so wish, the latter are suitable and there are also no other reasons precluding accommodation there (González Méndez de Vigo 2017: 44).

Distribution among different forms of accommodation

The Federal Statistical Office’s Child and Youth Welfare Statistics do not separately record for the preliminary protection measures, which include preliminary and regular taking into care, how unaccompanied minors are distributed among the various forms of accommodation (Statistisches Bundesamt 2017b). The Länder however provided information in response to an enquiry by the Federal Government relating to the second and third quarters of 2016 on the accommodation of unaccompanied minors during preliminary and regular taking into care.

With regard to **preliminary taking into care**, the Länder observed that unaccompanied minors were

frequently accommodated in child and youth welfare facilities run by independent organisations, but also in clearing facilities that were owned by the Land or by municipalities (Deutscher Bundestag 2017b: 70). Clearing houses are described as institutions specialised in the initial reception of unaccompanied minors that facilitate intensive educational assistance (Müller 2014: 36). In the phase of high immigration figures of unaccompanied minors these were frequently also accommodated in emergency shelters, hotels, hostels and youth hostels, host families or collective accommodation facilities, in other words in institutions which generally did not meet the standards stipulated by the law (BumF 2016a: 7 et seq.). The Federal Government reports that this accommodation had improved considerably over the course of 2016, due both to the lower number of unaccompanied minors entering the country, and to the introduction of the national distribution of unaccompanied minors. It had hence been possible towards the end of 2016 to focus more closely on aspects of quality development (Deutscher Bundestag 2017b: 71). In a second survey by the Federal Association for Unaccompanied Minor Refugees among child and youth welfare specialists in autumn 2017, 65.3 % of the interviewed stated that during preliminary taking into care, unaccompanied minors are accommodated mostly in regular youth welfare institutions, 18.9 % stated that mostly emergency shelters are used, and 8.1 % stated that hotels, hostels and youth hostels were the major form of accommodation (von Nordheim/Karpenstein/Klaus 2017: 25).²⁷

As to **regular taking into care**, the Länder stated in the above enquiry that unaccompanied minors were largely being accommodated in residential youth welfare institutions, and that separate additional youth welfare facilities had been established for unaccompanied minors in some cases. “They are also accommodated in special taking into care/clearing facilities. Moreover, (socio-educational) supervised or assisted living arrangements are being used. Host and foster families are also being used to accommodate unaccompanied minor foreigners but to a much lesser degree” (Deutscher Bundestag 2017b: 71). In individual cases, unaccompanied minors are also accommodated in reception centres with family members or those adults with whom

²⁷ Further statements were made on the following categories: relatives with own living space (1.2 % of the interviewed), foster or guest families (0.6 % of the interviewed), collective accommodation facilities (2.8 % of the interviewed), as well as other forms of accommodation (3.1 % of the interviewed).

they fled, as well as in hotels and youth hostels or emergency shelters, once it has been determined that this lies within the child's best interests (ibid.). This assessment is also shared by the survey of the Federal Association for Unaccompanied Minor Refugees of autumn 2017. The majority of interviewed specialists (80.6 %) states that unaccompanied minors are accommodated mostly in regular youth welfare institutions (von Nordheim/Karpenstein/Klaus 2017: 25).

3.2.3 Accommodation following taking into care

Forms of accommodation

If assistance is granted following taking into care, all forms of accommodation can be considered for unaccompanied minors, which are defined by Book VIII of the Social Code, in other words accommodation

- in an institution or placement in a home (Section 34 of Book VIII of the Social Code),
- in an assisted living arrangement (Section 34 of Book VIII of the Social Code),
- with a host or foster family (Section 33 of Book VIII of the Social Code),
- in socio-educational supervised living arrangements (Section 13 of Book VIII of the Social Code), or
- in intensive socio-educational individual care (Section 35 of Book VIII of the Social Code).

Services falling under Section 34 of Book VIII of the Social Code are highly varied in Germany and may be organised in a variety of ways. Depending on the need of the unaccompanied minor, they provide differing degrees of pedagogical assistance. These "range from accommodation in a home facility with round-the-clock assistance on site, to assisted living groups in which more independent juveniles are accommodated, with 'open concepts' of accommodation in which pedagogical assistance is ensured on a mobile, flexible basis" (Deutscher Bundestag 2017b: 73). One can differentiate here between integrative forms of accommodation, where unaccompanied minors are accommodated with other children and juveniles, and types of accommodation that are specially designed for unaccompanied minors. These can also be "orientated towards specific groups of individuals, such as groups of girls, or may specialise in specific support and promotional

services such as therapeutic groups for unaccompanied minor foreigners who are heavily traumatised" (Deutscher Bundestag 2017b: 73).

Selecting the form of accommodation

Unaccompanied minors are generally accommodated in the municipality where the youth welfare office that took them into regular care is also responsible. "Unaccompanied minors are accommodated in line with the need for support that is identified: As a rule, after the clearing procedure the minors live in a socio-educational residential group, or in an institution until becoming adults" (Deutscher Bundestag 2017b: 72).

The accommodation is to be in line with the individual needs of the unaccompanied minor, and should constitute a "suitable, stabilising form of assistance" (Brinks/Dittmann/Müller 2017: 79). Since accommodation constitutes part of the assistance measures, the unaccompanied minor is to be involved in the decision on the institution or foster home to be selected within the assistance planning (Section 36 subs. 1 third sentence of Book VIII of the Social Code). This right to express wishes and make choices is to be complied with if it does not cause disproportionate additional costs.

Dynamics in providing accommodation

The large numbers of unaccompanied minors immigrating in 2015 and 2016 has led to strong dynamics as to the accommodation available. On the one hand, accommodation had been missing for a prolonged period, which impacted on the unaccompanied minors' right to express wishes and make choices with regard to their accommodation: "Having said that, this right of unaccompanied minor refugees to express wishes and make choices is de facto subject to considerable restrictions in many regions, or indeed not provided at all, since there is a shortage of accommodation across the board. Efforts should be made to ensure that the overall spectrum of assistance measures is also available for these young people. This means that, in addition to offers of placement in a home, assisted living arrangements, services providing homes for young people pursuant to Section 13 of Book VIII of the Social Code, accommodation with foster or host families, as well as independent living (individually or in groups) with non-residential supervision are also possible" (Moos 2017: 126 et seq.).

At the same time, however, the increased demand for accommodation also led to a capacity expansion: “As the case figures of unaccompanied minor refugees rose, youth welfare offices and institutions created new accommodation places at very short notice. They range from intensive, educational special accommodation groups through assisted individual housing, to open homes for young people” (Brinks/Dittmann/Müller 2017: 79). Emergency shelters rented during the peak in immigration, such as hotels or guesthouses, now should apply and satisfy the specialist standards of youth welfare.

A regional disparity emerges with regard to adequate capacities: Whilst eight Länder stated in August 2016 that their capacities were inadequate and that there was a particular need to provide accommodation places for older juveniles and young adults, three Länder stated that they had sufficient capacities (Deutscher Bundestag 2017b: 73 et seq.). The specialist associations that were also involved in this survey stated that there was no need to expand the capacities further. “There is however still a very great deal to do with regard to the quality, the minimum standards and the fit of assistance measures” (Deutscher Bundestag 2017b: 74).

Distribution among forms of accommodation

As in the case of (preliminary) taking into care, there are no statistics on the distribution of unaccompanied minors among different forms of accommodation with regard to the form of assistance granted (Statistisches Bundesamt 2017c).²⁸ The above non-representative survey carried out among specialists in child and youth welfare by the Federal Association for Unaccompanied Minor Refugees concluded that, at the time of the survey, experts were most frequently placing unaccompanied minors in youth accommodation groups (90.5 %) and assisted living arrangements (70.5 %).²⁹ Greater use was also being made of host and foster families for accommodation (49.6 %), as well as of relatives. The experts furthermore stated that “emergency solutions” were also being used to provide subsequent accommodation in some cases, for instance collective accommoda-

tion facilities (24 %) or hotels, hostels and youth hostels (21.6 %). 32.2 % of the respondent experts stated that accommodation was also taking place with relatives without providing assistance measures (BumF 2016a: 10). An evaluation of non-residential youth welfare activities for unaccompanied minors carried out by the National Association of Catholic Educational Assistance Facilities and Services (Bundesverband katholischer Einrichtungen und Dienste der Erziehungshilfen e. V. (BVkE)) and by the Institute of Child and Youth Welfare (Institut für Kinder- und Jugendhilfe (IKJ)) revealed a similar picture: “Accommodation is provided in residential groups which are occupied exclusively with unaccompanied minor refugees in 75.7 % of the cases, and in mixed residential groups in 22.1 % of the cases” (BVkE/IKJ 2017: 2). The survey of the Federal Association for Unaccompanied Minor Refugees among child and youth welfare specialists from autumn 2017 shows that the tendency to accommodate unaccompanied minors during subsequent youth welfare assistance in regular youth welfare institutions has gained momentum: 89.6 % of the interviewed stated that unaccompanied minors are mostly accommodated in such institutions (von Nordheim/Karpenstein/Klaus 2017: 25). It has to be noted, however, that the surveys mentioned are non-representative and not comparable among one-another. They can thus only depict a tendency with regards to the accommodation of unaccompanied minors. Statistical data on the distribution on different forms of accommodation does not exist. There has been some criticism of the tendency to place the majority of young refugees in a home and in specialised residential groups with other unaccompanied minors. Such accommodation is said to frequently fall short of the unaccompanied minors’ desire for normality and dialogue with their peers in host society (Brinks/Dittmann/Müller 2017: 79).

3.2.4 Accommodation with a host or foster family

“Legally-speaking (within the meaning of Book VIII of the Social Code), a host family is a foster family. A host family receives a child into its home and ensures that its foster child develops to become a responsible individual who is able to play his or her role in the community” (BMFSFJ 2017a). The possibility of accommodating unaccompanied minors

28 An evaluation of the microdata of the Child and Youth Welfare Statistics from 2014 with a detailed breakdown of the accommodation of unaccompanied minors is offered by Fendrich et al. 2016. No evaluation of the data from 2015 and 2016 has yet been carried out that would permit conclusions to be drawn on the accommodation of unaccompanied minors after the sharp rise in the immigration of unaccompanied minors.

29 The abovementioned survey permitted multiple responses.

with host families or foster families³⁰ applies in different ways in the different phases of reception.

The youth welfare offices also have the option of accommodating unaccompanied minors in host families or foster families during the phase of **(preliminary) taking into care**. According to the survey by the Federal Association for Unaccompanied Minor Refugees from autumn 2017, the accommodation with guest or foster families only plays a minor role (von Nordheim/Karpenstein/Klaus 2017: 25).

The possibility of accommodation with a host family is regulated by Section 33 of Book VIII of the Social Code as part of the **subsequent accommodation**. In comparison to other forms of accommodation, this form of assistance is however “still very much under development” in Germany (Betscher/Szylowicki 2017: 175). Almost half of the experts who responded to the above mentioned survey by the Federal Association for Unaccompanied Minor Refugees stated that they also accommodated unaccompanied minors in host families and foster families as part of their work (BumF 2016a: 10 et seq.). This form of accommodation has therefore increased more sharply since 2015, which may also be due to the fact that a larger number of unaccompanied minors entering the country also led to a wider search for host families. Governmental and civil society actors have been appealing at both Federal and Land as well as municipal levels for families to sign up as host families (e.g. BMFSFJ 2016a: 5).

Based on a survey on the period from September to December 2015, a paper by the Kompetenz-Zentrum Pflegekinder e. V. stressed the broad-based civil society commitment to act as a host family for unaccompanied minors: “There are frequent responses and expressions of interest when youth welfare offices call for applications to act as foster families or host families for unaccompanied minor refugees. Information evenings are filled beyond capacity; the list of people preparing for this task and wishing to undergo training is long” (Kompetenz-Zentrum Pflegekinder e.V. 2016: 4).

Info box:

Recruitment of foster families – an example

In order to be able to accommodate more unaccompanied minors in a family setting, many youth welfare offices all over the country have implemented information and advertising campaigns since 2015, often in cooperation with independent youth welfare organisations. At the beginning of 2016, the full-time foster care office of the Nuremberg youth welfare office decided to supplement its recruitment of “regular” foster families by launching a recruitment drive specifically targeting potential host families and foster families for unaccompanied minors.

A brochure that can be downloaded online provides interested families with information on the framework of full-time foster care in general, as well as on the legal and practical everyday particularities related to receiving an unaccompanied minor. It also contains information regarding the special challenges involved in receiving unaccompanied minors, and invites potential foster parents to deliberate as to whether they can cope with these challenges. Information evenings and further training are offered on this topic in cooperation with two independent organisations (Nürnberg 2017a).

The increase in the accommodation of unaccompanied minors in host families has also led to concerns being voiced that this might entail the standards of child and youth welfare being inadequately implemented or being watered down. The Federal Association for Unaccompanied Minor Refugees therefore deems that there is an urgent need to provide information and further training “in order to ensure that the model of the host family is not a stealthy way of removing unaccompanied minor refugees from the structures of youth welfare with their mechanisms for protecting the best interests of the child” (BumF 2016a: 11).

In order to counter this development, a variety of projects have been carried out in recent years in which curricula have been developed and experts and host families received training. The project entitled “People strengthen People”, promoted by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, for instance supported this through developing and testing curricula, training courses and quality standards for foster families (as

³⁰ There is no legal distinction between host families and foster families. The terms are frequently used synonymously but are also unambiguously distinguished in other places. Betscher/Szylowicki use the term “host family” to express the fact “that this does not generally constitute assistance aiming to establish a classical parent-child relationship. The term ‘host family’ may however never be associated with fewer needs or lower standards” (Betscher/Szylowicki 2017: 175).

well as guardians and sponsors) in ten model regions within Germany (BMFSFJ 2017b). In addition, civil society organisations have developed curricula and are running training courses for (potential) host families (Kompetenz-Zentrum Pflegekinder e. V. 2016: 16 et seq.).

3.2.5 Accommodation in facilities for adult refugees

As a matter of principle, the accommodation of children and juveniles in reception centres, collective accommodation facilities and emergency shelters is only permitted for accompanied minors (cf. UNICEF 2017). Unaccompanied minors are taken into care according to the stipulations of Book VIII of the Social Code by the child and youth welfare system. An accommodation in facilities for adult refugees may only take place in the above-mentioned constellation, whilst ensuring the child's best interests (cf. Chapter 3.2.2).

3.2.6 Accommodation for unaccompanied minors with special needs

Many possibilities exist to accommodate unaccompanied minors with special needs: "The fact is that it is virtually impossible to systematically categorise the vast range of possibilities which are now available on the market for placement in a foster home: Differentiation parameters that one finds are for instance the intensity of care (regular groups, intensive groups, arrangements with a low or high intensity of assistance), the specific nature of the target group (children and juveniles with mental illnesses, eating disorders, displacement biographies, sexual abnormalities, traumatisation, reduced intelligence, etc.), age-specific educational needs (groups of small children, groups transitioning to independence, assisted living, etc.) or the place where the assistance is provided (home, non-residential accommodation group, family, activity abroad, etc.)" (Hansbauer/Alt 2017: 187). Even though unaccompanied minors are generally accommodated in residential institutions and accommodation groups, highly-differentiated services also exist for them, such as unaccompanied minor girls' groups or therapeutic groups for highly-traumatised unaccompanied minor foreigners (Deutscher Bundestag 2017b: 73). Some of the larger institutions also have their own therapists on the staff (Gierke 2016: 71).

3.2.7 Accommodation for unaccompanied, minor-aged victims of human trafficking

Within its scope of responsibilities for accommodating unaccompanied minors who have been taken into care with a suitable person, in a suitable institution or in another living arrangement (see above), the youth welfare office may also accommodate unaccompanied minors in girls' or women's shelters offering special protection for girls who were victims of human trafficking.

Children and juveniles who have been sexually exploited are best accommodated in anonymous housing. "There is however also criticism that such accommodation is primarily orientated towards adult women, and hence may not be suited to receive minor-aged victims of human trafficking" (Costa 2016: 28). It is also critically noted that "all known accommodations" are designed for women or girls (ibid.). The project entitled "Displacement & human trafficking – protection and support structures for women and minors", run by the German Network and Coordination Office Against Trafficking In Human Beings (Bundesweiter Koordinierungskreis gegen Menschenhandel (KOK) e. V), therefore sums up as follows: "The creation of a soundly-funded counselling and support structure for minors at risk of or affected by human trafficking pivoting on the best interests of the child and child protection must be expedited. Special services specifically targeting boys and young men must also be expanded as part of this process" (KOK 2016: 13).

3.2.8 Costs of the accommodation of unaccompanied minors

The accommodation as well as the corresponding educational and therapeutic benefits constitutes the main cost factor in the care of unaccompanied minors. Having said that, no statistics are available on the cost of preliminary taking into care, regular taking into care and the subsequent activities per day and per unaccompanied minor. The Federal Government presumed in 2015 that average costs of 175 Euro were incurred per case per day (Deutscher Bundestag 2015b: 27). However, the case and place costs may "vary very widely, depending on the type of accommodation, educational setting and health-care costs" (Deutscher Bundestag 2017b: 74). Estimates from the Länder as part of the above mentioned survey of the Länder however show a range

Table 8: Information from the Länder on the average case costs for taking into care and the assistance activities for education

Land	Cost of (preliminary) taking into care (in Euro per day)	Cost of assistance measures (in Euro per day)
Berlin	120	180
Brandenburg	130	90
Bremen	117-183	
Mecklenburg-Western Pomerania	125-205	
Saxony-Anhalt	not stated	140
Schleswig-Holstein	153	
Saarland	137	
Thuringia	110	

Source: Deutscher Bundestag 2017: 75. This information is generally estimated and not based on evaluations of the respective accommodations in the Länder on a specific reporting date.

of 90-205 Euro per day per unaccompanied minor. This reveals differences between the Länder that took part in the survey (please refer Table 8).

Estimates carried out by the municipalities (as part of the same survey via the local authority associations) presume 67-350 Euro per unaccompanied minor per day as costs for (preliminary) taking into care, and 33-209 Euro per unaccompanied minor per day as costs for subsequent assistance measures (Deutscher Bundestag 2017b: 75).

Foster parents are paid a monthly care allowance for unaccompanied minors who they receive as foster children, composed of the necessary maintenance and the costs of raising the child. The flat rates for ongoing maintenance benefits are to be set by the public authorities responsible for this pursuant to Land law. This is to take account of the different maintenance requirements of children and juveniles based on age by means of a scale of the amounts according to age groups (Section 39 subs. 5 first and second sentences of Book VIII of the Social Code). The further determination of the care allowance rates is subject to legal regulation by the Länder (Section 39 subs. 5 third sentence of Book VIII of the Social Code). The German Association for Public and Private Welfare (Deutscher Verein für öffentliche und private Fürsorge e.V.) publishes annual recommendations on updating these flat rates for full-time foster care. It recommends the following rates for 2018:

Table 9: Full-time foster care rates

Age of the foster child (from ... to under ... years)	Material costs (in Euro)	Care and upbringing costs (in Euro)
0-6	522	240
6-12	592	240
12-18	676	240

Source: Deutscher Verein e. V. 2017: 4.

One-off assistance or subsidies are paid over and above this (Section 39 subs. 3 of Book VIII of the Social Code) (cf. Nürnberg 2017b: 30 for details on items and amounts).

3.2.9 Carers' qualifications

Book VIII of the Social Code stresses the fact that the youth welfare system is characterised by the diversity of organisations with different value orientations and by a variety of contents, methods and modi operandi (Section 3 of Book VIII of the Social Code). Because of this, individuals with many different backgrounds are actively involved in the multifarious forms of accommodation, care and assistance of unaccompanied minors. It is hence impossible to generalise about their qualifications and knowledge. Staff have generally received socio-pedagogical training. However, when it comes to knowledge of the Asylum and Residence Acts and in dealing with traumas, there is a need for skill-building activities in work with unaccompanied minors

(Deutscher Bundestag 2017b: 80; von Nordheim/Karpenstein/Klaus 2017: 11).

Book VIII of the Social Code stipulates that the **public youth welfare agencies** are to only employ full-time staff in the youth welfare offices and Land youth welfare offices who are suited to the task in question in terms of their personality and have received training for this task, or are able to complete the task because of particular experience in social work. If necessitated by the task at hand, only specialists or specialists with appropriate additional training are to carry it out (Section 72 subs. 1 first and second sentences of Book VIII of the Social Code). This obligation only applies to public youth welfare agencies – but it also determines the practices employed by **independent youth welfare organisations**, as the equivalent professional standards are presumed to apply here (Wiesner 2015: Section 72 of Book VIII of the Social Code, margin no. 15). What is more, organisations operating in institutions in which children or juveniles (therefore also unaccompanied minors) are assisted or accommodated all day long or for a part of the day require a permit (Section 45 subs. 1 of Book VIII of the Social Code). To examine whether the preconditions for issuing the permit are satisfied with regard to staff suitability, the organisations need to show that the proof of training specific to the tasks can be presented and verified, and that certificates of good conduct can be submitted (Section 45 subs. 3 no. 2 of Book VIII of the Social Code).

3.2.10 Transition to adulthood

Legal amendments on reaching adulthood

If assistance for young adults is granted to former unaccompanied minors pursuant to Section 41 of Book VIII of the Social Code, this assistance also includes accommodation. In this case (in case provided in the institution), the juvenile may remain in the accommodation in which s/he was previously housed (institutional accommodation, foster family, etc.), or the form of accommodation may be re-determined as part of the assistance planning. The accommodation can for instance be provided in “groups for the transition to independence” (Verselbstständigungsgruppen), specifically targeting young adults.

In addition to assistance pursuant to Section 41 subs. 1 of Book VIII of the Social Code, young adults

Info box: “SHELTER - eLearning for specialists” model project

“Young refugees are generally more prone to mental disorders. Unaccompanied minor refugees as a group are especially vulnerable since they lack important protection factors such as a family environment offering protection and support” (SHELTER 2017). This triggers a greater need for skills among specialists and voluntary carers of unaccompanied minors when dealing with traumatised minors.

The joint project entitled “SHELTER – Accompanied and unaccompanied minor refugees – framework and protection in organisations, understanding for the consequences of trauma and mental strains” meets this need by developing an eLearning curriculum. The interdisciplinary project is promoted by the Federal Ministry of Education and Research and is being conducted by several universities.

The online courses, which were tested for the first time in 2017, enable specialists and persons working with minor-aged refugees on a voluntary basis to receive further training on the topics (1) consequences of potentially-traumatising strains, (2) dealing with self-endangerment and endangerment of others, as well as (3) protection concepts in institutions (SHELTER 2017).

may also be accommodated in a socio-pedagogical living arrangement pursuant to Section 13 subs. 3 of Book VIII of the Social Code. This targets young people (pursuant to Section 7 subs. 1 no. 4 of Book VIII of the Social Code, these are individuals who have not yet turned 27) who are attending school or are in vocational training. Unlike the assistance granted pursuant to Section 41 of Book VIII of the Social Code, this possibility is formulated as an “optional” arrangement and is therefore at the duty-bound discretion of the youth welfare office.

