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Resettlement and Humanitarian Admission Programmes in Germany

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

Working Paper 68

Janne Grote
Maria Bitterwolf
Tatjana Baraulina



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Summary

More than 60 million people around the world have fled their homes. While almost 40 million of these people have been displaced internally, nearly 20 million people have had to flee their country of origin (UNHCR 2015: 3). Many seek and find refuge in neighbouring countries, which face particular challenges as a consequence. However, hundreds of thousands of people in need of protection try to reach destination countries irregularly and on risky routes further afield – amongst others European countries (The Migrants' Files 2016; Grote 2014: 3).

In Germany, issues concerning ways to relieve pressure on countries of first reception and to provide safe pathways for selected groups of people in need of protection resulted early on in isolated humanitarian admission programmes. Recent times in particular have seen the introduction of additional admission procedures, and these various procedures and programmes sometimes display considerable differences with regard to target groups, organisational structures and available benefits before and after entry into the Federal Republic of Germany. This Focus Study describes four procedures used in the last five years to grant admission on humanitarian grounds, in addition to the asylum procedure. They are

- the *resettlement programme*,
- the *humanitarian admission programmes for a total of 20,000 beneficiaries of protection from Syria, its neighbouring countries, Egypt and Libya (HAP Syria)*,
- the *Admission Procedure for Afghan Local Staff and*
- the *privately sponsored programmes for Syrians implemented by various German federal Länder (admission following a declaration of commitment)*.

Resettlement

Resettlement is an internationally recognized instrument of refugee policy for responding to persistent refugee crises. Beneficiaries of protection who can neither return to their country of origin nor be integrated in the foreseeable future in their (current) host country are given the chance to travel legally to countries, with the aim to settle there permanently. The admission quotas are intended, among other reasons, to give particularly vulnerable persons new prospects in life and help relieve the pressure on the countries where they initially sought

refuge and to curtail irregular migration. The UN's refugee agency has put the global resettlement requirement for 2016 at more than 1,150,000 people, predicting that implementation will probably be available for 110,000 (UNHCR 2015: 12). Traditional countries of reception for resettled refugees include the United States, Canada and Australia, who have been taking considerable numbers of refugees from resettlement programmes since the 1970s (UNHCR 2015: 51). In 2011 Germany adopted a pilot programme at federal and Länder level for resettling 300 particularly vulnerable refugees annually who would be admitted from third countries in the years 2012 to 2014. In December 2014 the Conference of the Ministers of the Interior agreed to continue this resettlement programme and extend it to 500 persons a year. Taking account of the national quota, in 2016 and 2017, Germany will resettle 1,600 persons in total and 800 persons per year within the framework of an EU resettlement pilot programme. As a rule, those admitted within the Resettlement programme must have been recognized by the UNHCR as beneficiaries of international protection. In any case, UNHCR provides proposals for admission to the Federal Office for Migration and Refugees (BAMF) which takes the final decision for the admission in Germany. In Germany, Resettlement refugees receive a residence permit (*Aufenthaltserlaubnis*) in accordance with Section 23 subs. 4 of the Residence Act (*Aufenthaltsgesetz – AufenthG*), which is usually issued for an initial three years. A distinctive feature of resettlement is the assumption from the outset that settlement in Germany will be permanent.

HAP Syria

Germany has been implementing humanitarian admission programmes ever since 1956; initially at sporadic intervals but regularly since the 1990s. The best-known current example is HAP Syria (Humanitarian Admission Programme), which enabled 20,000 Syrians to enter Germany directly from Syria's neighbouring countries or from Egypt or Libya in the years 2013 to 2015. HAP admissions are usually of a temporary nature, initially assuming that residence will not be permanent; admission is intended, rather, to bridge a period while the country of origin is undergoing crisis, war and dangerous conditions. The persons concerned are given a residence permit under Section 23 subs. 2 and 3 in connection with Section 24 of

the Residence Act, issued for two years with the option to renew the residence permit (BMI 2013a: 4).

Admission Procedure for Afghan Local Staff

In 2013 the German public agencies operating in Afghanistan recognized their special duty of care towards Afghan employees, in particular for those whose role ends as the local presence is cut back. Germany's Foreign Office, Ministry of the Interior, Ministry of Defence and Ministry for Economic Cooperation and Development agreed on a joint procedure for granting admission to local Afghans who have been assessed on an individual case basis as being at risk due to their activity on behalf of German public agencies. Since 2012, the Federal Government offers this admission procedure for Afghan Local Staff. By early January 2016, more than 1,800 local employees had filed a so-called "risk notification", and 771 were then granted admission for themselves and their nuclear family. Until then, this procedure enabled about 2,000 persons to enter Germany. Local Afghan staff and the relatives travelling with them are given a residence permit under Section 22 second sentence of the Residence Act, which is usually for two years and which can be renewed. After five years, the persons concerned may be issued a settlement permit, which is a permanent residence title, if necessary legal provisions are met (in particular the necessity for subsistence as well as sufficient German language skills).

Privately sponsored admission programmes for Syrians implemented by federal Länder

Apart from the three humanitarian admission programmes and procedures described, which are operated under the aegis of federal authorities, since 2013 there have been additional admission programmes designed to allow, in particular, vulnerable Syrians to enter Germany. Admission programmes of this kind, known in the Anglo-Saxon countries as "private sponsorship", have been implemented by 15 out of the 16 federal Länder. In many of the federal Länder, the programme came to an end in subsequent years, but some Länder intend to continue theirs at least until the end of 2016. Those eligible to be sponsors are primarily German and Syrian citizens who have been living in Germany for more than a year and who wish to bring Syrian relatives seeking protection into the country. The sponsors must also be prepared to bear the costs of travelling to and staying in Germany and must demonstrate that they have the resources required. The persons admitted under this programme are given a residence permit for up to two years under Section 23

subs. 1 of the Residence Act with the option to renew the residence permit.

Admission data

- Under the resettlement programme a total of 1,402 persons arrived in Germany between 2012 and 2015.
- HAP Syria permitted the admission of 18,952 persons to Germany between 2013 and 2015. The almost 1,000 admissions which are still pending have followed and will follow in 2016.
- Under the admissions procedure for local Afghan