The alternative to continuing assistance is being released from child and youth welfare, with the consequence that the accommodation of the young adult in a child and youth welfare institution or with a foster family also ends. The further accommodation depends on several factors in such cases: “The concrete circumstances of accommodation upon termination of youth welfare particularly depend on the respective residence status, the duration of residence

in Germany, the respective Land laws, the local practice of the responsible public authorities, as well as local policy” (BumF 2017c: 46).

The individual in question may be redistributed pursuant to the Königstein key if the asylum application was not lodged until youth welfare had come to an end, or if a decision on the asylum application is not made until youth welfare has come to an end (cf. BumF 2017c: 41 et seq.). In the same way, residence obligations may apply (BumF 2017c: 43 et seq.).

“For persons whose asylum applications are pending and who are not or no longer obliged to live in a reception centre, there is legal provision for them to be accommodated in collective accommodation facilities in the respective municipalities until the Federal Office for Migration and Refugees (or the court, if appeals are filed) has decided positively on the asylum application (Section 53 of the Asylum Act). Recognised refugees are entitled to move out of the collective accommodation facility. The responsible foreigners authority decides whether they may move out prior to this on application after weighing the public interests and those of the person concerned in conjunction with the respective Land laws on reception (Section 53 subs. 1 of the Asylum Act). [...]

There is no explicit accommodation arrangement for persons with suspension of removal (Section 61 subs. 1e of the Residence Act and Section 3 of the Act on Benefits for Asylum Seekers). Moreover, special circumstances may pertain if a domicile requirement has been issued [for persons entitled to asylum or international protection or for persons received on humanitarian grounds, J.T.] pursuant to Section 12a of the Residence Act. In order to cover the costs, it is possible as a matter of principle to apply for the social welfare office to pay the costs of a private apartment (Section 3 subs. 2 of the Act on Benefits for Asylum Seekers, or after 15 months’ uninterrupted residence: Section 2 of the Act on Benefits for Asylum Seekers in conjunction with Section 67 of Book XII of the Social Code analogously). Assuming the preconditions are satisfied, recognised refugees may either apply for benefits pursuant to Section 67 of Book XII of the Social Code, or for basic security benefits pursuant to Section 22 of Book II of the Social Code, which also include the cost of accommodation, amongst other things” (BumF 2017c: 46 et seq.).

The Federal Government’s 15th Report on Children and Young People warns of the uncertainty that unaccompanied minors may face on reaching adulthood: “Frequently, it is not apparent to young refugees, how their lives will continue, what will happen and why. Whether and to what degree increasing homelessness among young refugees will be a consequence – something already feared in individual cases – needs to be carefully observed. The transition to adulthood and guidance for young adults are intransparent here too” (Deutscher Bundestag 2017b: 451).

Accompanying the transition

The youth welfare offices are not obliged by law to provide specific information to unaccompanied minors who are about to become adults, and hence are about to face a major change in their legal status. The youth welfare offices inform and advise unaccompanied minors on the transition as part of the discussions about the assistance planning.

Juveniles are thus informed and advised above all by the carers on site, more rarely also by their guardians. “Special attention should be paid to preparing the minors for the time after youth welfare, not only theoretically, but to supervising the transition to adulthood where necessary. Ending youth welfare too soon may lead to homelessness or to the loss of a place at school, in training or at work” (Noske 2015: 26).

Specialist associations have criticised the fact that there frequently is no time for comprehensive counselling and guidance: “Looking for a place to live is a difficult endeavour for all care leavers, regardless of their residence status. This task frequently exceeds the time available to the carers” (Karpenstein/Schmidt 2016: 61).

Support and counselling on reaching adulthood

However, even in the case that young adults cease receiving assistance pursuant to Section 41 of Book VIII of the Social Code once they turn 18, and are hence released from youth welfare, they are to receive the assistance and support that they need in order to become independent once assistance has ended (Section 41 subs. 3 of Book VIII of the Social Code). “Subsequent care includes regular counselling (weekly) or support in visits to public authorities, in matters related to vocational training or the job” (BumF 2017c: 33).

In practice, further counselling possibilities are limited, as the Federal Association for Unaccompanied Minor Refugees makes clear:

“It is generally misleading to believe that young people could be independent of support structures when they leave youth welfare – simply because their residence status is unclear in most cases. They are therefore frequently passed on to subsequent support and counselling structures. As far as one can tell, there is however virtually no one single place where young adults can turn to with their questions relating to benefit entitlements, training promotion, housing benefit and child benefit. Because of the many particularities and restrictions in the Asylum and Residence Act with regard to the special situation, it is even more difficult to find counselling agencies that can advise young refugees competently, and hence can consider the special situation in which young refugees find themselves.

The counselling and support structures depend primarily on the local circumstances. In most cases, the existing structures are unable to provide support and guidance that go beyond ad hoc counselling. Far too frequently, young people are given simple address lists before they cease to receive assistance from youth welfare. The experience of youth welfare organisations has shown that simply pointing to the contact details of potential support structures outside youth welfare has however rarely led to them being taken up. Instead, most young refugees went back to their former carers, in other words to tried-and-tested support structures, when they encountered difficulties” (BumF 2017c: 77).

In order to counteract this situation, some youth welfare organisations have included personal contact with counselling services on site during the time in which unaccompanied minors still receive assistance in their transition guidance concept: “The young refugees were very positive about the idea of getting to know the counselling services, the people working there and what they can offer whilst still receiving assistance from youth welfare. This can already overcome the first obstacle when it comes to establishing contact” (ibid.). This would above all entail an urgent need for cooperation between youth welfare facilities and those counselling services that are competent and in charge of assisting young refugees after they have been released from youth welfare.

To what degree relationships with former carers are maintained, whether former unaccompanied minors are involved in the activities of their old institution and regard them as being a point of call if they run into problems, and can expect to receive support there, depends on the individual case. “Regular programmes also open to ex-assistees such as cooking together, activities, information events and celebrations can, firstly, counter the feeling that they are asking for alms, and secondly can facilitate an emotional return. Young people naturally differ in their needs, and the challenge for experts consists not only in remaining within their own boundaries when assistance comes to an end, but also accepting the distance for which the young people might opt” (BumF 2017c: 76).

3.2.11 Capacities and standards

Due to the highly-dynamic development of the forms of accommodation and accommodation capacities for unaccompanied minors over 2015 and 2016, no comprehensive examinations of the current accommodation capacities are available. The report of the Federal Government on the situation of unaccompanied foreign minors in Germany from March 2017 reveals that the Länder differ in their estimation of the demand for accommodation capacities in 2016. Whilst several Länder reported free capacities, other Länder stated that the capacities were insufficient (Deutscher Bundestag 2017b: 73 et seq.). Some Länder also stressed that there was a particular lack of places in assistance for older juveniles and young adults (ibid.).

With regard to the standards of accommodation, it was said that “a need for professional further development [was becoming apparent, J.T.] in order to be able to effectively achieve goals for the successful integration and personal development of unaccompanied minor foreigners and of unaccompanied minors who have become adults” (Deutscher Bundestag 2017: 10). According to a survey of the Federal Association for Unaccompanied Minor Refugees among child and youth welfare specialists from autumn 2017, a regional disparity with regards to the actual quality of accommodation and care becomes apparent. A need to improve is seen mostly with regards to (preliminary) taking into care and with regards to assistance for young adults (von Nordheim/Karpenstein/Klaus 2017: 24 et seq.).

3.2.12 Impact of accommodation on the integration of unaccompanied minors

The type of accommodation in which unaccompanied minors are placed also impacts on their integration. Although there are no systematic empirical studies on this, the specialist literature does provide some indications:

- If, under certain conditions (see above), unaccompanied minors are housed in collective accommodation facilities, this may lead to them experiencing marginalisation and violence, which in turn may impact on their integration conduct (UNICEF 2017: 48).
- The chances of becoming integrated in new networks can be enhanced for unaccompanied minors by being accommodated in host or foster families (Kompetenz-Zentrum Pflegekinder e.V. 2016: 5). However, host and foster families may also be more vulnerable to crises and conflicts. “There is therefore a need to examine in each individual case whether a juvenile has greater need for a familial, more emotionally-close setting, or is better suited to a home setting, which will tend to be less emotional” (Hansbauer/Alt 2017: 188).
- The abrupt termination of assistance for unaccompanied minors who have reached adulthood, and the move into collective accommodation facilities that this entails is, by contrast, described as a negative step that unravels any initial integration efforts (e.g. Karpenstein/Schmidt 2016: 61 et seq.).

3.3 Medical care

3.3.1 Access to medical care for unaccompanied minors

“The right to health extends to all minors in Germany” (Espenhorst/Noske 2017b: 68). Access to medical care is therefore not linked to the issuance of a residence title. Nonetheless, the legal basis and the extent of the healthcare services provided do differ, depending on the situation the unaccompanied minor is in.

During **preliminary taking into care** and **regular taking into care**, the youth welfare office has “to ensure the minor’s best interests as a whole. In cases of

severe physical injury and a life-threatening state of health, immediate medical care takes priority over all other interventions” (Trenczek et al. 2017: 284). The youth welfare office must ensure healthcare pursuant to Section 40 of Book VIII of the Social Code both during preliminary taking into care (Section 42a subs. 1 second sentence of Book VIII of the Social Code in conjunction with Section 42 subs. 2 third sentence of Book VIII of the Social Code), and during the regular taking into care that follows on from this (Section 42 subs. 2 third sentence of Book VIII of the Social Code).

Healthcare is also to be provided if unaccompanied minors are accommodated in **residential youth welfare institutions** in the phase after taking into care (pursuant to Sections 33 to 35 or Section 35a subs. 2 no. 3 or 4 of Book VIII of the Social Code) (Section 40 first sentence of Book VIII of the Social Code). “This applies regardless of residence status, and includes the majority of unaccompanied minor refugees” (Espenhorst/Noske 2017b: 68). Healthcare must fully satisfy the needs of the individual case, and in addition any co-payments and deductibles are to be paid (Section 40 second and third sentences of Book VIII of the Social Code).

Healthcare pursuant to Section 40 refers here to benefits pursuant to assistance for health as defined in Sections 47 to 52 of Book XII of the Social Code, and includes preventive healthcare (Section 47 of Book XII of the Social Code), assistance in case of illness (Section 48 of Book XII of the Social Code), assistance for family planning (Section 49 of Book XII of the Social Code), assistance for pregnancy and maternity (Section 50 of Book XII of the Social Code), as well as assistance for sterilisation (Section 51 of Book XII of the Social Code).

The Länder have differing arrangements as to whether or not the benefits are paid for via a health insurance fund (cf. Deutscher Bundestag 2015a: 90 et seqq.). “It is recommended that such individuals be registered with a statutory health insurance fund pursuant to Section 264 of Book V of the Social Code. Alternatively, medical treatment can be provided on presentation of a treatment voucher provided by the youth welfare office with local responsibility” (BAG 2017: 33).

The legal situation is different with unaccompanied minors who have a **permission to remain pending the asylum decision, suspension of removal or a special residence permit**, and are **not accommodated in a residential youth welfare institution**,

such as unaccompanied minors who are accommodated with trusted persons in collective accommodation facilities (see above). These unaccompanied minors derive their entitlement to medical care not from Book VIII of the Social Code, but from the Act on Benefits for Asylum Seekers. Section 4 of this Act provides that the necessary medical and dental treatment, including provision of medicines and bandages, as well as other benefits necessary to heal, improve or alleviate illnesses or the consequences of illness, are to be granted in order to treat acute illnesses and pain (Section 4 subs. 1 first sentence of the Act on Benefits for Asylum Seekers). Additionally, protective inoculations and medically-necessary check-ups are provided (Section 4 subs. 1 second sentence Act on Benefits for Asylum Seekers). Dental prostheses are only provided if this cannot be delayed in the individual case for medical reasons (Section 4 subs. 1 third sentence of the Act on Benefits for Asylum Seekers). Pregnant women and new mothers are to be granted medical and nursing care, the assistance of a midwife, as well as medicines, bandages and therapies (Section 4 subs. 2 of the Act on Benefits for Asylum Seekers).

The practical consequence of this is that unaccompanied minors attributed to this group find it difficult to gain access to medical benefits beyond healing or alleviating acute illnesses and pain (including visual aids, braces, treatment of growth disorders). This is criticised both by practitioners and in the political arena (cf. e.g. Espenhorst/Noske 2017b: 68 or Deutscher Bundestag 2015a: 2).

A further group is made up of unaccompanied minors whose **asylum entitlement** has been **recognised**, or **who have refugee status, subsidiary protection or to whom a removal ban has been issued**. Such individuals are “entitled to healthcare pursuant to the part of the Social Code applicable to their circumstances, even if they have not been deemed in need of youth welfare” (Müller 2014: 38).

3.3.2 Individual screening and examinations

The youth welfare office is obliged to carry out initial screening as part of **preliminary taking into care** (see above), and this is to include an initial medical examination (“brief screening”). The resulting medical statement is needed in order to ascertain whether the health of the child or juvenile rules out implementation of the distribution procedure within 14 working days of the start of pre-

liminary taking into care (Section 42a subs. 4 no. 4 of Book VIII of the Social Code). The extent of the brief screening is not stipulated by law, but in a joint statement in 2015 three paediatric associations recommended a standardised examination of children and refugees as part of the brief screening (DGPI/GTP/BVKJ 2015). The scope of the screenings that are carried out is regulated differently in each Land. Different standards apply here. The location of the first registration of an unaccompanied minor within Germany thus decides on the scope of the initial medical treatment unaccompanied minors receive (Voss et al., forthcoming).

It must then be ascertained during **regular taking into care** within the clearing procedure what therapeutic/medical/psychological assistance requirements exist (Deutscher Bundestag 2017b: 63). An examination by the National Association of Catholic Educational Assistance Facilities and Services however concluded (on the basis of approx. 500 evaluated cases) “that the need for therapeutic assistance is examined during taking into care in barely one-quarter of cases” (ibid.).

After being taken into care, paediatric medical examinations (Jugenduntersuchung), as also carried out on other children and juveniles, may also be carried out as part of appropriate healthcare in order to ascertain individual medical requirements. The German Academy for Paediatrics and Adolescent Medicine (Deutsche Akademie für Kinder- und Jugendmedizin e. V., DAKJ) has pointed out that time is needed to assess the mental state of unaccompanied minors: “Unaccompanied minor refugees also need to be able to develop a feeling for the new safe situation in which they find themselves before their mental state can be evaluated and any therapy initiated” (DAKJ 2016: 6). To this end, experts are calling for a separate paediatric medical examination for unaccompanied minors to be carried out in a comprehensive and culture-sensitive manner (ibid.).

3.3.3 Transition to adulthood

The legal basis for healthcare may change at the transition to adulthood, and hence possibly also the access to certain benefits and services. If former unaccompanied minors are granted **assistance for young adults** after turning 18, the provisions for the assumption of healthcare by the public youth welfare agency (see above) apply accordingly (Section 41 subs. 2 of Book VIII of the Social Code).

If unaccompanied minors are released from youth welfare when they turn 18, and if they do not receive any assistance for young adults, their residence status forms the basis for their right to access to healthcare: If they are **permitted to remain** in Germany **pending the asylum decision, or their removal is suspended**, the provisions contained in the Act on Benefits for Asylum Seekers (see above) apply. If young adults are **recognised as persons entitled to asylum or subsidiary beneficiaries of protection**, or if **they have been recognized as refugees or removal bans have been imposed**, and if they have a corresponding residence title, they are entitled to healthcare pursuant to the parts of the Social Code that are relevant to the circumstances in which they find themselves. What is more, they may have mandatory statutory health insurance if they are, for instance, taking a vocational training, working or employed (cf. Section 5 subs. 1 of Book V of the Social Code). In such cases, the same benefits apply as to all other persons with mandatory statutory health insurance.

3.3.4 Health situation of unaccompanied minors

The state of research on the health situation of refugees in Germany is currently underdeveloped (Frank et al. 2017: 24 et seqq.). This general statement particularly applies to research on the health of unaccompanied minors. There is no reliable data, and any material that has been published mostly refers to specific regions or municipalities, or to specific health-related aspects (Janda et al., forthcoming). Likewise, there exists no representative study for Germany on the spread and frequency of physical or mental diseases among unaccompanied minors (Deutscher Bundestag 2017b: 46 et seq.).

The evaluations of the Robert Koch Institute on reportable infectious diseases suggest that minor refugees are more prone to infectious diseases than adult refugees are (RKI 2017: 3). Randomized studies have confirmed that unaccompanied minors in particular exhibit an “unexpectedly high rate of prevalence of selected infectious diseases” (Elling et al. 2017: 1455). There was therefore a need to considerably increase the vaccination coverage rate (Janda et al., forthcoming).³¹ Approx. 20 % of unaccompa-

nied minors were also said to suffer from dental problems (Janda et al., forthcoming). There were also medical needs with regard to the treatment of war injuries (Deutscher Bundestag 2017b: 46).

One may furthermore presume that many unaccompanied minors seeking protection in Germany “may be particularly affected by psychological trauma. [...] There are virtually no reliable data on prevalence rates, but only estimates which show not only a considerable range [from approx. 8 % to more than 50 % of unaccompanied minors, J. T.], but also only appear to be comparable to an only limited extent” (Deutscher Bundestag 2017b: 47). In 2015 a total of 1,056 unaccompanied minors were undergoing therapeutic treatment in the 32 psychosocial centres for refugees and victims of torture, that form part of the National Working Group of Psychosocial Centres for Refugees and Torture Victims (Bundesweite Arbeitsgemeinschaft der Psychosozialen Zentren für Flüchtlinge und Folteropfer) (BafF 2016: 53). According to a survey by the Federal Association for Unaccompanied Minor Refugees among child and youth welfare specialists from autumn 2017, juveniles relay experiences of violence or abuse often or very often to ca. 60 % of the interviewed specialists (von Nordheim/Karpenstein/Klaus 2017: 13). It is thought to be likely that the share of traumatised unaccompanied minors will grow (ibid.: 5).

3.3.5 Practice of healthcare

Representative **studies concerning the healthcare** of unaccompanied minors are also lacking. Available material suggests that it is above all practical issues that arise in healthcare provision. Access to appropriately-trained interpreters is frequently a problem, for instance, but also funding for their deployments if unaccompanied minors fall under the Act on Benefits for Asylum Seekers (see above), since no inter-

among asylum seekers after arrival in Germany”: “Unaccompanied minors may themselves effectively consent to treatment if their mental and moral maturity enables them to comprehend the significance and implications of the procedure. The physician needs to judge in the individual case the degree to which the minor has such natural ability to comprehend and decide with regard to the specific procedure that is planned. [...] Pursuant to Section 42 of Book VIII of the Social Code, the youth welfare office must take minor unaccompanied asylum seekers into its care and ensure the best interests of the child or juvenile. It is entitled during taking into care to take all legal measures that are necessary in the best interests of the child or juvenile. According to the, albeit non-standard, practice in many municipalities, this also includes giving consent to vaccinations” (RKI 2015: 441).

³¹ With regard to vaccinations, a particularity applies to unaccompanied minors, as the Robert Koch Institute explains in its “Concept on the implementation of early vaccinations

pretation costs are paid for this group. Problems are also said to arise when it comes to treating traumas due to a lack of child and youth psychologists (Janda et al., forthcoming).

A study carried out at five selected medical institutions caring for unaccompanied minors showed that the quality of healthcare had not risen to acceptable standards, particularly due to the considerable bureaucratic effort and the fact that not all unaccompanied minors in Germany had statutory health insurance (Janda et al., forthcoming). This also corresponds to the information from the Federal Government “that, as a matter of principle, access to (basic) healthcare is available through cooperation with physicians and therapists, but that the needs go beyond basic healthcare in some cases, and, for instance, waiting times for an appointment to see a therapist are very long in some cases” (Deutscher Bundestag 2017b: 46). Particularly with regard to availability for trauma patients, some Länder and associations estimate the care situation to be inadequate. A lack of psychosocial care and/or therapy in more rural areas in particular, and the inadequacy of the availability of funds for interpretation, was said to exacerbate this. Demand is likely to increase in the future (Deutscher Bundestag 2017b: 64 et seq.).

Info box:

“Special Outpatient Clinic” model project

“The University Clinic at the University of Münster, promoted by the Federal Ministry of Health, has been implementing a special care programme for accompanied and unaccompanied refugee children, the ‘Special Outpatient Clinic’, since June 2016. It is based on the psycho-traumatological, migration-related psychiatric, developmental psychopathological and family therapy expertise of the Clinic. The Special Outpatient Clinic is subject to constant evaluation. Local and non-local players and experts are involved in the establishment of this care service in order to expedite the specialist and scientific exchange” (Deutscher Bundestag 2017b: 95).

3.4 Legal representation and guardianship

3.4.1 Forms of representation of unaccompanied minors

Since the parents of minors who have entered the country unaccompanied are generally unable to exercise personal custody of their children,³² a variety of mechanisms apply in the different phases of arrival in Germany in order to ensure the legal representation of unaccompanied minors.

Emergency power of representation

Given that the appointment of a guardian may take some time (see below), and that unaccompanied minors need to be protected by legal representation during this period, as part of the taking into care procedure (as being an act of public protection and custody), the youth welfare office becomes the legal representative. If unaccompanied minors are taken into care on a preliminary basis, the youth welfare office is therefore entitled and obliged to take all legal measures that are necessary in the child’s or juvenile’s best interests. The child or juvenile is to be involved in this, and the presumed will of the individual with personal custody or legal guardian (e.g. the parents) is to be suitably taken into consideration (Section 42a subs. 3 of Book VII of the Social Code). This may also include activities to safeguard residence rights. The youth welfare office may at this point in time already apply for the Family Court to appoint a guardian, but is not obliged to do so (Esenhorst/Schwarz 2017: 118 et seq.).

Legal representation by the youth welfare office as part of preliminary taking into care brought up a practical problem: On the one hand, the youth welfare office acts as legal representative for unaccompanied minors. It must therefore intervene should public authorities act unlawfully, or when they take action that might endanger the best interests of the child. At the same time, the youth welfare office is also a public authority itself that takes decisions against which action can or must be taken in the individual case (for instance during the registra-

³² Jurisprudence is divided on the resting of parental custody. In parts, the opinion exists that as long as contact is possible via modern means of communication, parental custody is not resting (cf. Espenhorst 2017: 160).

tion or distribution procedure or age assessment). The youth welfare office would therefore have to act against itself. In order to prevent this, the explanatory reasoning on the Act on the Improvement of Care Arrangements for Foreign Children and Juveniles require that youth welfare offices take appropriate organisational and staffing precautions (Deutscher Bundestag 2015b: 24; on the discussion cf. Espenhorst 2017: 159).

The youth welfare office exercises personal custody to a limited degree as part of regular taking into care, whilst suitably taking account of the presumed will of an individual with personal custody or the legal guardian (Section 42 subs. 2 fourth sentence of Book VIII of the Social Code). “Here too, the youth welfare office is obliged to take measures to ensure residence at short notice” (Espenhorst 2017: 160). In particular, it is explicitly obliged to promptly file an asylum application for the unaccompanied minor in cases in which facts justify the presumption that the child or juvenile is in need of international protection within the meaning of Section 1 subs. 1 no. 2 of the Asylum Act; the unaccompanied minor is to be involved in this process (Section 42 subs. 2 fifth sentence of Book VIII of the Social Code). This stipulation was introduced when the Act to Improve the Enforcement of the Obligation to Leave the Country came into force on 29 July 2017. It has been the subject of intense discussion since that time (e.g. Achterfeld 2017), and has been harshly criticised by practitioners, in part because it is said to suggest a blanket obligation incumbent on youth welfare offices to file an asylum application for all unaccompanied minors without examining the individual case. An asylum application is however said to not always be in the child’s best interests in comparison to other measures to ensure residence (BumF 2017d).

The youth welfare office is also obliged to have a guardian or custodian appointed promptly (Section 42 subs. 3 fourth sentence of Book VIII of the Social Code). According to a ruling of the Federal Administrative Court of 24 June 1999, “promptly” (unverzüglich) means within three working days in this case. Taking into care ends with the decision on youth welfare assistance, albeit it is not the unaccompanied minor who is the recipient of the benefits, but the guardian. This means, firstly, that youth welfare assistance cannot commence until a guardian has been appointed, and secondly that the youth welfare office continues to exercise legal representation until the guardian is appointed (Espenhorst 2017: 160).

The youth welfare office exercises personal custody of unaccompanied minors as an emergency power in both preliminary and regular taking into care. However, this does not constitute a statutory or judicial transfer of custody – custody remains with the parents, even if they are unable to exercise it in the present situation (Trenczek et al. 2017: 278).

Guardianship

If the youth welfare office proposes the appointment of a guardian for the unaccompanied minor, the Family Court rules on this on the basis of the general legal provisions on guardianship (Sections 1773-1921 of the Civil Code). The appointment of a guardian is conditional on the person in question being a minor and parental custody being in abeyance (Section 1773 subs. 1 of the Civil Code).

Individuals may be appointed as guardians (Section 1779 subs. 2 first sentence of the Civil Code), as can associations with legal capacity (Section 1791a of the Civil Code) in certain cases, with the permission of the youth welfare office. The Family Court is to select a person who is suitable to act as guardian in view of his or her personal circumstances and his or her financial situation, and also in view of the other circumstances. The presumed wishes of the parents, the personal ties of the ward, the relationship by blood or marriage with the ward, and the religious confession of the ward, are to be taken into account when a selection is made between several suitable persons (Section 1779 subs. 2 of the Civil Code). A special socio-educational training is not a precondition, but the youth welfare office generally carries out an aptitude test (Espenhorst 2017: 160 et seq.).

The youth welfare office may also be appointed as official guardian if a person suitable as voluntary sole guardian is not available (Section 1791 subs. 1 of the Civil Code). This is indeed usually the case when appointing a guardian for an unaccompanied minor (Trenczek et al. 2017: 281; von Nordheim/Karpenstein/Klaus 2017: 30). Youth welfare offices frequently have a separate department or unit for such official guardianships. It should however be examined before the youth welfare office is appointed as an official guardian “whether a suitable voluntary guardian, in particular a relative or, for instance, a member of a guardianship association specialised in unaccompanied minor foreigners, or other guardianship association, is available” (Deutscher Bundestag 2017: 66). One official guardian currently assists up to 50 wards in practice (BMFSFJ 2016b).

The guardian replaces the person with the right of custody, and is thus entitled and obliged to care for the person and the assets of the ward, in particular to represent the ward (Section 1793 subs. 1 first sentence of the Civil Code). The Federal working group of Land youth welfare offices defines the profile of tasks of guardians of unaccompanied minors as

- personal contact person,
- legal representative,
- person with the right of custody,
- developer of life prospects,
- contributor towards the assistance planning procedure, and
- first point of contact in proceedings pertaining to asylum and residence law (BAG 2017: 30).

The guardian is the right-holder vis-à-vis youth welfare, so that s/he is responsible for applying for benefits pursuant to Book VIII of the Social Code and attends the discussions on the assistance planning. As the legal representative, s/he is only obliged to serve the best interests of the ward (BAG 2017: 30).

“The guardian is partisan in his or her defence of the interests of the minor, and his or her only obligation is towards the minor’s best interests. With regard to official guardianships, this must also be reflected in the organisational chart and the scheduling. This also means that, as the legal representative, the guardian is to be involved in decisions affecting the development of the minor and is able to decide without being subject to instructions. Matters of daily life are arranged by the youth welfare facility unless the guardian decides otherwise. Supervision is exercised by the Family Court, to which the guardian must report at least once per year” (Espenhorst 2017: 161).

The guardian is to have personal contact with the unaccompanied minor in order to exercise the guardianship. The law provides that the guardian should as a rule visit the ward once per month in his/her customary environment (Section 1793 subs. 1a of the Civil Code). More frequent contact may however be necessary, particularly at the beginning, in order to establish a relationship between the guardian and the unaccompanied minor (Espenhorst 2017: 161). “The contact between the guardian and the ward must take place in person; mere telephone calls or an exchange of e-mails are not sufficient” (Lettl 2016: 486).

The guardianship ends when the preconditions pursuant to Section 1773 of the Civil Code are no

longer satisfied, for instance if the parents move to Germany (Lettl 2016: 486), or if the Family Court rescinds the guardianship due to death or disappearance (Section 1884 of the Civil Code), or when the ward reaches adulthood, which in this case is dependent upon the law of his or her country of origin (cf. Chapter 3.4.2).

Supplementary curatorship

Pursuant to European law, unaccompanied minors must be represented by a qualified representative who is to perform his or her duties pursuant to the principle of the child’s best interests and possess the necessary expertise to that end (Art. 25 paragraph 1 a of the Procedures Directive³³). In practice, however, neither voluntary sole guardians nor official guardians generally have a sound knowledge of asylum and residence law. One potential solution is the appointment of a supplementary curator (pursuant to Section 1909 of the Civil Code). This instrument permits the representation of an individual in a specific area only.

However, there is no uniform national practice with regard to the appointment of supplementary curators. Whilst the Federal Court of Justice ruled in 2013 that supplementary curatorships were not permissible for matters under asylum and residence law since the guardian had to acquire such knowledge, several Family Courts have ordered supplementary curatorships, referring to the direct applicability of the Procedures Directive (Espenhorst 2017: 163). The Federal working group of Land youth welfare offices recommends that it be applied for with an explicit reference to stipulations of European law (BAG 2017: 31).

3.4.2 Transition to adulthood

Guardianship ends when the unaccompanied minor attains adulthood. S/he is fully responsible for his or her own interests from this time on (also with regard to financial matters, for instance). Nevertheless, adulthood is determined pursuant to the law of the home country of the person in question.³⁴ “This may

33 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

34 In contrast, in the application of the Asylum Act or the Residence Act, the stipulations of the Civil Code are applicable in regarding the person concerned minor or adult. The contractual capacity and the other legal capacity to act of a foreigner

mean in some cases that guardianship also applies, or continues to apply, in Germany to a person who is over 18 as s/he does not become an adult pursuant to the law of his or her home country until for instance turning 21” (BAG 2017: 30 et seq.).

As has been described above, in addition to his or her role as a legal representative, the guardian is also the individual who holds the right of custody and develops life prospects. S/he must therefore also ensure the availability of counselling in the transition to adulthood or must provide this himself or herself. This is however more likely to be the case with voluntary sole guardians than with official guardians, who are confronted with considerable workload due to the guardian-ward ratio described above.

The extent to which unofficial counselling contacts continue to take place between the guardian and the former ward after the guardianship has ended depends on the personal contact between the two. “Contact may well continue if there is sufficient mutual sympathy and interest” (Noske 2010: 45). There is no legal entitlement to continued counselling from the former guardian. In such cases too, the contact is more likely to continue if the guardian was a voluntary sole guardian.

3.4.3 Practice and standards of the guardianship system

The Federal Government also explores the practice of the guardianship system for unaccompanied minors in its report on the situation of unaccompanied foreign minors in Germany. It finds that the time until a guardian is appointed varies widely in some instances: Whilst this process only takes two weeks from the application until a guardian is appointed in some cases, this phase may take up to four months in others (Deutscher Bundestag 2017b: 67).

The report also makes it clear that no data is available on the number of different forms of guardianship. The Länder however state that the majority of Family Courts place unaccompanied minors under the official guardianship of the youth welfare office (Deutscher Bundestag 2017b: 68). By contrast, the

Federal Government also stresses the advantages of voluntary sole guardianships:

“Voluntary sole guardians can become more engaged with the young people and give them more personal assistance. In some cases, voluntary sole guardians can offer unaccompanied minor foreigners contacts and assistance for which official guardians do not have the time. A voluntary sole guardian is also much better able to remain a trusted, reliable contact for the young adult, even after the guardianship has come to an end” (Deutscher Bundestag 2017b: 68).

The report also contains information on the qualifications and the need for skill-building: 15 Länder deemed that there was a need for skill-building for guardians in the fields of asylum and residence law, intercultural skills and dealing with traumatised unaccompanied minors. Specialist associations also emphasise in the report that “not only are there too few guardians available, they are also not all adequately qualified” (Deutscher Bundestag 2017b: 69).

In a study from 2010, Barbara Noske used qualitative interviews to examine how guardians carry out their tasks and shoulder their responsibility, and how unaccompanied minors perceive their guardians. Noske makes it clear here that considerable differences in practices on the part of the municipalities have developed in the course of time, as a consequence of which there is also no single understanding of the role of guardian (Noske 2010).

3.4.4 Impact of guardianship on the integration of unaccompanied minors

There are no empirical studies on the link between the manner in which the guardianship is exercised and the further development of unaccompanied minors within the host society. Nonetheless, the specialist literature repeatedly points to the importance of personal contact between the guardian and the unaccompanied minor in this context: “This appears to be of especial significance, particularly for unaccompanied minors, since integration-related issues such as those in school, play a major role in this context” (Lettl 2016: 486). According to the specialist associations, the belated appointment of guardians that can be found in practice can have grave consequences on all aspects of daily life (von Nordheim/

who has reached the age of legal adulthood pursuant to the law of his or her home country thereby remain unaffected (Section 80 subs. 3 of the Residence Act and Section 12 subs. 2 of the Asylum Act).

Karpenstein/Klaus 2017: 30). For example, without legal representation, no contracts can be concluded.

3.5 Challenges and measures

3.5.1 Challenges

The intensive immigration of 2015 and 2016 posed a challenge to the actors involved in order to ensure that unaccompanied minors were accommodated, cared for and assisted at all. This challenge appears to have been mastered, not lastly through the distribution of the financial and capacity burdens as a result of the Act on the Improvement of Care Arrangements for Foreign Children and Juveniles (which came into force on 1 November 2015). Although, on the one hand, capacity bottlenecks persist in some regions, and, on the other hand, there is even the occasional vacant accommodation place in others (see above), the actors involved are now facing new challenges. The challenge of adequately training specialist care staff and guardians, above all with regard to their knowledge of asylum and residence law (see above), is repeatedly stressed in this context.

The challenges however also include the repeatedly demanded expansion of specific capacities for traumatised unaccompanied minors, both with regard to their accommodation and to their psychosocial care, as well as ensuring and expanding healthcare for unaccompanied minors (see above). As a challenge, matters related to the integration of unaccompanied minors are also increasingly coming to the attention of institutions accommodating unaccompanied minors, as well as to that of the specialist staff assisting unaccompanied minors.

Additionally, and particularly since the end of 2017, the non-standard practice in age assessment has been discussed as a challenge, and there have been some calls for a uniform nationwide practice (cf. Chapter 2.6).

In the report of the Federal Government mentioned above, the Länder, municipalities and specialist associations identify challenges in a variety of fields and recommend amendments and refinements. In the area of accommodation, care and assistance of unaccompanied minors they are particularly calling for

- “improvements in healthcare and psychosocial care of unaccompanied minor foreigners [...]
- improvements in the design of the transition from school to work and to independence [...]
- additional advanced and further training programmes for specialist staff, particularly in alien and asylum law,
- establishment of new cooperation and network structures and expansion of existing ones,
- improvements in the implementation of the statutory provisions:
 - procedural deadlines,
 - distribution,
 - change of responsibility,
- improvements in cooperation between foreigners authorities and youth welfare authorities,
- refinements in initial screening and age assessment, and
- further improvements in the young people’s legal position, as well as implementing the existing provisions in this field better and more consistently” (Deutscher Bundestag 2017b: 92 et seq.).

3.5.2 Measures

With the increase in the number of unaccompanied minors immigrating, accommodation of as well as care and assistance for unaccompanied minors have been considerably expanded in recent years, and the existing services have frequently developed dynamically. Because the **municipalities bear responsibility** for youth welfare planning (Section 80 of Book VIII of the Social Code), a plethora of different approaches has come into existence reacting to the respective local circumstances and challenges. In the same way, new coordinating structures and exchange fora have been established at **Länder level**, or existing ones have been enhanced.

A variety of projects have been initiated and implemented at **Federal level** targeting young refugees, and hence also addressing the accommodation, care and assistance situation of unaccompanied minors. For instance, the Federal programme entitled **‘People strengthen people’** (‘Menschen stärken Menschen’), promoted by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, aims to promote and support sponsorships between refugees and people living in Germany. A specific aim is to find and recruit more host families and guardians.

A “central goal of the project is the conceptual enhancement and expansion of services for young unaccompanied refugees. One major task is the joint development of specialist standards and recommendations, in particular to place young refugees in foster families and to encourage skill-building among foster parents for young refugees. Moreover, volunteer support structures with guardians and sponsors are to be initiated, using local resources in each case” (Diakonie 2017).

The project, implemented by Diakonie Deutschland e. V. and Kompetenzzentrum Pflegekinder e. V., had the concepts developed tested in ten model locations in Germany. Amongst others, specialist staff from child and youth welfare received further training, and seminars were held for host families and guardians (Deutscher Bundestag 2017b: 94 et seq.).

The programme entitled ‘**Welcome to friends. Alliances for young refugees**’ (‘Willkommen bei Freunden. Bündnisse für junge Flüchtlinge’), a joint Federal programme of the German Children and Youth Foundation (Deutsche Kinder- und Jugendstiftung) and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, supports and advises municipalities when it comes to receiving and caring for refugee children and juveniles. Six service offices in different parts of the country advise staff from the administration (youth welfare offices, social welfare offices, foreigners authorities, etc.), as well as professionals (social workers, teachers, etc.) and independent organisations that form ‘alliances’. “They work together to improve the situation faced by refugee children and juveniles, including with regard to accommodation, child protection or vocational orientation” (Deutsche Kinder- und Jugendstiftung 2017).

The counselling and the solutions offered are open ended and depend on the challenges at local level. Accommodation, care and assistance, medical care as well as the transition of unaccompanied minors to adulthood, are explicitly defined in this process as possible fields of counselling and support. Possible forms of support are “analysis workshops to record the current status in the municipality and further training planned in line with the specific needs of the municipality. In order to support lasting structural change, the programme also offers facilitations. Moreover, the Federal programme organises shadowing visits, and helps municipalities to shape dialogues” (Deutsche Kinder- und Jugendstiftung 2017).

4 Integration of unaccompanied minors into the school system and the labour market

When describing the integration measures for unaccompanied minors, the chapter at hand concentrates on aspects of education and employment that are of central significance for unaccompanied minors. Other aspects of integration (housing, health, family reunification, etc.) are touched upon in the relevant chapters. Other important aspects of the integration of unaccompanied minors in Germany, e.g. the participation in societal life or contact with host society juveniles, are not part of this study (for this cf. e.g. Lechner/Huber 2017).

4.1 Overview of the organisation and structure of integration

4.1.1 Significance of integrating unaccompanied minors

The integration of unaccompanied minors enjoys high priority in Germany, especially in light of the fact that, in practice, unaccompanied minors are generally not removed and voluntary or assisted returns are comparatively rare (cf. Chapter 5.1). Accordingly, unaccompanied minors can take advantage of integration measures for young persons who have recently entered the country, such as preparatory and transition classes in schools or receive assistance and counselling during their transition to vocational training or further secondary education. In addition, they are typically covered by the regular youth welfare system, which offers them personal assistance and support (see Chapter 3.1.2). The integration of juveniles is however already affected beforehand by their prospect to remain, that is the probability of unaccompanied minors being permitted to remain in Germany after having reached the age of majority (see also Infobox). This is due, on the one hand, to the fact that certain support measures

for vocational integration are tied to the prospect to remain (cf. Section 132 subs. 1 of Book III of the Social Code; see Chapter 4.3.2). On the other hand, most unaccompanied minors are already 16 years or older on arrival (see Chapter 2.4), and the fact that they will soon reach adulthood therefore already plays a key role at the onset of the integration process. This engenders a “tension between the societal need to integrate and the likelihood of their remaining” for this group (Lehner 2016: 330). These young people’s legal residence status becomes a central issue once they reach adulthood. Former unaccompanied minors who are entitled to asylum or have been recognised as refugees or as beneficiaries of subsidiary protection, and who hold the corresponding residence titles, can continue to benefit

Info box: Good prospect to remain

Asylum applicants have a ‘good prospect to remain’ if lawful, permanent residence is to be expected (cf. Section 132 of Book III of the Social Code and Section 44 subs. 2 second sentence no. 1 of the Residence Act). In general, especially persons from countries of origin with a total protection rate above 50 per cent have a good prospect to remain, as long as there is a relevant number of applicants from the respective state (BAMF 2018b). The Federal Office for Migration and Refugees biannually conducts a retrospect in order to determine the good prospect to remain. Eritrea, Iran, Iraq and Syria have belonged to this group of countries of origin since the concept of good prospect to remain was introduced in 2015. Somalia has also belonged to this group since 1 August 2016 and in 2017 (Grote 2018: 20). The programmes of the Federal Employment Agency described in Chapter 4.3.2 (excluding introductory training) were also accessible to asylum applicants from Afghanistan between 1 July 2017 and 31 December 2017 (IQ Netzwerk Niedersachsen 2017).

from integration activities, as well as gain access to further benefits targeting adults with such residence statuses. If a young adult however no longer holds any right of residence upon reaching adulthood, efforts on the part of the State often focus on return, even though especially with the introduction of the suspension of removal for vocational training (also called 3+2 rule), a possibility has opened up for this group of attaining at least a temporary right to stay (cf. Chapter 5).

4.1.2 Overview of integration activities for unaccompanied minors

Identifying the best interests of the child with regard to integration activities

In the case of unaccompanied minors, the best interests of the child with regard to integration activities are essentially identified through the process of assistance planning (cf. Chapter 3.1.2). This process is tailored to individual needs, and it is identified here, for example, which integration activities make sense and are feasible. However, there is no universally-valid definition of the best interests of the child, and there are no fixed criteria by which these should be established. Practitioners in the field also regard this as somewhat of an advantage, as it allows youth welfare offices to respond to individual circumstances.

School and education

All unaccompanied minors have the right to attend school. This applies *apriori* regardless of their residence status and of whether asylum proceedings are pending, have been concluded, or are not currently being considered. The specific details of access to school however differ from one Land to another, and to some degree from one municipality to another: School law is within the portfolio of the Länder, and at the same time, public authorities below Länder level have considerable influence on the organisation of access to school and on school activities. The Federal level only has coordinating functions (Vogel/Stock 2017: 4; see Chapter 4.2 for more details).

Vocational training and employment

When it comes to the labour market, the focus for unaccompanied minors lies first and foremost on preparing for and taking up vocational training. Vo-

ational training in Germany is often organised in a dual system, meaning that periods of school instruction are coupled with employment with a company which hosts the training. Since, in many cases, questions of training and employment do not become relevant until shortly before reaching adulthood, questions regarding residence law indirectly become important here as well: for instance, whether vocational training assistance, or even a permit to take up vocational training, is granted often depends on the prospect to remain (see Chapter 4.3.1 for more details). At the same time, picking up a vocational training can in certain cases lead to an entitlement to a suspension of removal and a subsequent residence permit for two years (so-called 3+2 rule, cf. Chapter 5.4.1).

Differences between unaccompanied and accompanied minors

The integration of accompanied minors primarily differs from that of unaccompanied minors in two fundamental points: On the one hand, the high obstacles to a removal do not apply to accompanied minors. Their status under residence law therefore consistently plays a far greater role, for instance when it comes to whether they can attend a regular school or take up vocational training. On the other hand, accompanied minors are generally not covered by the youth welfare system. The assistance and guidance that they receive on the path to integration are therefore less structured and systematic, being determined more by individual circumstances (type of accommodation, assistance situation, and programmes for refugees in general) than those provided to unaccompanied minors. Accompanied minors often live in initial reception centres for several months. Their access to schooling in such facilities is frequently restricted because they have yet to be assigned to a municipality (cf. Chapter 4.2.1). Some initial reception centres provide separate schooling specifically for the children who live there. Especially in reception centres which mainly house persons from safe countries of origin, the quality of the instruction has however been criticised as inadequate by refugee aid organisations (Klaus/Millies 2017: 14 et seqq.). Problems in allocating children to a school while they are still living in an initial reception centre often also occur in those Länder where compulsory education begins at an earlier age (Klaus/Millies 2017: 15).

4.1.3 Organisations involved in the integration of unaccompanied minors

Governmental responsibility for the integration of unaccompanied minors into the school system and into the vocational training and labour market lies, for the most part, in the hands of municipal author-

ities such as the youth welfare offices, local employment agencies, job centres and the school boards or the individual schools. Table 10 provides an overview of the most important organisations at Federal, Land and municipal levels, as well as of their duties regarding the integration of unaccompanied minors.

Table 10: Organisations instrumentally involved in the integration of unaccompanied minors

Name of the public authority or organisation	Description	Duties and responsibilities regarding the integration of unaccompanied minors
Federal Office for Migration and Refugees	Responsible Federal authority for processing asylum applications, with further responsibilities, i.a. within integration, and there providing as well as funding integration activities	<ul style="list-style-type: none"> Funding and organisation of integration courses and vocational German-language promotion. Special integration courses exist for juveniles who are no longer subject to compulsory education and for young adults aged up to 27 (BAMF 2017b). Persons attending school or school-based training are not obliged to attend (Section 44 subs. 3 no. 1 of the Residence Act).
Municipal foreigners authorities	Responsible for all measures under residence law	<ul style="list-style-type: none"> Validation and issuance of employment permits (see Chapter 4.3.1) Validation and issuance of residence titles
Federal Employment Agency and job centres	Responsible for employment placement and promotion, as well as granting social benefits to job-seekers	<ul style="list-style-type: none"> Labour market counselling Employment placement Placement in and funding of skill-building programmes, e.g. language courses or continuing vocational education and training In some cases, granting approval for taking-up employment (see Chapter 4.3.1)
Ministries of Education and Culture of the Länder	Responsible for Länder school law	<ul style="list-style-type: none"> Stipulation of the framework for school organisation and the integration of pupils who have recently entered the country
Education authorities of the municipalities or within the respective Ministries of Education and Culture	Responsible for the supervision of schools in towns and cities	<ul style="list-style-type: none"> Supervision, control, and counselling of schools In some Länder, responsible for assigning new pupils to schools
Schools	Organisation and provision of schooling	<ul style="list-style-type: none"> Language and subject teaching In parts, additional assistance from teaching staff or skilled school psychologists or social educators Whole-day programmes and leisure activities, e.g. homework supervision, sports, etc.
Youth welfare offices	Responsible for all child and youth welfare measures	<ul style="list-style-type: none"> Support and counselling, esp. via assistance planning and providing youth welfare assistance pursuant to Book VIII of the Social Code
Charitable associations, etc.	Numerous social tasks, including counselling for immigrants and juveniles or young adults	<ul style="list-style-type: none"> Youth Migration Services: general counselling services, including on topics concerning labour market/school integration (see Chapter 4.3.2) Tasks within youth welfare (see Chapter 3.1.3)
Chambers, trade associations	Regional business associations or sector-specific associations	<ul style="list-style-type: none"> Chambers: organisation of the dual system of vocational training Initiatives and projects to promote vocational training and labour market integration
Civil society	Local support groups and initiatives, volunteers, etc.	<ul style="list-style-type: none"> Support provided via personal contacts, informal counselling, etc. Language courses provided by volunteers Leisure activities

4.2 Schooling

4.2.1 Access to schooling

Start of compulsory education

All children in Germany from the age of six are subject to compulsory education as a matter of principle (Vogel/Stock 2017). However, the specific provisions regarding compulsory education and the right of pupils who have recently entered the country to attend school, and thus also of unaccompanied minors, vary from Land to Land. In most cases, the beginning of compulsory education for refugees is not determined by their residence status, but by the duration of residence and the type of accommodation. In some Länder, compulsory education applies after three or six months' residence in Germany, whilst in others it applies immediately or within a few days of entry. In most Länder, compulsory education applies as soon as asylum seekers are assigned to a municipality, that is when they leave the initial reception centre. In the case of unaccompanied minors, compulsory education applies as soon as they are regularly taken into care (cf. Chapter 3.1.2). A right to schooling exists in some Länder already from the point of entry onwards (cf. DIM 2017a). The different applicable rules are listed in Table 11.

Research by the Federal Association for Unaccompanied Minor Refugees and the Bremen Refugee Council (Flüchtlingsrat Bremen), which was pub-

lished in 2017, shows that in practice in some cases it takes longer for young refugees to actually receive a place at school – for instance due to bureaucratic hurdles or capacity bottlenecks (Klaus/Millies 2017: 22).

End of compulsory education

General compulsory education ends after twelve years of school (Vogel/Stock 2017) or upon reaching adulthood (Massumi et al. 2015: 36). Of the twelve years, full-time compulsory education applies for either nine or ten years, and compulsory vocational education applies for the remaining two or three years, respectively. Once access to a school or vocational school is given, school education can also be concluded after reaching the maximum age, provided the persons concerned do not become obliged to leave the country (Vogel/Stock 2017: 11; KMK 2016: 7). In most Länder, juveniles and young adults who take up vocational training are subject to compulsory vocational education regardless of their age (Massumi et al. 2015: 36).

Whether and under what conditions access to school education continues to apply after compulsory education ends varies from Land to Land. Most Länder provide for vocational preparation schemes or special training schemes at vocational schools for juveniles no longer subject to compulsory education and young persons who have reached adulthood (von Dewitz et al. 2016: 23; see Chapter 4.2.3). The maximum age for beginning such a training scheme is 18 or 21 in most Länder (see Table 12). Accord-

Table 11: Start of compulsory education in the Länder

Case	Länder
Compulsory education after three/six months	<ul style="list-style-type: none"> ■ Bavaria and Thuringia: after three months ■ Baden-Württemberg: after six months (however, the right to attend school already applies upon entry (Lehner 2017: 338))
Compulsory education on assignment to a municipality or regular taking into care	<ul style="list-style-type: none"> ■ Brandenburg, Bremen, Hesse, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Saxony and Saxony-Anhalt
Compulsory education on entering the country or applying for asylum	<ul style="list-style-type: none"> ■ Berlin: after application for asylum or receiving suspension of removal ■ Hamburg, Schleswig-Holstein and Saarland: on entry

Source: SVR 2017: 127.

Table 12: Maximum age for access to vocational schools by Land

Maximum age	Länder
18 years	Brandenburg, Hamburg, Mecklenburg-Western Pomerania, North Rhine-Westphalia (up to age 25 in part-time models), Rhineland-Palatinate, Saarland, Saxony, Saxony-Anhalt and Schleswig-Holstein
20 years	Baden-Württemberg
21 years	Bavaria (up to age 25 in exceptional cases), Berlin, Hesse, Lower Saxony and Thuringia

Source: SVR 2017: 132 et seq.

ing to research by the Federal Association for Unaccompanied Minor Refugees and the Bremen Refugee Council, the group of 16- to 25-year-old refugees often encounter particular difficulties in obtaining a place (Klaus/Millies 2017: 19). This is mainly due to there not being sufficient places available, or to the young adults exceeding the age limit for attending school.

Some Länder have therefore implemented flexible arrangements for access to school. For example, persons aged up to 25 may attend a prevocational training programme in Bavaria and North Rhine-Westphalia under certain circumstances (von Dewitz et al. 2016: 23).

4.2.2 Personal assessment prior to school enrolment

The process of allocating unaccompanied minors and other pupils who have recently entered the country varies depending on the Land, municipality and type of school. The authority responsible in each case typically decides to which school and grade a pupil is assigned based on age, German-language skills, and if applicable previous schooling (Grießbach 2017: 8). “To this end, preliminary interviews are generally held with the pupils and/or their parents, which, depending on the Land, are conducted by a coordinating authority or by the schools themselves” (Grießbach 2017: 8). In addition, individual Länder have special procedures for assessing skills. Baden-Württemberg, for example, developed the ‘Refugee potential analysis’, a computer-based, language-free test for the assessment of personal skills (Züchner 2017: 231 et seq.; KMK 2016: 4-5).

4.2.3 School and training programmes for school pupils who have recently entered the country

In 2014, in many instances there were no specific programmes for pupils who had recently entered the country, or for unaccompanied minors (Müller 2014: 39). Furthermore, a major problem regarding access to schooling was that unaccompanied minors and young adult refugees were often too old to enrol in general education schools upon their arrival in Germany, whilst at the same time the vocational schools had no programmes available (Müller 2014: 39). Most of the small number of

special programmes in existence were pilot projects. This changed considerably, especially in 2015 and 2016, due to the increase in newly arrived refugees, but also due to increased migration from other EU Member States. Now, there are preparatory or transition classes (often referred to as ‘welcome classes’; see Massumi et al. 2015: 12) for pupils who have recently entered the country in all Länder and in all school types, from primary schools through secondary schools to vocational schools. Pupils typically attend a preparatory class for one to two years before transitioning to a regular class. In some cases, the time a pupil attends a transitional or preparatory class can also be reduced or extended according to the personal circumstances. These classes frequently offer a mix of German lessons and other subjects (Massumi et al. 2015: 48-49). Some models also provide for subjects to be taught in regular classes in combination with additional language instruction. “Ultimately, however, every school determines on its own the intensity of this language training and the point in time from which refugees can attend regular classes” (SVR 2017: 128). As the only Land, Saarland has introduced special classes for unaccompanied minors in some schools. Further, in Munich two independent schools exist that were established especially for young refugees: The SchlaU (short for ‘education for young refugees analogously to schools’) schools offer pupils individual support, also after transitioning into a regular school or into vocational training. Many Länder also have classes especially for older newly-arrived juveniles (mostly from the age of 16 onwards), which, parallel to the regular classes, lead up to a first school-leaving qualification. After this, pupils can either attend a higher-level school in order for example to acquire an intermediate secondary education school-leaving qualification (mittlerer Schulabschluss) or higher secondary education school-leaving qualification (Abitur), or they can begin vocational training. Besides this, there are programmes in all Länder that combine gathering first professional experience with additional schooling, thus aiming to facilitate the transition into vocational training. These include vocational preparation schemes or introductory training (see Chapter 4.3.2). These measures were not created especially for juveniles who have recently entered the country, but they are open to all juveniles in Germany. However, they often represent an important component in “catching up” school education on the path to vocational training for juveniles who have recently entered the country.

There is a relative diversity of programmes, especially at vocational schools. By contrast, higher sec-

ondary schools (Gymnasien) offer few direct possibilities for minor-age refugees to attend special language or other special tuition programmes. This is also due to the fact that the curriculum of the final two to three years of secondary school is less flexible than that of the vocational schools (Massumi et al.

2015: 61). Table 13 provides an overview of the models for preparatory classes and similar programmes³⁵ in the individual Länder.

³⁵ Programmes at primary schools were not considered.

Table 13: Preparatory classes and similar programmes for pupils who have recently entered the country, provided by the individual Länder

Land	Preparatory classes at general education schools	Preparatory classes at vocational schools
Baden-Württemberg	Preparatory classes: primarily language instruction, preparation for the changeover to regular classes	Preparatory classes (VKL)/Prequalification for persons without German-language skills (VABO): intensive language instruction and teaching of professional skills, preparation for the changeover to regular classes for vocational preparation and acquisition of the lower secondary school-leaving qualification (Hauptschulabschluss)
Bavaria	Lower secondary schools (Mittelschule) Transition classes: primarily language instruction, changeover to regular classes possible Remedial classes: some instruction in regular classes, separate lessons for selected subjects and additional language support Pilot projects at other school types: SPRINT - Intensive language support, at selected intermediate secondary schools (Realschule) and intermediate secondary schools with focus on business and administration (Wirtschaftsschule): regular schooling, accompanied by intensive language instruction INGym Pilot project = Integration at higher secondary schools/ Language support project at 5 higher secondary schools: regular schooling, accompanied by intensive language instruction SchlaU Schule (equivalent schooling for young refugees): classes in two special schools for young refugees, subject curriculum of Bavarian lower secondary education schools. Transition into regular schooling or vocational training system possible after completion	Stage model: Intensive language class: up to four months of preparatory language instruction, as required Preparatory vocational integration classes: attendance during the first year, mainly language instruction Vocational integration classes: attendance during the second year, language instruction as well as career orientation and preparation. Can lead to a (qualifying) Bavarian lower secondary school leaving qualification.
Berlin	Welcome classes: Parallel schooling with the aim of a changeover into a regular class or attendance at regular schools from the outset	
Brandenburg	Preparatory groups: attendance for up to 2 years, language instruction and, if necessary, literacy; at the same regular schooling in physical education, music, art, business-work-technology and general studies; expansion of regular schooling possible depending on progress of language acquisition Remedial courses: regular schooling, additional language instruction for up to 2 years	Preparatory groups: attendance for up to one year, language instruction and, if necessary, literacy, at the same time regular schooling in certain subjects Remedial courses: regular schooling, additional language instruction for up to 2 years
Bremen	Preliminary courses: language instruction up to level B1, then transition to regular schooling with additional language instruction	Preliminary courses for refugees: language instruction in parallel classes, then transition to regular programmes or vocational training
Hamburg	Basic classes: 1 year of parallel classes for pupils who did not attend school before or who are unfamiliar with the Latin alphabet International preparatory classes: language instruction up to level B1, then transition to regular schooling International preparatory classes - lower/intermediate secondary school leaving qualification (IVK-ESA/MSA): specialised classes for pupils with previous schooling experience, completion with a lower or intermediate secondary school leaving qualification	AvM-Dual ('Vocational training preparation for migrants'): for pupils aged 16-18; dual school/company system with integrated language instruction, can lead to lower or intermediate secondary school-leaving qualification
Hesse	Intensive classes/intensive courses: attendance for 1-2 years, language instruction with attendance at regular classes in certain subjects	InteA (Graduation and Integration): language instruction and career orientation with the goal of a changeover to regular schooling programmes or vocational training. Can lead to a general school-leaving qualification.

Land	Preparatory classes at general education schools	Preparatory classes at vocational schools
Mecklenburg-Western Pomerania	intensive courses: language instruction for up to 1 year, in addition to regular schooling	Vocational preparation year for foreign pupils: language instruction and acquisition of basic vocational skills, acquisition of a school-leaving qualification or transition to other vocational classes possible
Lower Saxony	Language learning classes: typically one year, language instruction and preparation for regular classes, after several months gradual integration into regular classes plus attendance at whole-day programmes where available	Vocational preparation year – Remedial language classes: primarily language instruction, in addition preparation for vocational training SPRINT pilot project ('Language and integration project'): modularised classes focusing on language, culture and living environment and working life, changeover to a regular vocational school programme is possible at any time. Subsequent attendance at SPRINT-DUAL possible: classes in vocational school combined with phases at a company in preparation for vocational training
North Rhine-Westphalia	Separate classes: primary language instruction with the aim of a quick integration into regular schooling Remedial language classes: regular schooling, additional language instruction of 10-12 hours per week	'Fit for more': additional offer for pupils aged 16-25 who are no longer subject to compulsory education. Acquisition of competences in the areas of language, culture, politics and society; preparation for IFK (see below) or for taking up vocational training or employment; no acquisition of a school-leaving qualification International remedial class (IFK): primarily language instruction, additionally preparation for vocational training. Also possible as a part-time model, combined with Federal Employment Agency programmes. The maximum age for the part-time model is 25.
Rhineland-Palatinate	Intensive German-language course: language instruction for 15-20 hours per week, attendance at regular classes where possible	Intensive German-language course: language instruction for 15-20 hours per week, attendance at regular classes where possible Vocational preparation year with language support: intensive language classes, general and vocational education combined with career orientation and advice on schooling options. Changeover into other school types and vocational training possible
Saarland	Language support programme at general education schools: regular schooling, additional language support in parallel classes as required Welcome classes for unaccompanied minors: at some schools; initially only language instruction, then gradual transition to regular schooling	Specialised classes for unaccompanied minors at four vocational education centres: regular schooling, additionally general and specialist language instruction in order to increase employability Production classes – refugees ('Produktionsklassen-F'): vocational preparation year in separate classes with additional language support; changeover into regular schooling as soon as possible. Acquisition of the lower secondary school-leaving qualification possible
Saxony	Preparatory classes: primarily language instruction, individual integration into regular classes with continuing additional language support	Preparatory classes with practical vocational aspects: language instruction and preparation for vocational training or further schooling in regular classes
Saxony-Anhalt	Remedial language classes: typically 1,5 years, up to 20 hours of language instruction per week as needed, otherwise integration into regular classes	Vocational preparation year with language support: primarily language instruction, additionally acquisition of regional and cultural knowledge and vocational skills. A lower secondary school-leaving qualification can only be obtained by attending the regular vocational preparation year afterwards
Schleswig Holstein	Centres for German as a Second Language ('DaZ-Zentren'): language instruction at DaZ-centres affiliated with regular schools, step-by-step integration into regular schooling	Vocational integration classes 'DaZ' (BIK-DAZ) and preparation for vocational training (AV-SH): parallel schooling, mainly German-language instruction, additionally acquisition of vocational skills, can lead to a school-leaving qualification. After completion of BIK-DAZ, a changeover to AV-SH is possible
Thuringia	Language support 'DaZ': language instruction according to previous knowledge and need through individual support, in group or in language classes, otherwise attendance at regular classes in certain subjects	Vocational preparation year - language: practical and theoretical instruction with 12 hours of language class per week, can lead to a lower secondary school-leaving qualification

Sources: Züchner 2017: 230 et seqq.; SVR 2017: 132 et seq.; von Dewitz et al. 2016; Hessisches Kultusministerium 2017; Niedersächsisches Kultusministerium n. d.; Ministerium für Schule und Weiterbildung des Landes Nordrhein-Westfalen 2016; Ministerium für Wirtschaft, Klimaschutz, Energie und Landesplanung Rheinland Pfalz 2015; Servicestelle umF n. d.; Ministerium für Bildung Sachsen-Anhalt 2016; Schleswig-Holstein n. d.; Thüringer Ministerium für Bildung, Jugend und Sport 2016.

Whilst the number of pupils attending preparatory and transition classes was especially high in 2015 and 2016, it is now falling again. According to a survey by the Federal Association for Unaccompanied Minor Refugees among specialists from autumn 2017, more than 60 % of the unaccompanied minors under the age of 16 attended regular schooling, whereas ca. 30 % were schooled in special classes for newly-arrived pupils. Within the group of over 16 year-olds, only 10 % attended a regular school, whereas almost 85 % were schooled in special classes (von Nordheim/Karpenstein/Klaus 2017: 40).

4.2.4 Dedicated language and education programmes for unaccompanied minors

Unaccompanied minors often have options for attending language courses outside of state schools. For example, some residential institutions for unaccompanied minors offer language courses of their own (cf. e.g. Werkstatt Solidarität Essen n.d.). The range of options can however vary significantly depending on municipality or institution. Often, language courses or language instruction or tutoring are also provided by volunteers. These language courses represent supplementary programmes to the regular school system, or they serve to “fill the gaps” when access to a school is not (yet) given. According to a February 2016 survey by the Federal Association for Unaccompanied Minor Refugees, the place of accommodation was also the place where language instruction and language acquisition took place for over 50% of the unaccompanied minors who had been taken into care (BumF 2016a: 25). This suggests that there were difficulties when it came to access to schools during the academic year of 2015/16. In another survey by the Federal Association for Unaccompanied Minor Refugees from autumn 2017, only 1-2 % of the interviewed specialists stated that unaccompanied minors are mostly schooled in their accommodation facility (von Nordheim/Karpenstein/Klaus 2017: 41). It is thus safe to assume that the problem of access to schools no longer exists to the same degree (cf. Mediendienst Integration 2017).

4.2.5 Transition to adulthood

The possibility of attending a school often expires with reaching adulthood (see Chapter 4.2.1). In addition, the residence status becomes pivotal: Once

commenced, school education can typically be concluded even after reaching the age of majority, but attending school does not preclude removal when the right of residence or the suspension of removal expires. Former unaccompanied minors who apply for asylum upon reaching the age of majority can be redistributed to another location according to the Königstein Key, and might have to move into initial reception centres or collective accommodation facilities (see Chapter 3.2.10). This may in turn entail a change of school. Access to schooling, especially in initial reception centres, can be very difficult or restricted (see Chapter 4.1.2). The difficulties regarding access to school that present themselves upon reaching adulthood also affect training and employment in the future. Although there are educational and language training opportunities for adults, such as integration courses or programmes provided by the Federal Employment Agency, these measures are generally unable to provide the same prospects on the labour market as a regular school-leaving certificate or vocational training diploma.

4.2.6 State of research on the schooling of unaccompanied minors

Quality of educational provisions for unaccompanied minors

All Länder have adopted special programmes for the integration into schools of children and juveniles who have recently entered the country, including unaccompanied minors. According to a report of the Federal Government on the situation of unaccompanied minors in Germany, various studies continue to point out “that, to this date, immigrant children and juveniles in Germany have poorer educational opportunities than German children and juveniles” (Deutscher Bundestag 2017b: 77). According to a survey of the Federal Association for Unaccompanied Minor Refugees among child and youth welfare specialists from autumn 2017, the situation differs according to age: “Whereas with regards to the group of unaccompanied minors under the age of 16 an average of 67.1 % of the interviewed in all Länder state that access to education is regulated well or very well, only 49.2 % state this for the group of 16- and 17-year-olds on average. With respect to the group of over-18-year-olds good or very good assessments are least commonly given (26.5 %) (von Nordheim/Karpenstein/Klaus 2017: 39). Further, the situation in the Länder is very diverse, whereby the differences are bigger with regards to the over-16-

year-olds as with regards to the under-16-year-olds (ibid.). Local factors, such as the organisation of educational programmes and bureaucratic or legal obstacles that are encountered when first gaining access to school and when transitioning to a regular school, thus influence the quality of education (see Chapter 4.2.1). However, there are also other, more general factors which were investigated in a series of studies especially since 2015. These have named the following challenges to the quality of educational provisions:

- The **heterogeneity** of pupils in preparatory classes is specified as a great challenge (Züchner 2017: 243; Jeuk 2017: 173; Anderson 2016: 34) – not only regarding language and specialised skills, but also in terms of the prospect to remain (Grießbach 2017: 12). Preparatory classes are often composed of pupils with very different prior knowledge, which makes ensuring a consistently high standard of quality difficult (cf. SVR 2017: 128). The problem is aggravated in some municipalities by the fact that juveniles who have recently entered the country only have access to a single school form (e.g. a lower level secondary school or a vocational school), or are assigned to a school form without consideration for their individual skills (SVR 2017: 128).
- The high rate of **fluctuation** in preparatory classes is a problem for the quality of education: Some pupils arrive after the academic year has begun, and others must change school during the year, for example due to them moving. Removals of pupils to their country of origin during the academic year also interrupt the studies of the remaining pupils (Grießbach 2017: 12).
- A lack of **programmes at whole-day schools** can likewise hinder swift, thorough integration into the educational system. In Germany, whole-day schools are not provided nationwide, and the Länder differ widely in this regard (Autorengruppe Bildungsberichterstattung 2016: 82 et seq.). Whole-day programmes can however be particularly beneficial for refugee children and juveniles, as they can offer language classes and classes from the standard curriculum as well as alternating phases of leisure and study (SVR 2017: 128; see also Otto et al. 2016: 16).
- The **lack of specialised staff** is likewise listed as a challenge for the quality of education (SVR 2017: 128; KMK 2016: 8; Mediendienst Integration 2017). This applies not only to teaching staff for German as a second language, but also for instance to school psychologists or socio-educationally-trained staff who can help provide

targeted educational support for refugees. Even though volunteer helpers are often available to support young refugees, these volunteers sometimes lack experience in working with refugees (SVR 2017: 128) or knowledge of the school system in question. Besides this, there are also differences in the training and qualification of teachers between the Länder. Only six Länder require all students aspiring to become teachers to take classes on the topic of language acquisition (regardless of subject; SVR 2017: 130). It is therefore safe to assume that there are wide variations in how well qualified teaching staff are, when it comes to dealing with young refugees.

- The **varying availability** of special support and language programmes, for instance in urban and rural areas or between the individual neighbourhoods of a city, can also affect the quality of education (Massumi et al. 2015: 61). The degree to which school places are filled to capacity can sometimes vary greatly as well.
- The **unequal arrangements provided by the Länder** with regard to compulsory education, access to school, and special programmes for the transition to employment go towards bringing about an inequality of opportunities among young refugees in the various Länder (Bauer/Schreyer 2016: 6).

Recommended measures

The opportunities for integration and education for young refugees, and thus also for unaccompanied minors, have improved significantly with the nationwide establishment of language and educational programmes for this group, especially after 2014. Studies investigating these programmes recommend measures to improve the quality of programmes that include the following:

- **Greater and more individual support** from the State, e.g. in the shape of advanced staff training, by creating multi-professional teams to work with pupils, and by more closely considering the personal needs of pupils. This can be achieved, for example, by having school social workers help guide preparatory classes (cf. SVR 2017: 130; Anderson 2016: 34; Espenhorst/Noske 2017b: 66).
- **Small classes of 8-10 pupils** to better cope with heterogeneity and better respond to personal needs (Jeuk 2017: 173).
- **Consideration for the existing pupil body** in the distribution among schools of juveniles who have recently entered the country to help avoid segregation and thus prevent unequal opportu-

nities. Such unequal opportunities can occur, for example, when an increasing number of pupils who have recently entered the country attend schools which already have a large share of socially-disadvantaged pupils (SVR 2017: 130).

- Consistent **efforts towards integration into a regular school**. Parallel schooling models can present obstacles to integration into society and the labour market in the long term (SVR 2017: 130).
- **Expanding compulsory education** and access to school beyond adulthood, as is the case in Bavaria for example (see Chapter 4.2.1).

School performance of unaccompanied minors

It is difficult to make across-the-board statements on the school performance of unaccompanied minors in Germany, or on how successfully school integration is progressing. On the one hand, there are no valid statistics available to quantify this. On the other hand, the personal qualifications of the individual pupils as well as the institutional conditions are so diverse that they do not permit general statements. There are however several identifiable factors that influence the academic success of unaccompanied and accompanied refugees in the school system:

- Studies estimate that young refugees are very **motivated** when it comes to acquiring German-language skills and obtaining a school-leaving qualification (Braun/Schreyer 2016: 5; Deutscher Bundestag 2017: 56). According to survey of juvenile refugees by the German Youth Institute this goes hand in hand with higher expectations towards educational offers and towards swift educational success, both of which initially are frustrated, once individual difficulties arise or the structural framework hinders educational success (Lechner/Huber 2017: 55).
- However, the fact that educational programmes are often only available at lower or intermediate secondary schools (Hauptschule or Realschule) or at vocational schools (cf. Chapter 4.2.3) suggests that, in many cases, unaccompanied minors can **at best** achieve a **lower or intermediate secondary education school-leaving qualification** (Hauptschulabschluss or Realschulabschluss). This in turn limits their possibilities for taking up further vocational training or tertiary education (cf. also Heckmann 2017: 29 et seq.; Eberhard et al. 2016: 50).
- The **time available** for acquiring adequate language skills is pivotal: On the one hand, very

many of the newly-arrived unaccompanied minors are aged 16 to 18, meaning that there is only a comparatively short time during which education is compulsory. On the other hand, preparatory classes in the Länder are often designed to last only one year, or two years in some cases (see Chapter 4.2.3). However, after attending a preparatory course for one year, it is nearly impossible to have acquired the German skills necessary to attend regular classes during the final years of higher secondary education schools (Sekundarstufe; cf. Grießbach 2017: 12; Massumi et al. 2015: 18).

- **Interruptions of schooling and changes of school** can occur especially during the distribution procedure and when transitioning to adulthood. They also interrupt the learning process and make it more difficult for pupils to adjust to and thrive in their learning environment (cf. Lechner/Huber 2017: 57f.). Unaccompanied minors are more frequently exposed to **psychological stress** than other newly-arrived pupils, or they have had traumatic experiences as a result of their displacement. They often also suffer from physical disorders (see Chapter 3.3.4). This affects performance in school (cf. Grießbach 2017: 12; Anderson 2016: 35).
- The **uncertainty** of many, especially older, unaccompanied minors **regarding their residence status** often constitutes a major psychological burden and severely restricts their ability to concentrate on doing well in school (Anderson 2016: 35; cf. also Nordheim/Karpenstein/Klaus 2017: 14). At the same time, uncertainty about the personal prospect to remain can be demotivating, thus deteriorating performance (cf. Lechner/Huber 2017: 66).
- The **desire to earn money through employment as quickly as possible** can likewise influence the motivation to focus on school education, and subsequently influence performance as well. Unaccompanied juvenile refugees often feel pressured to remit money to their families in the country of origin or need to pay off debts that they incurred through the costs of their flight (Espenhorst/Noske 2017b: 67; Braun/Schreyer 2016: 5).
- Subjective or objective **pressure to perform well** can be stressful for young refugees. This pressure is reinforced by the fact that the possibilities to remain are often, and increasingly, dependent on how well they integrate (Espenhorst/Noske 2017b: 67; see Chapter 5.4).

Impact of access to education on the integration of unaccompanied minors

Relevant studies, as well as the public debate, repeatedly emphasise that education is key to participation in society for refugees in general, and for juvenile refugees in particular (cf. Otto et al. 2016: 15). Language acquisition in particular is regarded as central to progress towards educational achievement and employment, and for coping with the immediate basics of everyday life (Espenhorst/Noske 2017b: 66).

Several studies have concluded that a schooling system that runs parallel to the regular system will have a negative impact on, for example, the transition to regular classes, the perception of immigrant pupils among the rest of the pupil body (Karakayalı et al. 4. 2017: 7), as well as the perception of the affected pupils, who may regard parallel classes as clearly distinct from regular school (Züchner 2017: 228). Support for integration into regular structures and participation in school life can however be provided not only through schooling, but also through, for example, whole-day programmes such as extracurricular activities or project days, group excursions, etc. (Otto et al. 2016: 46).

4.3 Work, vocational training and internships

After the end of compulsory full-time education, juveniles and young adults may take up (unskilled) employment, school-based or company-based vocational training for a skilled occupation or, provided they possess the necessary school-leaving qualifications, they may begin university studies.³⁶ However, access to the labour market and the possibility of taking up vocational training depend on the residence status. In addition, special occupational health and safety regulations apply to all minors.

³⁶ Information on university access for refugees and support programmes for the time before and during university studies can be found in the brochure entitled 'Hochschulzugang und Studium von Flüchtlingen' by the Federal Office for Migration and Refugees, the Standing Conference of the Ministers of Education and Cultural Affairs (KMK), the German Academic Exchange Service (DAAD), the German Student Services Organisation and the German Rectors' Conference (BAMF 2016).

4.3.1 Access to the labour market, vocational training and internships

Legal prerequisites regarding access to the labour market

Whether they have access to the labour and vocational training market depends, above all, on whether unaccompanied minors possess a suspension of removal, have lodged an asylum application, or hold a residence title, e.g. as recognised refugees. Access to vocational training furthermore depends on whether the training is company-based or school-based. Trainees who take up company-based vocational training are employed by a company, and at the same time attend a vocational school (dual system). School-based training takes place exclusively at a vocational school, and often involves internships or similar phases of practical instruction. School-based training is not regarded as employment by law (cf. Der Paritätische 2017a: 36).

After three months' residence, unaccompanied minors who hold a **permission to remain pending the asylum decision or suspension of removal** are granted access to the regular labour market and company-based training courses, to internships, and to the Federal Volunteer Service (Bundesfreiwilligendienst), provided that the foreigners authority responsible permits the occupation (Section 61 subs. 2 first sentence of the Asylum Act). Whether a person may work is therefore always subject to the discretion of the foreigners authority (for details on the discretion, see Weiser 2017: 40 et seq.). In addition, taking up employment requires an approval of the Federal Employment Agency. This does not apply to taking up company-based training, taking part in the Federal Volunteer Service, and to certain types of internships (Section 32 of the Employment Ordinance (BeschV); for details see Der Paritätische 2017a: 86). In the following cases, the foreigners authority may not permit the employment of unaccompanied minors with a suspension of removal or a permission to remain pending the asylum decision:

- unaccompanied minors with a suspension of removal who cannot be removed due to reasons that are attributable to themselves (e.g. through deception concerning their identity or nationality or by furnishing false information; Section 60a subs. 6 no. 2 of the Residence Act),
- unaccompanied minors from so-called safe countries of origin who applied for asylum after

31 August 2015 (Section 60a subs. 6 no. 3 of the Residence Act; Section 61 subs. 2 fourth sentence of the Asylum Act).³⁷

The interpretation of the criteria for exclusion for persons from safe countries of origin who applied for asylum after 31 August 2015 varies among foreigners authorities. According to instructions issued by the Federal Ministry of the Interior, the application of Section 60a of the Residence Act depends on the date of the formal asylum application (Asylantrag) (BMI 2017: 11). Another approach is to base the interpretation on the request for asylum (Asylgesuch), i.e. on the initial registration with the Federal Office for Migration and Refugees. This is an important point because, especially in the summer and autumn of 2015, weeks or even months often passed between initial registration and formal application (cf. EMN/BAMF 2017: 36). Proponents of this variant argue that it is not in the power of the asylum applicants to determine when their application can be filed (Weiser 2017: 37). No consistent case-law has yet been established on the matter.³⁸

Individuals with residence status as **persons entitled to asylum, recognised refugees, or beneficiaries of subsidiary protection**, have unrestricted access to the labour market and vocational training (Section 25 subs. 1 fourth sentence and subs. 2 second sentence of the Residence Act). Persons with residence titles on other humanitarian grounds (e.g. due to the ascertainment of a removal ban) require a formal permit from the foreigners authority, but do not need permission from the Federal Employment Agency. The permit is noted in the residence permit, and is valid for any type of employment (except if conditions are set out in the residence permit; Der Paritätische 2017a: 55).

Requirements for access to the labour market under labour law

The provisions contained in the ‘Act on the Protection of Young People at Work’ (Jugendarbeitsschutzgesetz – JArbSchG) apply to all minors in Germany. Accordingly, children and juveniles below the age of 15, and all minors who are still subject to compulsory full-time education, may not work as a matter of principle. Exceptions exist solely for certain occasional and holiday jobs, such as delivering newspapers or babysitting, which are however subject to restricted working hours (Section 5 subs. 3 of the Act on the Protection of Young People at Work).

Juveniles between 15 and 18 years of age may work if they are no longer subject to compulsory full-time education. The working hours for this group are subject to more stringent regulation than those of employees above the legal age of majority. For example, they are generally only permitted to work for eight hours per day (Section 8 of the Act on the Protection of Young People at Work; see also Industrie- und Handelskammer für die Pfalz 2017).

Right to reside acquired through work and training

Whilst residence status generally determines whether and how an individual may work, there are also possibilities to acquire a right of residence or suspension of removal by engaging in work or taking up vocational training. These possibilities, among them the suspension of removal for vocational training, which was introduced in 2015, will be discussed in detail in Chapter 5.

4.3.2 Assistance and support when transitioning to vocational training and employment

The last couple of years in particular have seen the establishment of a large number of programmes and projects aimed specifically at supporting young refugees during the transition to vocational training. In addition, there are numerous programmes, especially at vocational schools, intended to assist career orientation and help prepare for vocational training, such as the vocational preparation year or introductory training, in which internships at businesses are combined with language classes and classes from the standard curriculum of vocational schools. The degree to which unaccompanied minors have access

³⁷ Besides the above, there are additional cases in which permission may not be granted. However, these generally do not apply to unaccompanied minors. For example, a foreigners authority may not grant a permit if the person in question is required to live in a reception centre (Section 61 subs. 1 of the Asylum Act), and when the person in question has entered Germany solely to obtain benefits under the Act on Benefits for Asylum Applicants (Section 60a subs. 6 no. 1 of the Residence Act).

³⁸ Lower Saxony Higher Administrative Court, for example, ruled that the formal application is decisive (Lower Saxony Higher Administrative Court, ruling of 8 December 2016 – 8 ME 183/16). The Baden-Württemberg Administrative Court however ruled that the asylum request (Asylgesuch) is decisive (Baden-Württemberg Administrative Court, ruling of 9 October 2017 – 11 S 2090/17).

to these various programmes and receive financial support whilst attending them often depends on their residence status. Since numerous programmes and measures exist besides those at Federal level that are provided by the Länder or municipalities, or by civil society players such as NGOs or foundations, the following overview can only provide a selection of programmes available nationwide.

General counselling and support programmes for minors and young refugees

Unaccompanied minors who are accommodated, cared for and assisted by the youth welfare system in accordance with the stipulations of Book VIII of the Social Code receive personal counselling at various stages (at their accommodation, from their guardian, in the course of the assistance planning). This counselling can also involve prospects for taking up vocational training or employment.

In addition, the more than 450 **Youth Migration Services** (Jugendmigrationsdienste, JMD) funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth represent a special programme targeting migrant juveniles and young adults between the ages of 12 and 27 that involves personal counselling and cooperates with schools, companies that host vocational training, organisations hosting integration courses, and other youth welfare services (JMD 2017). Starting September 2015, the counselling programme was expanded for all young refugees that are present in Germany with

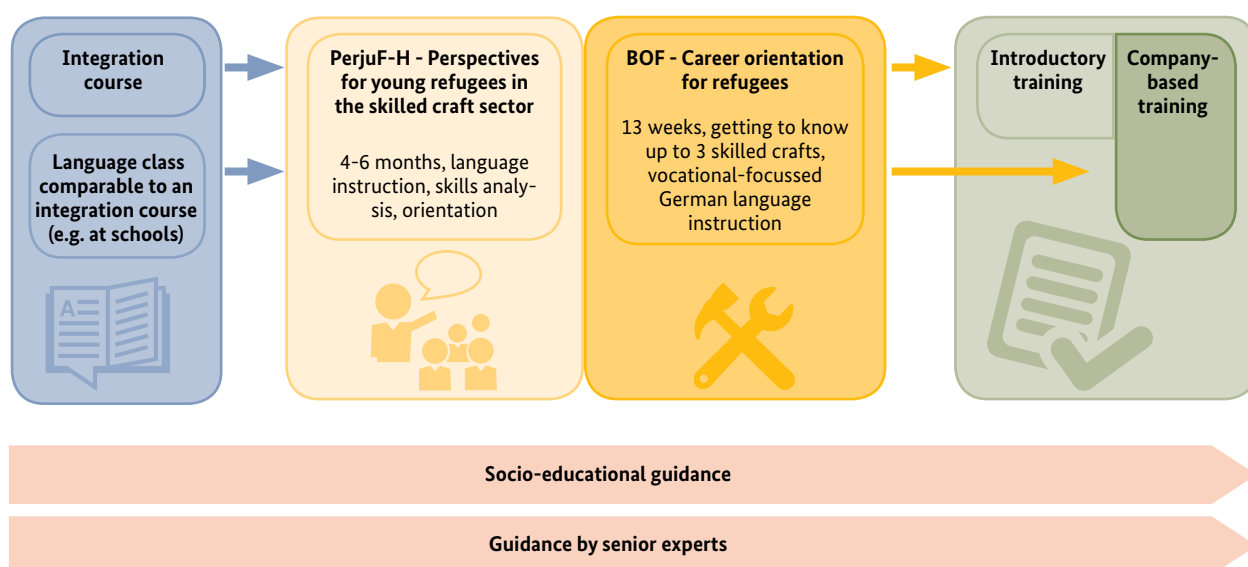
a suspension of removal under residence law as part of the model project entitled ‘jmd2start – Youth Migration Services for Young Refugees’, initially in 24 pilot locations, and from 2017 onward nationwide (BMFSFJ 2017c). Besides counselling at over 450 locations, the JMD also offers online counselling.³⁹

Initiatives and projects on vocational integration and vocational training for young refugees

‘Paths into vocational training for refugees’ (‘Wege in Ausbildung für Flüchtlinge’) is a nationwide initiative that supports young refugees during career orientation and when taking up vocational training. The initiative was launched in February 2016 by the Federal Ministry of Education and Research (BMBF), the Federal Employment Agency, and the German Confederation of Skilled Crafts (Zentralverband des Deutschen Handwerks) (BMBF 2016a). Its aim is to assist refugees below the age of 25 in taking up training in a skilled craft with the help of a three-stage programme (BMBF 2017). Participation is open to anyone who has successfully attended an integration course or a comparable language course (e.g. through programmes at schools), is no longer subject to compulsory full-time education, and has access to the labour market (see on this Chapter 4.3.1; BA 2016: 1). The individual stages can be completed separately and independently of the others (BMBF 2017).

³⁹ The online counselling can be found at www.jmd4you.de (16 January 2018).

Figure 2: Initiative ‘Paths into vocational training for refugees’



The first stage of the programme involves attending the Federal Employment Agency's programme 'Perspectives for young refugees in the skilled craft sector' ('Perspektiven für junge Flüchtlinge im Handwerk', PerjuF-H). This stage takes four to six months, and includes vocational language instruction, an analysis of the participants' skills and obstacles to integration, and an initial orientation in the skilled craft sector that includes getting to know companies (BMBF 2017, BA 2016). In the second stage, the juveniles attend the programme entitled 'Career orientation in the skilled crafts sector for refugees' ('Berufsorientierung für Flüchtlinge im Handwerk'). This stage takes 13 weeks, during which refugees can become acquainted with up to three different skilled crafts at workshops and in companies. At the same time, they continue to receive vocational-focussed German-language training (BMBF 2016a). Finally, the third stage involves taking up company-based vocational training or introductory training (BMBF 2017). The participants are guided by skilled socio-educational staff during the three stages. They are furthermore entitled to support from the Senior Citizens Expert Service (SES), which establishes contact for the attendees with retired skilled professionals, who assist them as volunteers (BMBF 2017; see Figure 2).

Besides these, there are additional nationwide initiatives and projects that either support young refugees directly or contribute to setting up infrastructure and networks. Several of these will be introduced below by way of example. None of these is explicitly or exclusively directed at unaccompanied minors. Rather, they are directed at young refugees in general. Other programmes, which are directed at adult refugees or at migrants in general, will not be discussed.

- As part of the initiative entitled '**Educational Chains**' ('Bildungsketten') of the Federal Ministry of Education and Research, the Federal Ministry of Labour and Social Affairs, and the Federal Employment Agency, numerous projects in five Länder⁴⁰ offering career orientation, language acquisition and support in bureaucracy and conflict management are sponsored (BMBF n.d.).
- The approximately 150 '**Welcome Guides**' ('Willkommenslotsen'), a programme instigated by the Ministry for Economic Affairs and Energy, offer counselling to businesses regarding the

placement of refugees in training and job openings and aid in finding suitable candidates. The welcome mentors provide their services for example at the Chambers of Skilled Crafts and the Chambers of Industry and Commerce (EMN/BAMF 2017: 54).

- The programme entitled '**Welcome to Friends. Alliances for Young Refugees**' of the German Children and Youth Foundation and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth offers support and counselling to municipalities regarding the reception of and caring for refugee children and juveniles (see Chapter 3.5.2). The Federal Ministry of Education and Research also sponsors the **establishment of municipal structures** to coordinate educational programmes and other integration activities for refugees (BMBF 2016b).

Transitional programmes offered by the Federal Employment Agency in preparation for vocational training

The Federal Employment Agency provides for a series of support measures aiming to assist juveniles in career orientation and in their transition from school to training. Access to these support measures for unaccompanied minors, which will be discussed below, depends on the one hand on their personal qualifications, e.g. language skills or their school career. On the other hand, access is determined primarily by their residence status and by their prospect to remain (see info box, Chapter 4.1.1). Unaccompanied minors with a residence title as recognised refugees or beneficiaries of subsidiary protection have access to all programmes, provided that they meet the general requirements (Der Paritätische 2017a: 50).

Career entry support programme

The career entry support programme (Berufseinstiegsbegleitung, BerB) offers personal guidance for pupils who are likely to have difficulties when it comes to obtaining a school-leaving qualification or during their transition to vocational training (Der Paritätische 2017a: 5; Section 49 of Book III of the Social Code). The programme of the Federal Employment Agency is generally provided in cooperation with schools. Regular and personal counselling supports the pupils, e.g. in obtaining a school-leaving qualification, with career orientation and the application process, or at the changeover between school types or transition to vocational training. Guidance begins during the school year before the

40 Baden-Württemberg, Brandenburg, Bremen, Mecklenburg-Western Pomerania and Lower Saxony.

year in which the school-leaving qualification is obtained (Der Paritätische 2017a: 5). There are no restrictions of access pertaining to residence law.

Vocational preparation schemes

The target group of vocational preparation schemes (Berufsvorbereitende Maßnahmen, BvB) is young people who are no longer subject to compulsory education and have not yet found a vocational training place. Vocational preparation schemes are not aimed specifically at refugees, but are open as a matter of principle to all young people who require support (cf. Section 51 of Book III of the Social Code). These schemes are a programme of the Federal Employment Agency. Vocational preparation schemes generally take up to ten months, during which both schooling at an education services provider and internships in companies take place. Under certain circumstances, participants can acquire a lower-level secondary education school-leaving qualification (Hauptschulabschluss) (BA n.d.).

Whether unaccompanied minors have access to vocational preparation schemes depends on their residence status: If they have applied for asylum and have a good prospect to remain because of their country of origin, they can begin a vocational preparation scheme after three months' residence (Section 132 subs. 1 first sentence no. 1 of Book III of the Social Code). Asylum applicants from safe states of origin do not have access (Section 132 subs. 1 second sentence of Book III of the Social Code). Access for all other asylum applicants is not regulated by law, meaning in practice that they generally do not have access (IQ Netzwerk Niedersachsen 2017). Persons whose removal is suspended only receive access to vocational preparation schemes after six years' residence (Section 132 subs. 2 no. 2 of Book III of the Social Code).

Introductory training

Introductory training (Einstiegsqualifizierung, EQ) is a preliminary step towards vocational training. It takes six to twelve months, during which the participants serve an internship at a company and at the same time attend classes on the subjects relevant to that vocation at a vocational school (Der Paritätische 2017a: 6). It is aimed at young people who have not found a training place by 30 September of that year, and those who are "not yet fully qualified for vocational training or have learning disabilities and are socially disadvantaged" (Der Paritätische 2017a: 6; cf. also Section 54a of Book III of the Social Code). The longer internship is intended, firstly, to afford ju-

veniles an opportunity to become acquainted with working in a company and guide them towards vocational training; secondly, introductory training also allows companies to get to know potential trainees over a longer period of time.

Unaccompanied minors with permission to remain pending the asylum decision or a suspension of removal may take up introductory training after three months' residence, provided the foreigners authority permits this (see on this Chapter 4.3.2). Apart from this, there are no restrictions to access to introductory training (Der Paritätische 2017a: 27).

Support during vocational training and assisted vocational training

Support during vocational training (Ausbildungsbegleitende Hilfen, AbH) and assisted vocational training (Assistierte Ausbildung, AsA) support socially-disadvantaged trainees and those with learning disabilities through additional support in study groups, individual instruction or personal assistance (Der Paritätische 2017a: 6 et seq.). Support during vocational training is also accessible to individuals taking part in introductory training. It can comprise language instruction, career-relevant practical and theoretical schooling, or socio-pedagogical guidance (Section 75 subs. 1 of Book III of the Social Code). It is aimed at juveniles who are unable to take up, continue or successfully complete vocational training or introductory training without additional support (Section 78 subs. 1 of Book III of the Social Code). Assisted training offers "more intensive as well as more sustained support" with a similar scope. The purpose is, furthermore, to ensure the stabilisation of the vocational training relationship (BA 2015: 32). In addition, assisted vocational training helps companies with, for instance, administrative tasks connected to vocational training (BA 2015: 8).

As with vocational preparation schemes, access by unaccompanied minors to support during training and assisted training depends on their residence status and prospect to remain: Access to these services is open to asylum applicants with a good prospect to remain after three months' residence; asylum applicants from safe countries of origin do not have access (Section 132 subs. 1 no. 1 of Book III of the Social Code). Access for all other asylum applicants is not regulated by law, which means that they generally do not have access in practice (IQ Netzwerk Niedersachsen 2017). Individuals with a suspension of removal generally receive access to support during training and assisted training after twelve

months' residence, provided they are not prohibited from pursuing an economic activity (Section 132 subs. 2 no. 1 Book III of the Social Code, Section 60a subs. 6 of the Residence Act; see Chapter 4.3.2).

Non-company vocational training

Non-company vocational training is a last option for juveniles and young adults who are unable to find a vocational training place despite the support measures described above (Section 76 of Book III of the Social Code). Unlike company-based training, this is completely or mostly funded by government programmes. In common with dual vocational training, it consists of a theoretical part (at vocational schools) and a practical part. Non-company vocational training can take place within an integrative or a cooperative model. In the integrative model, a vocational training provider conducts the practical training, which is supplemented by phases of in-company training. In the cooperative model, practical training takes place in a cooperating company. Complementary to this, the vocational training provider offers support and remedial instruction, exam preparation classes, and counselling (Der Paritätische 2017a: 8).

Non-company vocational training can only be taken up by unaccompanied minors who hold a residence title, e.g. as recognised refugees or beneficiaries of subsidiary protection (cf. Der Paritätische 2017a).

Support from youth social work

Subordinate to the programmes of the Federal Employment Agency, unaccompanied minors may be able to receive assistance through suitable training and occupational measures with socio-pedagogical guidance provided as part of youth social work (Section 13 subs. 2 of Book VIII of the Social Code). The specifics of such support measures however differ greatly between municipalities (Der Paritätische 2017a: 14).

4.3.3 Transition to adulthood

Compulsory vocational education ends once individuals reach adulthood – unless the person in question is still at school or in vocational training at that point in time (Lex/Braun 2016: 26). This also severely impedes access to vocational schools and the vocational preparation schemes offered there (see Chapter 4.2.1; cf. also Deutscher Bundestag 2017b: 77). It can represent a considerable challenge in practice since “potentially long lead times with prevoca-

tional (language) courses, psychosocial stabilisation and vocational orientation” may be necessary when dealing with unaccompanied minors before they can take up vocational training (Bauer/Schreyer 2016: 6). Compulsory education often ends before young adults have concluded this stabilisation and orientation process. Although the transitioning programmes of the Federal Employment Agency are available to young adults too, they frequently cannot offer the same degree of stability as regular school attendance.

Accommodation and care provided by the youth welfare system often also ends with the transition to adulthood (see Chapter 3.1.2). As a result, young adults become dependent on other social benefits or income from gainful employment in order to secure their livelihoods. If they take up vocational training or attend school, young adults may be eligible under certain circumstances for financial support via a vocational training grant or under the Federal Training Assistance Act. This, however, depends on their residence status and duration of residence (see Der Paritätische 2017a).

4.3.4 State of research regarding the vocational training and labour market situation of unaccompanied minors

Quality of support programmes

The range of specific support measures on offer has grown in the past few years. Simultaneously, the access to these measures was facilitated for certain groups of refugees. Access to vocational training places and corresponding support measures, as well as the quality of these programmes, depend on a variety of factors:

- The **number and range of vocational training place openings** vary significantly depending on region and occupation (BA 2018). This may mean that, even though there are vocational training places available in a region, these do not correspond to the wishes and skills of the unaccompanied minors and young adults living there. At the same time, due to the distribution process and other legal restrictions connected with the place of residence, these individuals often have no say regarding where they are accommodated (Bauer/Schreyer 2016: 6).
- The **legal situation** with regards to the access to the labour market and to support measures

has undergone several revisions in the past few years. Its complexity is seen (even by specialists) as especially challenging. This also represents a major challenge for companies potentially hosting training, as well as for young refugees (Bauer/Schreyer 2016: 6). This can also make good and up-to-date counselling more difficult.

- The **school transition models** and the support programmes vary by Land, which also implies that the quality of vocational training differs from one Land to another (cf. Bauer/Schreyer 2016: 6; see Chapter 4.2.3).

Impact on integration of access to the vocational training and labour market

In common with school and language education, vocational training too is regarded as a central element of integration into society. According to a report on unaccompanied minors by the Federal Government, the most frequently-voiced wishes of unaccompanied minors include “learning German, getting into education quickly by going to school or vocational preparation, as well as gaining access to the vocational training or labour market as quickly as possible and, concomitantly, being able to earn money” (Deutscher Bundestag 2017b: 56). Furthermore, vocational training enables young refugees to provide for themselves.

“Contacts within the company facilitate learning German and establishing personal contacts. This especially helps refugees to become recognised as fully-fledged members of society. In addition, starting employment as early as possible relieves the financial burden on the State. This in turn promotes refugees’ acceptance among the population. Business, industry and trade also have a keen interest in the manpower and trainee potential that refugees represent. The immigration of young refugees in particular is regarded as an opportunity in this regard, but at the same time also as a great challenge” (Langenfeld 2016).

Besides the significance of professional skills and knowledge for integration, numerous voices emphasise that their acquisition is also expedient for the potential return of refugees to their country of origin and their reintegration there (Bauer/Schreyer 2016: 8). This point is cited to justify demands that educational programmes not be made contingent on residence status.

4.4 Challenges and measures

The particularly high level of immigration by unaccompanied minors and other young refugees between 2014 and 2016 presented the schools, employment agencies and companies hosting vocational training with major challenges. At the same time, it led to a multiplication of programmes, initiatives and projects, and has boosted innovation in this field. This made it possible to effectively counter some of the challenges. Other challenges are of a more structural nature, and will thus likely persist.

4.4.1 Challenges

In particular during the time of the sudden, steep increase in the numbers of refugees immigrating to Germany, schools often had problems with capacities because many of them were not yet able to provide specific curricula, and simply did not have enough school places at their disposal. The lack of trained professionals was particularly urgent at the time, and it remains an issue today to some degree (see Chapter 4.2.6). There were also bottlenecks in the programmes for vocational qualification (Lex/Braun 2016: 33). The Länder believe that there is still room for improvement regarding the programmes guiding the transition from school to employment (Deutscher Bundestag 2017b: 11). “A better assessment of the unaccompanied minor foreigners’ educational and professional history, as well as of their skills, is necessary in this context in order to enable access to the labour market and provide perspectives” (ibid.).

In addition, there is a series of challenges that arise from the specific situation of young refugees:

- **A lack of language skills** often represents an obstacle when it comes to taking up vocational training, as well as successfully completing it (Deutscher Bundestag 2017b: 11).
- The fact that access to education and language training depend on **residence status and prospect to remain** poses a challenge to all young refugees, since the legal stipulations change every time their residence status changes (e.g., applying for asylum, granting of a residence title, rejection of the application). Especially young people from safe states of origin have great difficulties in gaining access to schooling or finding a vocational training place (Deutscher Bun-

destag 2017b: 77). Additional obstacles have been erected for this group in recent years, whilst access to schooling and vocational training has been facilitated in many ways for refugees with a good prospect to remain (Lex/Braun 2016: 34).

- The **uncertainty regarding the residence status** of, especially, young refugees with permission to remain pending the asylum decision or whose removal has been suspended, represents an obstacle not only for the refugees themselves, but also for the companies that host vocational training. This uncertainty can make the search for a placement for vocational training significantly more difficult (cf. Lechner/Huber 2017: 64).
- Placement in vocational training or a job can be a prerequisite for young adult refugees' prospects to receive the right to remain (cf. Chapter 5.4). This however also leads to young refugees perceiving that they are subject to high expectations and to **considerable pressure to perform** in school and during vocational training from the side of companies and of society at large (Lex/Braun 2016: 34; Bauer/Schreyer 2016: 6). The motivation to earn money of their own as quickly as possible can exacerbate this pressure (Lex/Braun 2016: 34), whilst at the same time decreasing the motivation to take up a vocational training course which lasts several years (Bauer/Schreyer 2016: 5).
- **Recognition of foreign school-leaving qualifications** can be an essential step on the way to beginning a vocational training that corresponds to refugees' qualifications. However, refugees frequently do not apply to have qualifications recognised (Lex/Braun 2016: 34), or recognition fails due to bureaucratic obstacles.
- Various studies consider **the lack of knowledge about, and the low level of appreciation of the dual training system** among young refugees a challenge. The studies suggest that there is little societal appreciation of company-based vocational training in many countries of origin, and that the education system in place there is not comparable to the German system (Stoewe 2017: 40). **The desire to earn money** also leads to young refugees preferring to take up unqualified employment rather than vocational training (Anderson 2016: 35; see Chapter 4.2.6).

4.4.2 Measures

The numerous recently-created or expanded programmes at schools, the programmes described above of the Federal Employment Agency, and the numerous further initiatives of the Länder, municipalities, trade associations and other civil society actors, help balance out shortcomings in young refugees' German language skills, as well as in the specialised skills, and thus facilitate their access to vocational training or to the labour market. In the process, not only was the number of programmes increased in recent years, but numerous programmes for specific target groups, e.g. for young persons above the age of majority, were also created. However, these programmes are not yet available at nationwide level, but are often implemented as model projects in municipalities or Länder instead (cf. Chapter 4.2.3). By introducing a right to be given a suspension of removal while undergoing vocational training, the uncertainties regarding status under residence law were supposed to be reduced, and planning certainty was to be increased also and especially for companies that host vocational training, thus removing an obstacle to employing refugees (Ausbildungsduldung, see Chapter 5.4.1). However, since the implementation of this regulation is managed differently between the Länder, and no precise data is available, it is impossible at this point to determine to what degree this stipulation is leading in practice to an increase in the granting of a right to remain, or to an increase in the number of trainees (cf. Chapter 5.4.1).

5 Return and regulations regarding the right to remain for unaccompanied minors

5.1 Legal framework and organisation of return

Legally speaking, return to the country of origin or to another country may take place both on a voluntary basis and by force. Explicit legal provisions only exist for removals; there is no provision for voluntary return in residence law.

5.1.1 Voluntary return

Voluntary return is only possible for unaccompanied minors with the guardian's consent. The guardian provides support with regard to all organisational questions relating to return. The foreigners authority is responsible for issuing the border-crossing certificate, which is to be surrendered on exit in order to prove return, and provides support where necessary in procuring travel documents⁴¹ (Koepf/Reckhaus 2016: 25). The persons concerned can also approach the embassies of their countries of origin directly.

Return counselling centres or the foreigners authority can indicate possibilities for financial support of return. The REAG/GARP programme⁴² for assisted voluntary return is open to unaccompanied minors, for instance, "if at least one parent or an appointed guardian consents to the transport in writing. Minors must be collected by a parent or an individual with written authorisation from one of the parents or the guardian at the place of arrival in the destination country" (IOM 2017).

In practice, handing over an individual to a family member or to a person who has custody is frequently particularly difficult to organise (Koepf/Reckhaus 2016: 25). What is more, it is rare in practice for unaccompanied minors to choose to return voluntarily, even though such cases do individually occur. In 2017, 80 unaccompanied minors departed with the REAG/GARP programme, down from 170 in 2016 (Hoffmeyer-Zlotnik 2017: 44). The two most frequent nationalities in 2017 were Albania (31) and Afghanistan (21).

5.1.2 Removal

If an unaccompanied minor is obliged to leave the country, for instance because his or her asylum application has been rejected, removal is possible in legal terms. Before specific measures are initiated for removal, the foreigners authority must however first make sure that, pursuant to the stipulations of the EU Returns Directive,⁴³ transfer as well as assistance for the minor in the return state is ensured by a family member, a person with custody or a suitable reception facility (Section 58 subs. 1a of the Residence Act). If unaccompanied minors are intercepted at the border, the same applies for the border police authorities before refusal of entry at the border or removal following unauthorised entry is possible⁴⁴ (Deutscher Bundestag 2015a: 25). If the transfer cannot be ensured, this constitutes a legal obstacle precluding removal, and the foreigners authority must issue a suspension of removal (Müller 2014: 31). The suspension of removal is generally granted until adulthood.

41 See Hoffmeyer-Zlotnik 2017: 33 et seq. for more details on the procurement of travel documents.

42 REAG: Reintegration and Emigration Program for Asylum Seekers in Germany; GARP: Government Assisted Repatriation Program.

43 Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

44 cf. Hoffmeyer-Zlotnik 2017: 20 for a definition of the terms.

It is frequently difficult to establish contact with persons who have custody in the destination state (EMN 2017b), with the consequence that removal is only impending in rare exceptional cases (Espenhorst/Noske 2017b: 64 et seq.). Some Länder do not consider removals of unaccompanied minors as a matter of principle (Deutscher Bundestag 2016a: 82 et seqq.) There were no removals from the beginning of 2015 to the end of 2017, but there have been refusals of entry at the border and removals following unauthorised entry, as well as transfers under the Dublin Regulation (Regulation (EU) 604/2013)⁴⁵ (cf. Deutscher Bundestag 2016b, 2017a, 2017c).⁴⁶ There were 171 refusals of entry at the border in 2017 and 66 minors travelling alone were removed following unauthorised entry (2016: 620 refusals, 29 removals following unauthorised entry; Deutscher Bundestag 2018c: 29). 1.280 minors were transferred within the

Dublin procedure, but this number includes accompanied minors (Deutscher Bundestag 2018c: 14).⁴⁷

5.1.3 Relevant public authorities and organisations

The Federal Office for Migration and Refugees decides on the asylum applications of unaccompanied minors; however the foreigners authorities are responsible for the consequences of the decision regarding their residence status and for organising the return. There are a number of other organisations that play a role in questions related to the return of unaccompanied minors. Table 14 below provides an overview.

45 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

46 For the years 2010-2014, cf. Deutscher Bundestag 2015a 26f.

47 Dublin transfers of minors are only permissible if they serve the best interests of the child. Minors are generally only transferred if they have relatives in the destination Member State (Art. 8 of Regulation (EU) 604/2013).

Table 14: Relevant public authorities and organisations involved in the return of unaccompanied minors

Name of the public authority or organisation	Brief description	Most important tasks and responsibilities in the return of unaccompanied minors
Federal Office for Migration and Refugees	Federal authority responsible for processing asylum applications, including the Dublin procedure with further responsibilities i.a. within return and there for the coordination of the REAG/GARP assisted return programme	<ul style="list-style-type: none"> ■ Decision on asylum applications; ■ Issuing of removal warnings on rejection of the asylum application; ■ Coordination of the Federal- and Länder-programme REAG/GARP, of the Federal programme StarthilfePlus, as well as approval of applications for assistance through the ERIN-reintegration programme; ■ Provision of information on voluntary return
Foreigners authorities and central foreigners authorities	Public authorities organised at municipal and Land level, responsible for all activities pertaining to residence law	<ul style="list-style-type: none"> ■ Granting suspension of removal, generally until adulthood; ■ Issuing of removal warning if there is no right to residence; ■ Organisation of removal and voluntary return
Return counselling services	Counselling units of governmental or civil society organisations and welfare associations	<ul style="list-style-type: none"> ■ Counselling on prospects under residence law and possibilities for assisted voluntary return (see Grote 2015: 35 et seqq.)
International Organization for Migration	UN organisation, organises projects under the REAG/GARP programme	<ul style="list-style-type: none"> ■ Processing and approval of REAG/GARP applications and other reintegration programmes; ■ Provision of information on voluntary return
Youth welfare offices	Municipal public authorities; responsible for all child and youth welfare activities	<ul style="list-style-type: none"> ■ Representation of the best interests of the child, also on questions related to return
Guardians	Personal custody and legal representation of unaccompanied minors (see Chapter 3.4), right to determine place of residence	<ul style="list-style-type: none"> ■ Consent to voluntary return, ■ where appropriate lodging appeals against imminent removal

5.1.4 Determining the best interests of the child in return activities

In terms of residence law, justice is done to the determination of the best interests of the child by the legal assurance obligation before carrying out a removal (Ch. 5.1.2). When the foreigners authority examines whether return is possible, coordination generally takes place with the responsible youth welfare office or with the guardian of the unaccompanied minor concerned (Deutscher Bundestag 2016a: 82 et seqq.).

There is no standardised procedure within the youth welfare system on dealing with a possible return. The option of voluntary return may however be integrated into the assistance planning procedure if this is an option in the case at hand for the person concerned (for instance because there are only slight chances for a right to remain, or because the unaccompanied minor wants to return voluntarily). The guardian can appeal against imminent removal on behalf of the unaccompanied minor. Guardians or youth welfare offices may furthermore make statements informing the foreigners authorities of possible obstacles precluding removal.

5.1.5 Timeline for the return of unaccompanied minors

It is not possible to say in a general way how much time is required from a negative decision being taken on the residence status of an unaccompanied minor until the time when s/he actually returns. This is above all because protection against removal generally applies while the child is a minor, and some of the juveniles in question do not lodge an application for asylum, or for a residence right to be granted on other grounds, until reaching adulthood. If the application is rejected, many factors determine how long it takes until any return is carried out, or whether the return takes place at all. These include the time required to obtain travel documents and to organise the departure, the duration of the prior residence and the degree of integration that might have been achieved in the meantime facilitating a right to remain (e.g. attending school or training, see Chapter 5.4).

5.2 Support during and after return

5.2.1 Support during return

Whether there is any special support for returned unaccompanied minors after return, and what this support looks like in concrete terms, differs from case to case, given that the practice of the Länder and of the respective foreigners authorities for providing support is not regulated in a uniform manner. The foreigners authorities are generally responsible for ensuring that the individual is handed over in the destination country to family members, to other persons with custody, or to a suitable reception facility (see Chapter 5.1). It is not possible to state in general terms what standards a “suitable reception facility” must satisfy, since removals of unaccompanied minors are very rare, so that no appropriate practice or case-law has been established.

The Federal Police is able to provide support in the search for relatives abroad (Espenhorst/Noske 2017b: 70), as is the International Social Service or the Federal Foreign Office, some of whose diplomatic missions abroad also organise reception in the destination state (Hoffmeyer-Zlotnik 2017: 44). If voluntary return is organised via REAG/GARP, the IOM Mission in the destination state provides support in looking for unaccompanied minors’ family members even before the actual return takes place (EMN 2017b). Support at arrival airports (so-called reception assistance) can also be approved. This includes collection at the gate, entry checks, etc., through to transfer to the individual who is authorised to collect the returnee.

5.2.2 Reintegration projects for unaccompanied minors

The reintegration programmes that are promoted at Federal level⁴⁸ are also open to minors, but do not specifically target them. The support that the ERIN reintegration programme offers for 15 destination states applies to unaccompanied minors as a vulnerable group, and the latter receive additional as-

⁴⁸ An overview of the return and reintegration services in Germany, as well as of the return counselling centres, is available at www.returningfromgermany.de.

sistance (BAMF 2018b). The possible support within the ERIN programme includes reception on arrival, vocational skill-building, assistance in looking for a job, support in setting up a business, as well as counselling and accompaniment when visiting official, medical and charitable facilities (BAMF 2018b). Unaccompanied minors can also receive support in the URA return and reintegration project in Kosovo. This project offers social counselling, job placement and psychological assistance, as well as emergency financial assistance and longer-term reintegration services for returnees (cf. BAMF 2017c). A special focus lies on the support of school reintegration (including languages courses where necessary). Finally, returnee juveniles in certain Länder can benefit from the advice and support offered by the German Information Points for Migration, Vocational Training and Careers Advice (Deutsche Informationspunkte Migration, Ausbildung, Karriere- DIMAK), which were set up in Kosovo, Serbia and Albania on behalf of the Federal Ministry for Economic Cooperation and Development. Similar advice centres also exist in Morocco and Tunisia (cf. BAMF/IOM n.d.). The reintegration services are open to both voluntary returnees and persons who have been removed.

5.3 Transition to adulthood and return

The legal provisions that generally protect unaccompanied minors from removal cease to apply when they reach adulthood (cf. Chapter 5.1). Residence status thus becomes pivotal, and the responsible foreigners authority is obliged as a matter of principle to take action to prepare the return of young adults with no residence right. Once they reach adulthood, the juveniles in question are also obliged to help in obtaining travel documents (e.g. passport or replacement passport; Section 82 subs. 4 of the Residence Act).

There are no legal provisions for the foreigners authorities or for the youth welfare offices as to how unaccompanied minors are to be prepared for the transition to adulthood. The youth welfare offices may however guide the transition process within the assistance planning discussions, so that carers on site or guardians may help with advice and guidance in the transition (cf. Chapter 3.2.10). Early preparation for adulthood is especially important if a right to remain is sought outside the asylum procedure. Such a right may emerge for instance as a result of

taking up vocational training, or by attending school for several years (cf. Chapter 5.4).

5.4 Alternatives to return: right to residence through work and vocational training

Unaccompanied minors who do not lodge an asylum application, or whose asylum application has been rejected, are generally given a suspension of removal. The specific reason for suspending the removal for minors ends when they reach adulthood. Young adults who are obliged to leave the country, but whose return is precluded in fact or in law, and who nonetheless do not receive a residence title, continue to have a suspension of removal (Section 60a subs. 2 first sentence of the Residence Act). The suspension of removal can also be granted for urgent personal reasons, for instance in order to complete a school year or a training course (Section 60a subs. 2 third sentence of the Residence Act). The possibilities have been expanded in recent years for persons whose removal has been suspended to receive legal residence status, and unaccompanied minors may also benefit from this. The arrangements for a right to remain thus created are however subject to a large number of prerequisites. The most relevant possibilities for a right to remain for unaccompanied minors and young adults will be presented below.

5.4.1 Suspension of removal for vocational training (*Ausbildungsduldung*, Section 60a subs. 2 of the Residence Act)

The provision contained in Section 60a subs. 2 fourth sentence of the Residence Act provides for a right to a suspension of removal for persons taking up state-recognised vocational training. The suspension of removal applies for the duration of the vocational training. If the training is discontinued or ended early, a new suspension of removal is issued once for six months during which the person concerned can look for a new vocational training place. It is also possible for the suspension of removal to be extended for six months on a one-off basis to look for a job if the individual is not kept on by the company hosting the vocational training after its completion. If trainees are subsequently kept on by the

company hosting the vocational training, or if they find another job fitting their qualifications, they are entitled to a two-year residence permit if the Federal Employment Agency consents and the further prerequisites pursuant to Section 18a subs. 1 nos. 2-7 apply (see Chapter 5.4.2). Since most in-company vocational training schemes last for three years, the suspension of removal for vocational training followed by a residence permit is also referred to as the '3+2 arrangement'. The issuance of a suspension of removal for vocational training is contingent on the applicant having a clean criminal record⁴⁹, and if no concrete measures for the termination of residence are imminent (Section 60a subs. 2 fourth and sixth sentences of the Residence Act). The definition of 'concrete measures' is subject to different interpretations among the Länder in some cases (Eichler 2017: 4 et seq.). According to the government's explanatory reasoning on the legal amendment introducing the suspension of removal for vocational training, concrete measures include the application for a passport or passport substitute, or determining a date for removal (Deutscher Bundestag 2016c: 25). A further obstacle in practice may be that the permission of the foreigners authority must be acquired to start a vocational training (see Chapter 4.3.1). If the following reasons for exclusion apply, the foreigners authority may not issue a work permit for vocational training:

- If removal is not currently possible and the reasons for this are attributable to the person in question (Section 60a subs. 6 first sentence no. 2 of the Residence Act). This may be the case for instance if the person in question makes it more difficult to verify their identity by withholding passport documents (cf. Koepf/ Reckhaus 2016: 23) or does not sufficiently contribute to efforts to obtain passport documents.
- Persons from safe countries of origin are ruled out if they lodged an asylum application after 31 August 2015 which has subsequently been rejected (Section 60a subs. 6 first sentence no. 3 of the Residence Act; cf. Chapter 4.3.1).
- The person may not have entered Germany solely in order to obtain benefits pursuant to the Act on Benefits for Asylum Seekers (Section 60a

subs. 6 first sentence no. 1 of the Residence Act). This must however be proven by the foreigners authority (Weiser 2017: 39).

If these reasons for exclusion do not apply, issuance is at the discretion of the foreigners authority. The Governments of some Länder have made stipulations by means of decrees as to how discretion is to be exercised (for an overview see Eichler 2017: 17). Also, as a reaction to the Länder handling this differently in some cases, the Federal Ministry of the Interior has published guidelines on the suspension of removal for vocational training in May 2017. These are not binding on public authorities, but are nonetheless intended to bring about a standard practice. The guidelines state that the discretion of the public authority is reduced since suspension of removal is generally to be granted if the preconditions are satisfied. There is discretion, however, if a person does not help in obtaining the passport without this being the cause of the impossibility of removal, and if this therefore does not constitute a reason for exclusion (see above) (BMI 2017; cf. also Weiser 2017: 36). This is considered legally problematic by some, as they see it as a de facto expansion of the reasons for exclusion (Weiser 2017: 35; cf. also Eichler 2017: 11 et seq.).

5.4.2 Residence permit for qualified employees (Aufenthaltserlaubnis für qualifizierte Beschäftigte, Section 18a of the Residence Act)

Once they have completed a vocational training course, persons with a suspension of removal may obtain a residence permit, and hence a legal residence title, under certain circumstances. There are three primary possibilities of obtaining a residence title for qualified persons whose removal has been suspended (Section 18a subs. 1 no. 1 of the Residence Act):

- having concluded vocational training of at least two years in a state-recognised or comparable training occupation or tertiary studies in Germany (cf. Eichler 2017: 3),
- after being employed continuously for two years with a foreign higher education qualification which is recognised or otherwise comparable to a German higher education qualification and which is appropriate to that employment,
- after three years of uninterrupted employment as a skilled worker in a position that is contin-

⁴⁹ No account is generally taken of fines of a total of up to 50 daily rates or up to 90 daily rates for criminal offences in the case of criminal offences which can, under the Residence Act or the Asylum Act, only be committed by foreigners (Section 60a subs. 2 sixth sentence of the Residence Act). The same is valid for the residence permit that is to be subsequently issued (Section 18 subs. 1 no. 7 and subs. 1b of the Residence Act).

gent on at least two years' vocational training. Additionally, the person concerned may not have claimed any public benefits for himself or herself or family or affected members of the household in the year prior to applying for the residence title.⁵⁰

If one of the preconditions is met, all the following preconditions must be met in addition (Section 18a subs. 1 nos. 2-7 of the Residence Act):

- Sufficient living space,
- sufficient command of the German language (B1 CEFR level⁵¹),
- no wilful deception of the foreigners authority as to circumstances relevant to residence,
- no wilful hindering or delaying of measures to end his or her residence,
- no links to extremist or terrorist organisations or support for such organisations,
- no convictions for criminal offences.⁵²

Persons who previously had a suspension of removal for vocational training are entitled to a residence title if these preconditions are met, and if they are in employment fitting their training (Section 18a subs. 1a of the Residence Act). To all other persons, such a title is granted at the discretion of the foreigners authority. Additionally, the Federal Employment Agency must give its consent in all cases (Section 18a subs. 1 of the Residence Act).

5.4.3 Right to remain for well-integrated juveniles and young adults (**Bleiberecht für gut integrierte Jugendliche und junge Erwachsene, Section 25a of the Residence Act**)

After four years of residence in Germany, juveniles and young adults may have the possibility to receive a residence permit regardless of their training or employment. Unlike the residence permit pursuant to Section 18a of the Residence Act, this arrange-

ment pursuant to Section 25a of the Residence Act is a directory provision, meaning that the discretion of the foreigners authority is bound, and that the residence permit must be generally issued if the preconditions apply. This may only be deviated from in atypical cases (cf. Der Paritätische 2017b: 6).

The following prerequisites apply to its issuance (see Section 25a subs. 1 of the Residence Act):

- Application prior to turning 21,
- four years' uninterrupted residence in Germany with a suspension of removal, permission to remain pending the asylum decision or residence permit,
- generally four years' successful⁵³ school attendance or completion of school or vocational training in Germany,
- positive integration prognosis – it must appear to be ensured that the person can integrate into the way of life which prevails in the Federal Republic of Germany because of his or her prior training and circumstances,
- secured financial subsistence if the person is no longer in training or studying,
- no prevention of removal through deception regarding identity or nationality or by furnishing false information,
- no criminal convictions,⁵⁴
- no concrete evidence that the person is not committed to the free democratic basic order of the Federal Republic of Germany,
- generally fulfilment of the passport obligation (Section 3 subs. 1 first sentence of the Residence Act). This may however be derogated from at the discretion of the foreigners authority (Section 5 subs. 3 second sentence of the Residence Act).

In practice, the large number of preconditions sets the bar rather high. Common reasons why residence cannot be legalised via Section 25a of the Residence Act include the non-fulfilment of the passport obligation and non-clarification of identity (Der Paritätische 2017b: 21). What is more, a large number of juveniles who come to Germany are already too old to be able to achieve four years of residence

50 Benefits to cover the necessary costs for accommodation and heating are excepted from this pursuant to Section 18a subs. 1 no. 1c of the Residence Act.

51 Common European Framework of Reference for Languages.

52 No account is generally taken of fines of a total of up to 50 daily rates or up to 90 daily rates for criminal offences which can, under the Residence Act or the Asylum Act, only be committed by foreigners (Section 60a subs. 2 sixth sentence of the Residence Act).

53 School attendance is regarded as 'successful' according to the explanatory reasoning if it takes place on a regular basis and the person in question goes on to the next grade at the end of the school year (Deutscher Bundestag 2015e: 42).

54 No account is generally taken of fines of a total of up to 50 daily rates or up to 90 daily rates for criminal offences which can, under the Residence Act or the Asylum Act, only be committed by foreigners (Section 25a subs. 3 of the Residence Act).

and four years of school attendance before turning 21 (Koepf/Reckhaus 2016: 24). Finally, persons whose asylum application was rejected as manifestly unfounded are barred from receiving residence titles, meaning that they may not be issued with a residence title after the asylum procedure if there is no entitlement to it (Section 10 subs. 3 second sentence of the Residence Act, cf. Koepf/Reckhaus 2016: 20).

5.4.4 Further possibilities of legal residence

There are other ways of legalising residence in addition to the possibilities stated above. These do not specifically target juveniles and young adults, but address all third-country nationals. Section 25b of the Residence Act facilitates a residence title under certain conditions after (generally) eight years' prior residence (see Der Paritätische 2017b: 24 for more details). Persons with a suspension of removal are to receive a residence permit after 18 months' residence if the obstacles precluding removal underlying the suspension of removal cannot be expected to cease to apply in the foreseeable future and the person is not personally responsible for this and cannot return voluntarily (Section 25 subs. 5 of the Residence Act). Additionally, residence can be granted on humanitarian grounds in certain cases (e.g. by a hardship commission; see Hoffmeyer-Zlotnik 2017: 24).

the Federal Association for Unaccompanied Minor Refugees among child and youth welfare specialists from autumn 2017, 95 % of the interviewed stated that the uncertainty regarding residence status has an impact on the daily life of young refugees (von Nordheim/Karpenstein/Klaus 2017: 14). The uncertainty with regard to their own residence, as well as for instance to the access to school, training and the labour market that goes with it, impacts not only on their specific well-being, but also on their short- and long-term integration chances and on their motivation towards doing well in school or at work (cf. Chapter 4.2.6).

5.5 Impact of uncertainty regarding residence status

The transition to adulthood, and hence to uncertainty regarding the residence status in some cases, also entails considerable uncertainty for the juveniles in question with regard to their personal situation (Deutscher Bundestag 2017d: 451). This particularly affects those young adults who do not file an asylum application, or whose prospects of a positive notice in the asylum procedure are small or relatively uncertain. There is repeated public debate on the situation of young Afghan refugees, given that nationwide collective removals to Afghanistan have been organised at irregular intervals since December 2016 (EMN/BAMF 2017: 63). Civil society actors and press articles report that these removals constitute a major emotional strain for young Afghan refugees, even if they may not be obliged to leave the country (Mittler/Schell 2018; BumF 2017e). In a survey by

6 Disappearance of unaccompanied minors

6.1 Discussion in the public domain

An estimate carried out by the European police authority Europol circulated in the German and European media in 2016 according to which 10,000 minor-aged refugees in the EU were missing (Townsend 2016). This drew public attention to the disappearance of unaccompanied minors, and triggered a debate in Germany. Newspaper reports for instance addressed the current situation at national level (e.g. MiGAZIN 2017), and investigative reports debated the situation of individual unaccompanied minors who had disappeared (e.g. ARD 2017). The topic was also discussed in the political arena in the context of parliamentary interpellations (Deutscher Bundestag 2016d).

6.2 Missing persons reports and statistics

The discussion in Germany was frequently based on minor-aged refugees having been reported as missing according to the statistics of the Federal Criminal Police Office. According to the Federal Government, however, these statistics do not constitute a valid data basis for ascertaining the number of unaccompanied minors who have disappeared. In fact, they reflect the number of missing persons reports which are lodged when unaccompanied minors go missing.

When an unaccompanied minor is reported missing, the local police record the missing persons report and have an alert issued. The corresponding statistics in the joint file on 'Missing persons and unknown dead', which is kept centrally at the Federal Criminal Police Office, are updated on the basis of the alerts contained in the INPOL police information system, as well as using data added by the Länder. No report is made to the joint file if the

unaccompanied minor returns or is found within 24 hours.

However, reports are frequently not made when the unaccompanied minors who have been reported missing are found (Deutscher Bundestag 2017b: 57). Such a report may for instance also be missing when unaccompanied minors travel on to another country independently. One may also presume that at least some of the missing persons reports are caused by the fact of multiple records having been created within the Initial Distribution of Asylum Seekers (EASY) system (Deutscher Bundestag 2017b: 9). Multiple records may also be made because personal documents are missing, and due to the fact that no fingerprinting and photography were carried out. The analysis of the joint file can therefore only provide an estimate of the situation.

It becomes clear from the statistics that the majority of missing unaccompanied minors is male, and that most of them are juveniles. Further, unaccompanied Afghan minors are reported missing most frequently.

The statistics available from the Federal Criminal Police Office do not permit any conclusions to be drawn as to the time of disappearance, or to the reasons for the disappearance, or to the residence situation in which the unaccompanied minors were at the time of their disappearance.

The increase in the number of alerts in 2014/2015 can be explained with the larger total amount of forced migration by unaccompanied minors to Germany. As this movement persisted, the reporting conduct of the German police forces in connection with alerts for missing unaccompanied minors also changed. The datasets on unaccompanied minors have been specially marked since then, making them easier to analyse.

Table 15: Disappeared (former) unaccompanied minors

	2014		2015		2016		1st half of 2017	
	Total	Percentage	Total	Percentage	Total	Percentage	Total	Percentage
Total unaccompanied minors	1,234		7,480		9,089		2,461	
of whom								
returned/found	1,088	88.2 %	5,607	75.0 %	7,687	84.6 %	1,954	79.4 %
still missing	146	11.8 %	1,873	25.0 %	1,402	15.4 %	507	20.6 %
of whom								
male	1,118	90.6 %	7,025	94 %	8,429	92.7 %	2,276	92.5 %
female	89	7.2 %	406	5.2 %	656	7.2 %	181	7.4 %
unknown	27	2.2 %	49	0.7 %	4	0.1 %	4	0.1 %
of whom								
juveniles	1,141	92.5 %	6,823	91.2 %	8,585	94.5 %	2,335	94.9 %
children	93	7.5 %	657	8.8 %	504	5.5 %	126	5.1 %
of whom								
Afghan	316	25.6 %	3,392	45.3 %	2,453	27.0 %	552	22.4 %
Syrian	45	3.6 %	879	11.8 %	1,370	15.1 %	421	17.1 %
Somali	257	20.8 %	755	10.1 %	1,037	11.4 %	198	8.0 %
Eritrean	249	20.4 %	662	8.9 %	709	7.8 %	177	7.2 %
Moroccan	86	7.0 %	268	3.6 %	665	7.3 %	285	11.6 %

Source: Joint file 'Missing persons and unknown dead' ('Vermisste und unbekannte Tote'), special analysis by the Federal Criminal Police Office, as per 23 January 2018. The data can change daily as further cases are concluded or subsequent alerts are added.

6.3 Profile of disappeared unaccompanied minors

6.3.1 Age and origin of disappeared unaccompanied minors

Because, as described above, the data is of only limited informational value, it is also not possible to make any valid statements with regard to the age of disappeared unaccompanied minors. The Statistics of the Federal Criminal Police Office on Missing Persons state that in the years 2014 to 2016 as well as in the first half of 2017 respectively, over 90 % of the unaccompanied minors reported missing were juveniles. The Federal Government states that the vast majority of unaccompanied minors who had been reported missing were from Afghanistan, Syria, Somalia, Eritrea, Morocco and Algeria (Deutscher Bundestag 2016d: 4).

6.3.2 Reasons for disappearing

The Federal Government and specialist associations assume that the lion's share of missing unaccompanied minors is due to them having avoided being assigned to a particular location. There may be a variety of reasons for this: Many unaccompanied minors have travelled on within Germany or to other European countries in order to join family members or relatives. In some cases, however, "dissatisfaction with the allocation decision in the procedure for the national reception of foreign children and juveniles" is also cited as a motivation for their travelling on and disappearing (Deutscher Bundestag 2017b: 9; BumF 2016b: 1). In a survey by the Federal Association for Unaccompanied Minor Refugees among child and youth welfare specialists from autumn 2017, a lack of the perspective to remain as well as the length of the procedures under asylum and/or residence law is mentioned in this context (von Norheim/Karpenstein/Klaus 2017: 28).

Since the statistics provided by the Federal Criminal Police Office do not record the residence status of the unaccompanied minors who have been reported missing (see above), it is not possible to statistically substantiate any connection between decisions on residence rights (e.g. rejection of the asylum application) and the disappearance of unaccompanied minors. It is hence not known in how many cases unaccompanied minors disappear after learning that their asylum application has been rejected or that action under residence law is planned against them.

The Federal Government is unaware of unaccompanied minors having been victims of serious criminal offences (Deutscher Bundestag 2017b: 9). The Federal Association for Unaccompanied Minor Refugees however states in this context that it has information that “unaccompanied minors are also being forced into prostitution or theft because for instance they still have to repay debts to traffickers”. It therefore calls for unaccompanied minors to receive better protection in the enforcement of their rights and against dangers; it should also be made easier for them to relocate to live with relatives, or for distribution to be organised from the outset in such a manner that they are allocated to relatives (BumF 2016b: 1).

6.3.3 Time of the disappearance

Since the time of the disappearance is not recorded (see above), it is also not possible to say anything about the phase of reception under the law on youth welfare at which unaccompanied minors disappear (preliminary taking into care, regularly taking into care, subsequent youth welfare assistance). The Länder estimate that 3 to 15 % of unaccompanied minors abscond from preliminary taking into care, and 4 to 30 % of unaccompanied minors abscond from regular taking into care (Deutscher Bundestag 2017b: 59). In a survey carried out by the Federal Association for Unaccompanied Minor Refugees, 32.1 % of the interviewed child and youth welfare specialists stated that minors sometimes or (very) often abscond during the phase of preliminary taking into care. With regards to the phase of regular taking into care, this was stated by 22.3 %. Between 12 and 14 % of the interviewed stated that unaccompanied minors abscond sometimes or (very) often from subsequent youth welfare measures (von Nordheim/Karpenstein/Klaus 2017: 27).

6.4 Procedure to be followed in cases of the disappearance of unaccompanied minors and impact on youth welfare

If an unaccompanied minor is found to be missing from the accommodation or foster family to which s/he was assigned, as a first step the responsible youth welfare office must be informed (there is no separate national hotline). A missing persons report must also be filed with the local police, who enter an alert in the national police search system, as well as in the Schengen Information System (Deutscher Bundestag 2016d: 7).

The recommendations of the Federal working group of Land youth welfare offices describe the action that is to be taken when the disappearance of unaccompanied minors is noticed: “As a matter of principle, first of all a search for the unaccompanied minor should commence; the duration and intensity of the search depend on the age of the unaccompanied minor, on prior conduct and statements, as well as on the setting. In the case of a child, it is generally not acceptable to wait one night. The missing persons report should contain as precise information as possible with regard to clothing/mobile phone, etc. The police and the youth welfare office are to be informed as soon as the unaccompanied minor reappears. Any stipulations of the police, of the youth welfare office and of the Land Youth Welfare Office are to be complied with” (BAG 2017: 42).

Should it emerge that unaccompanied minors have gone missing for longer than a short period, this is also registered accordingly in the Central Register of Foreigners and in the population register of the responsible municipality. The foreigners authority is informed of the disappearance either by the Central Register of Foreigners, or directly by the youth welfare office. What action the foreigners authority subsequently takes under the law on residence very much depends on the previous residence status of the unaccompanied minor.

Disappearance has a direct impact on the responsibility under the youth welfare law (cf. Chapter 3): “If the minor is not only (slightly) delayed, but is ‘missing’, taking into care must be terminated after the necessary reports have been made and a search has been carried out, as soon as possible by means of

a rescission (=administrative act) (if only in the interest of refinancing the accommodation), and this must be documented accordingly. [...] Should the minor turn up later or be picked up again, taking into care recommences” (Trenczek et al. 2017: 303). This applies to both preliminary and regular taking into care (Trenczek et al. 2017: 374). A disappearance lasting more than 48 hours also implies the termination of the responsibility under youth welfare law as part of the preliminary taking into care (BAG 2017: 43).

6.5 Challenges and measures

The Federal Government considers that a reliable data basis is key to preventing the disappearance of unaccompanied minors. “A uniform registration system in the Central Register of Foreigners containing information on the responsible youth welfare authorities for all unaccompanied minors – such as the Data Sharing Improvement Act, which came into force on 3 February 2016 – is an important step in this direction” (Deutscher Bundestag 2016d: 5). This Act also enabled the responsible public authorities to store photographs of refugees aged under 14 as part of securing identity, “which may be helpful when it comes to identifying them later” (ibid.; see Tangermann 2017: 50 for a discussion of this measure).

The Federal Government describes the following further measures which may help improve the available data in its report of March 2017 on the situation of unaccompanied foreign minors in Germany:

- “More rapid recording in the Central Register of Foreigners, facilitated by better networking and cooperation between youth welfare offices and foreigners authorities/Federal Office for Migration and Refugees with fingerprints, as well as a comparison of the fingerprints with the Central Register of Foreigners when coming into contact with public authorities.
- Reducing the age limit for registration with fingerprints.
- Recording of fingerprints, as well as a comparison of the fingerprints with the Central Register of Foreigners, when coming into contact with public authorities.
- On first registration: inclusion of family members (first degree) in the Central Register of Foreigners;
- Comparison of the data with the missing persons file when applying for asylum (Federal Office for Migration and Refugees-Federal Criminal Police Office);
- Comparison of the data with the missing persons file when registering in the respective residents registration offices;
- Comparison of the data with the missing persons file when registering for school;
- Cooperation between the Federal Criminal Police Office and the tracing service of the German Red Cross in order to compare data of missing unaccompanied minor foreigners and persons seeking to trace them” (Deutscher Bundestag 2017b: 61).

7 Family reunification under youth welfare law and under residence law

7.1 Definition

It is generally in the best interests of children to live together with their parents and/or other relatives. Especially for unaccompanied minors that stay in an unknown environment, the separation from their family can constitute an impacting burden that influences day-to-day life (von Nordheim/Karpenstein/Klaus 2017: 14). A variety of legal stipulations therefore regulate the possibility of reunifying unaccompanied minors with their families.

As the term ‘family reunification’ refers in very general terms to the “reunification of a family member with a person in one place in order to restore or maintain the family unit” (Deutscher Bundestag 2017b: 53), there is a need to distinguish between family reunification under youth welfare law and family reunification under residence law. Whereas the former describes the legal framework in which youth welfare offices (seek to) effect a family reunification of unaccompanied minors with family within Germany or an EU Member State, the latter has a narrower meaning. It is understood as the subsequent immigration of parents, siblings or other family members to Germany from abroad in order to restore and maintain the family community in Germany (cf. Section 27 subs. 1 of the Residence Act and Deutscher Bundestag 2017: 53).

Stipulations under both youth welfare law and residence law come into play with regard to whether and how the reunification of unaccompanied minors with their families is to take place. The case constellations differ widely, depending on the following aspects:

- the phase of responsibility under youth welfare law in which the unaccompanied minor happens to be (preliminary taking into care, regular taking into care, subsequent measures; cf. Chapter 3),
- the status of the unaccompanied minor under residence law,

- the place of residence of the family (in Germany, EU Member State, third country),
- the degree of kinship of the family members.

7.2 Family reunification under youth welfare law

Within the initial screening that takes place **during preliminary taking into care**, the youth welfare office together with the unaccompanied minor assesses whether there is a relative living in Germany or abroad (Section 42a subs. 2 no. 2 of Book VIII of the Social Code). If this is the case, and if it is possible for reunification to occur with a relative at short notice⁵⁵, and this is in the best interests of the child, the unaccompanied minor in question is excluded from the national distribution procedure (Section 42b subs. 4 alternative 4 of Book VIII of the Social Code). In such cases, the youth welfare office is to work towards reunifying the child or juvenile with the relative if this is in the best interests of the child. The child or juvenile is to be suitably involved in the transfer and in the decision on family reunification (Section 42a subs. 5 second and third sentences). The law does not explicitly define what a relative is, but it is presumed that the definitions contained in the Dublin III Regulation⁵⁶ are relevant (González Méndez de Vigo 2017: 39 et seq.).

Reunification is also possible **during regular taking into care**, even though it is not detailed in legislative wording explicitly. If the family members or relatives are in Germany, the youth welfare office has two options:

1. The youth welfare office can accommodate the unaccompanied minor at the relatives’

⁵⁵ There is disagreement as to the definition of ‘short notice’, cf. Steinbüchel 2016: 2 and González Méndez de Vigo 2017: 40 et seq., and particularly Deutscher Bundestag 2017b: 41 et seq.

⁵⁶ These are the applicant’s adult aunt or uncle or grandparent (Art. 2 h of the Dublin III Regulation).

place of residence, but retain the responsibility under youth welfare law. In such cases, the youth welfare office remains “fully responsible for the minor. Accommodation may be provided on the spot in a facility, but also with the relatives themselves. [...] The disadvantage of this solution is that the responsible youth welfare office may have to travel considerable distances” (Steinbüchel 2016: 3).

2. Section 88a subs. 2 third sentence of Book VIII of the Social Code provides that another youth welfare organisation, i.e. generally another youth welfare office, can assume geographical responsibility from the responsible youth welfare organisation in the best interests of the child or on other humanitarian grounds of comparable significance. “The relatives’ place of residence is generally a reason for the assumption of responsibility. The responsible youth welfare office should therefore establish contact with the youth welfare office at the relatives’ place of residence and request that the circumstances of the relatives, as well as their willingness to receive the minor, be ascertained. If accommodation can be provided on the spot, in a facility or with the relatives themselves, it is possible to discuss transferring the responsibility. There is however no obligation to accept responsibility” (Steinbüchel 2016: 3).

If family members or siblings of unaccompanied minors are legally present in a Dublin State⁵⁷, “the State in which family reunification is in the best interests of the child is responsible for examining the asylum application of the unaccompanied minor” (Art. 8 par. 1 of the Dublin III Regulation). With regard to relatives, that is for instance the applicant’s adult aunt or uncle or grandparent (Art. 2 h of the Dublin III Regulation) who is legally present in another Dublin State, both the best interests of the child and the question of whether these individuals are able to look after the child or juvenile decide on family reunification and on the concomitant responsibility for the examination of the asylum application (Art. 8 par. 3 of the Dublin III Regulation)” (González Méndez de Vigo 2017: 38 et seq.). In order for a family reunification pursuant to the Dublin procedure to take place, an asylum application must be lodged.

If unaccompanied minors already in **subsequent youth welfare measures**, in the case of family reunification within Germany under youth welfare law, the youth welfare office is only able to accommodate them on its own responsibility in other youth welfare office districts (see above Option 1) since Section 88a subs. 2 third sentence of Book VIII of the Social Code (see above Option 2) only applies to the phase of taking into care. Reunification under the Dublin procedure for families present in Dublin States is also possible in the phase of subsequent youth welfare measures as soon as an asylum application has been lodged.

The **residence status** of unaccompanied minors is also always important with regard to family reunification within Germany. Since the entry into force of the Integration Act on 6 August 2016, residence regulations have applied to unaccompanied minors who have been recognised as persons entitled to asylum, refugees within the meaning of Section 3 subs. 1 of the Asylum Act, beneficiaries of subsidiary protection within the meaning of Section 4 subs. 1 of the Asylum Act, or persons to whom a residence permit has been issued for the first time pursuant to Section 22, Section 23 or Section 25 subs. 3 of the Residence Act (cf. Section 12a of the Residence Act). If unaccompanied minors hold a suspension of removal or permission to remain pending the asylum decision, this may also be contingent on a domicile requirement (Wohnsitzauflage) and/or residence obligation (Residenzpflicht).

“Different provisions apply in the individual Länder with regard to the domicile requirement. The domicile requirement determines that the unaccompanied minor must live in a specific town or city or in a specific district. It is noted in the suspension of removal certificate or in the permission to remain pending the asylum decision. If the minor would like to live in a different place than allocated under the law on youth welfare, for instance because of family reunification, the domicile requirement must be amended. How the alteration can be made depends on whether they have a suspension of removal or already have permission to remain pending the asylum decision.

If suspension of removal applies, the change in the domicile requirement is provided pursuant to Section 61 subs. 1d of the Residence Act. Unaccompanied minors, represented by a guardian, may also apply to the foreigners authority to change the domicile requirement at the place of

⁵⁷ These are EU Member States, Norway, Iceland, Liechtenstein and Switzerland.

residence. When taking its decision, the foreigners authority must consider a ‘domestic community of family members or other humanitarian reasons of comparable weight’, so that it is recommended to substantiate the application in detail.

If the minor has permission to remain pending the asylum decision, it furthermore depends whether the change of location is to occur within a Land or among the Länder. Section 50 subs. 4 of the Asylum Act applies within a Land. The application is to be lodged with the public authority responsible for the distribution of the adult refugee. Family reunification among the Länder is regulated in Section 51 of the Asylum Act. In this case, the application is to be filed with the public authority of the Land responsible for the distribution of adult refugees to which the minor would like to move. In both cases, the public authorities taking the decision need to take into account a domestic community of family members or other similarly weighty humanitarian grounds. The application should therefore be substantiated accordingly” (BAG 2017: 40).

By contrast, the residence obligation describes the area within which unaccompanied minors may circulate. “It is noted by the foreigners authorities in the suspension of removal certificate or permission to remain pending the asylum decision. It generally applies to the Land in which the unaccompanied minors are accommodated, and lapses after three months” (BAG 2017: 40, cf. Section 61 of the Residence Act).

7.3 Family reunification under residence law (subsequent immigration of dependent family members from third countries to join unaccompanied minors)

7.3.1 General provisions

No statistical record is kept of the family reunification under residence law with unaccompanied minors since the Central Register of Foreigners records

when family members move to Germany to join persons who are entitled to be reunified with them, but not whether these persons are unaccompanied minors (Deutscher Bundestag 2018a: 4).

“As a matter of principle, a legal prerequisite of the family reunification under residence law is that, as soon as the asylum procedure has been completed and the unaccompanied minor foreigner has received a residence title [...], the subsequent immigration of dependent family members can be applied for via the diplomatic missions that are empowered by the Federal Foreign Office” (Deutscher Bundestag 2017b: 54).

The Residence Act forms the legal basis for the family reunification with dependent family members from third countries.

7.3.2 Family reunification under residence law with parents

Unaccompanied minors with protection status under asylum law have a privileged right to the subsequent immigration of parents, meaning that they are exempted from some of the requirements otherwise applying to the family reunification under residence law. Family reunification has however been generally suspended up to 31 July 2018 for unaccompanied minors with subsidiary protection status (see Chapter 7.3.6). The parents of a minor-aged foreigner who holds

- a residence permit pursuant to Section 23 subs. 4 of the Residence Act (resettlement refugees),
- a residence permit pursuant to Section 25 subs. 1 or 2 of the Residence Act (asylum entitlement, recognition as a refugee, subsidiary protection),
- a permanent settlement permit pursuant to Section 26 subs. 3 of the Residence Act, or
- a permanent settlement permit pursuant to Section 26 subs. 4 of the Residence Act once a residence permit has been issued pursuant to Section 25 subs. 2 first sentence second alternative of the Residence Act

are to be issued with a residence permit without a requirement that their livelihood be secured, and without the need for adequate living space to be available, if no parent with custody is in Germany (Section 36 subs. 1 of the Residence Act). There is an entitlement to the issuance of the residence title, i.e. the involved public authorities have no discretion.

“The entitlement includes the subsequent immigration of both parents as long as the minor is in Germany unaccompanied. As a matter of principle, the parents must therefore enter Germany at the same time. This is however not always possible, particularly if the parents come to Germany from different third countries. It is therefore sufficient if a parent ‘moves his or her principal place of residence to Germany at the same time as the other parent’. This can be assumed as a rule if the application for the family reunification was lodged by both parents at once. It makes no difference if, in case of simultaneous applications, the visas are issued to the parents at different times, and hence one parent is able to enter earlier” (BumF 2017c: 21).

7.3.3 Family reunification under residence law with other family members

If so required in order to avoid extraordinary hardships, it is also possible to issue a residence permit to other family members for family reunification from third countries with unaccompanied minors (Section 36 subs. 2 of the Residence Act). Unlike the subsequent immigration of parents, there is no entitlement for residence permits to be issued for the subsequent immigration of other family members. It is always an individual case decision in which the responsible public authorities exercise discretion. It is however shown in practice that the subsequent immigration of adult siblings, uncles, aunts, cousins, etc., on this basis only occurs in very few isolated cases (Caritas 2017: 53).

7.3.4 Family reunification under residence law with minor-aged siblings

There is no entitlement under German law to family reunification with minor-aged siblings from third countries. Family reunification may however be possible on the basis of the concrete individual case and at the discretion of the responsible public authorities: “If they enter the country at the same time as the parents, recent case-law has reinterpreted the subsequent immigration of siblings as the subsequent immigration of children to join their parents (Section 32 of the Residence Act). This avoids the parents needing to first enter the country without their minor-aged children in the hope that the latter would be permitted to subsequently immigrate to

join their parents. In the past, when they entered the country together with their parents, it was examined whether separation from their parents and siblings constituted an ‘extraordinary hardship’, and if this was affirmed, they were permitted to subsequently immigrate together (Section 36 subs. 2 of the Residence Act). Today, both possibilities are examined in parallel when an application is filed for the subsequent immigration of siblings” (BumF 2017c: 22).

A particular problem therefore emerges if unaccompanied minors have received a right to protection in Germany under asylum law, and hence a right to family reunification with their parents pursuant to Section 36 subs. 1 of the Residence Act, but the minor-aged siblings are not permitted to subsequently immigrate. This was repeatedly critically discussed in specialist public circles (cf. e.g. Deutscher Bundestag 2017e: 36, PRO ASYL 2016). “This may for instance lead in practice to a visa being issued to the parents of a 16-year-old minor who has been displaced from Syria, but not to the siblings who are aged ten and eight. It is frequently too expensive and too dangerous for all the family members to leave, particularly since travelling as far as Germany is dangerous for small children in particular. The siblings who are left behind are therefore frequently younger than their siblings who have fled” (Cremer 2017: 313). In some cases, there is talk in connection with this constellation of “severe ordeals for the unaccompanied children and juveniles and the specialists and networks supporting them here in Germany, just as for the parents in the country of origin” (BumF 2017c: 22).

The Federal Government countered the criticism of the existing situation as follows in March 2017: “Different treatment of the family reunification with parents and with siblings of recognised refugees is established in the German Residence Act. Easier entry for the siblings of recognised refugees could only be achieved through legal amendments” (Deutscher Bundestag 2017f: 16).

Further, in specialist legal literature, the possibility of analogously applying the above Section 36 subs. 1 of the Residence Act of the family reunification with parents to the family reunification with minor-aged siblings has been discussed (cf. Cremer 2017).

7.3.5 Procedures

“The application to issue a visa for family reunification with dependent family members pursuant to the above legal provisions is lodged by the person in question (parents, legal representatives of the minor-aged siblings) presenting themselves at the German diplomatic mission in the country in which the parents have lawful residence. An appointment must be made for this in advance via the respective website of the German diplomatic mission” (BumF 2017c: 21). Many German diplomatic missions offer detailed information on their websites regarding the stages of the procedure, and on the documents required, as well as on deadlines.

The foreigners authority at the place of residence of the unaccompanied minor living in Germany whom they are to subsequently join is then consulted as part of the issuance procedure. This authority “must approve the issuance of a visa for the family members and, based on documents, examine whether the preconditions for the subsequent immigration of dependent family members are met” (Grote 2016: 36).⁵⁸

The diplomatic missions abroad and the foreigners authorities must process the applications in accord with aspects of the best interests of the child, and pursuant to Art. 10 paragraph 1 of the Convention on the Rights of the Child⁵⁹ (CRC), “in a positive, humane and expeditious manner” (Wissenschaftliche Dienste Deutscher Bundestag 2016: 5 et seq.).

7.3.6 Suspension of family reunification under residence law for unaccompanied minors who are beneficiaries of subsidiary protection

When the Act on the Introduction of Accelerated Asylum Procedures came into force on 17 March 2016, a new Section 104 subs. 13 of the Residence Act was introduced which suspends the family reunification with dependent family members for persons with subsidiary protection until 16 March 2018. This provision also applies to unaccompanied minors. Sections 22 and 23 of the Residence Act on

reception under international law or on humanitarian or political grounds are not affected by suspension. The Federal Government has stated as follows on this:

“Despite the two-year exclusion of family reunification with dependent family members for beneficiaries of subsidiary protection, family reunification can be applied for if (urgent) humanitarian grounds apply. When it comes to the family reunification with parents of unaccompanied foreign minors, each case is examined individually. Even in the absence of an entitlement to family reunification under residence law, reception on urgent humanitarian grounds pursuant to Section 22 of the Residence Act is not ruled out. When examining the humanitarian emergency situation, there is always an examination of the overall situation of all family members. The international obligation ensuing from the Convention on the Rights of the Child, and from the European Convention on Human Rights, is taken into consideration in each individual case. Particularly, the best interests of the child and unaccompanied minors’ special vulnerability are also taken into account when examining this. This is also required by the international obligations under the United Nations Convention on the Rights of the Child” (Deutscher Bundestag 2017b: 55).

The suspension of family reunification is subject to sharp criticism from some sections of civil society, and amongst other things doubts are expressed as to conformity with the CRC (e.g. DIM 2017b). The Research Services of the German Bundestag take a differentiated view of the new arrangement with regard to unaccompanied minors: They conclude in their analysis that conformity with the CRC could be established were the responsible public authorities to apply Section 22 of the Residence Act. “Were Section 22 of the Residence Act to be regularly applied, the public authority would however ‘reverse’ the rules and exceptions intended by the statute, and would act counter to the goal and purpose of the reformed Residence Act” (Wissenschaftliche Dienste Deutscher Bundestag 2016: 10).

A total of 19 visas were issued from the beginning of 2017 up to 6 October 2017 pursuant to Section 22 of the Residence Act to persons requesting family reunification with persons holding subsidiary protection status. “All the applicants had Syrian nationality. Visa proceedings were initiated in a further 79 cases (71 Syrian, five Iraqi and three Afghan nation-

⁵⁸ Further details on the procedure can be found in Grote 2016: 36-41.

⁵⁹ United Nations Convention on the Rights of the Child of 20 November 1989.

als). Moreover, a special appointment for an interview in person was given in 106 cases (94 Syrian, five Somali, four Yemeni, one Iraqi and one Moroccan national)” (Deutscher Bundestag 2017g: 5). It is not possible to determine how many of these applications for family reunification under residence law were to join unaccompanied minors. As per March 2017, “only a small number of enquiries for entry to join an unaccompanied minor pursuant to Section 22 of the Residence Act [had been] lodged. The Federal Government is unaware of the reasons why so few enquiries pursuant to Section 22 of the Residence Act have been submitted so far” (Deutscher Bundestag 2017f: 19).

The extension of the suspension of family reunification under residence law for beneficiaries of subsidiary protection until 31 July 2018 was passed by the German Bundestag after an intensive political discussion on 1 February 2018 (Deutscher Bundestag 2018b: 804).

7.4 Transition to adulthood and family reunification

7.4.1 Family reunification under youth welfare law

Since protection in the framework of taking into care may only be granted to minors, it must end when they reach adulthood. Family reunification during taking into care at the instigation of the youth welfare office (see above) is therefore not possible. Family reunification whilst an asylum application is pending however continues to be possible.

7.4.2 Family reunification under residence law

The entitlement to family reunification pursuant to Section 36 subs. 1 of the Residence Act for unaccompanied minors who are entitled to be reunified with their parents ends when they reach adulthood. As a matter of principle, the subsequent immigration of dependent family members may also be applied for shortly before the end of minority: “As a matter of principle, a visa can be issued up to the last day of minority” (BumF 2017c: 20). The visa issued for the family member generally applies for 90 days. “If

the young person reaches adulthood within 90 days from when the visa is issued, the visa is time-limited up to adulthood. This means that the visa necessary for the subsequent immigration of dependent family members for the parent with custody must be granted before the applicant turns 18, and these individuals must enter Germany before the applicant turns 18” (BumF 2017c: 20).

It must however be taken into account that adulthood also impacts on the parents’ residence permit: “The legal grounds for the parents’ residence end when the time limitation of a residence permit expires that has been issued pursuant to Section 36 subs. 1 of the Residence Act [60]; no extension may be granted on this basis. The Act does not provide for an independent right to residence with regard to the entrenching of residence that has occurred, as is provided for spouses in Section 31 of the Residence Act” (BVerfG 2017: 6). In order to be able to remain in Germany, family members who have subsequently immigrated to join a minor must therefore lodge an asylum application or an application for a residence permit in their own right on other grounds once the applicant turns 18.

7.4.3 Counselling on the transition to adulthood

Unaccompanied minors are not legally entitled to receive counselling on family reunification. The counselling and joint development of prospects in this field should however be part of assistance planning prior to reaching adulthood, as well as of socio-educational assistance for unaccompanied minors. The specialist literature is in favour of a realistic counselling approach in this regard: “In a not inconsiderable number of cases, counselling on family reunification is even likely to ultimately lead to the realisation that it will no longer be possible for the parents (and/or other family members) to subsequently immigrate because of the approach of adulthood” (Hocks/Leuschner 2017: 212).

60 This is also valid for visas that are issued on the same legal grounds.

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Abbreviations

Abbreviation	German	English
AbH	Ausbildungsbegleitende Hilfen	Support during vocational training
Art.		Article
AsA	Assistierte Ausbildung	Assisted vocational training
AvM	Ausbildungsvorbereitung für Migranten (Hamburg)	Vocational training preparation for migrants
AWO	Arbeiterwohlfahrt	Workers' Welfare Association
BA	Bundesagentur für Arbeit	Federal Employment Agency
BafF	Bundesweite Arbeitsgemeinschaft der Psychosozialen Zentren für Flüchtlinge und Folteropfer	National Working Group of Psychosocial Centres for Refugees and Torture Victims
BAMF	Bundesamt für Migration und Flüchtlinge	Federal Office for Migration and Refugees
BerB	Berufseinstiegsbegleitung	Career entry support programme
BMBF	Bundesministerium für Bildung und Forschung	Federal Ministry of Education and Research
BMFSFJ	Bundesministerium für Familie, Senioren, Frauen und Jugend	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
BMI	Bundesministerium des Innern, für Bau und Heimat (bis 13.03.2018: Bundesministerium des Innern)	Federal Ministry of the Interior, Building and Community (until 13 March 2018: Federal Ministry of the Interior)
BumF	Bundesfachverband unbegleitete minderjährige Flüchtlinge e.V.	Federal Association for Unaccompanied Minor Refugees
BvB	Berufsvorbereitende Maßnahmen	Vocational preparation schemes
BVKE	Bundesverband katholischer Einrichtungen und Dienste der Erziehungshilfen e.V.	National Association of Catholic Educational Assistance Facilities and Services
cf.		Compare
Ch.	Kapitel	Chapter
CRC	Kinderrechtskonvention der Vereinten Nationen	United Nations Convention on the Rights of the Child
DAAD	Deutscher Akademischer Austauschdienst	German Academic Exchange Service
DAKJ	Deutsche Akademie für Kinder- und Jugendmedizin e.V.	German Academy for Paediatrics and Adolescent Medicine
DaZ	Deutsch als Zweitsprache	German as a Second Language
DPWV	Deutscher Paritätischer Wohlfahrtsverband	German Equal Representation Welfare Association
e.g.		For example (exempli gratia)
EMN	Europäisches Migrationsnetzwerk	European Migration Network
EQ	Einstiegsqualifizierung	Introductory training

Abbreviation	German	English
et al.	Und andere	And others
et. seq.		And the following one (et sequentes)
et. seqq.		And the following ones (et sequentes)
EU	Europäische Union	European Union
i.a.		Among other (things) (inter alia)
i.e.		that is (id est)
IFK	Internationale Förderklasse (NRW)	International remedial class
INGym	Integration am Gymnasium (Bayern)	Integration at higher secondary schools
InteA	Integration durch Anschluss und Abschluss (Hessen)	Integration and graduation
IKJ	Institut für Kinder- und Jugendhilfe	Institute of Child and Youth Welfare
JArbSchG	Jugendarbeitsschutzgesetz	Act on the Protection of Young People at Work
JMD	Jugendmigrationsdienste	Youth Migration Services
KMK	Kultursministerkonferenz	Standing Conference of the Ministers of Education and Cultural Affairs
KOK	Bundesweiter Koordinierungskreis gegen Menschenhandel e.V.	German Network and Coordination Office Against Trafficking In Human Beings
n.d.		No date given
No.		Number
PerJuF-H	Perspektiven für junge Flüchtlinge im Handwerk	Perspectives for young refugees in the skilled craft sector
REAG/GARP		REAG: Reintegration and Emigration Program for Asylum Seekers in Germany; GARP: Government Assisted Repatriation Program
REG		Return Expert Group
RKI	Robert Koch Institut	Robert Koch Institute
SchlaU	schulanaloger Unterricht für junge Geflüchtete (Bayern)	education for young refugees analogously to schools'
SES		Senior Citizens Expert Service
SPRINT	Sprachförderung intensiv, an ausgewählte Realschulen/Wirtschaftsschulen (Bayern) Modellprojekt ‚Sprach- und Integrationsprojekt‘ (Niedersachsen)	Intensive language instruction, at selected intermediate secondary schools (Realschule) and intermediate secondary schools with focus on business and administration
subs.		Subsection
SVR	Sachverständigenrat deutscher Stiftungen für Integration und Migration	The Expert Council of German Foundations on Integration and Migration
VABO	Vorqualifizierung Arbeit und Beruf ohne Deutschkenntnisse (Baden-Württemberg)	Prequalification for persons without German-language skills
VKL	Vorbereitungsklasse (Baden-Württemberg)	Preparatory classes

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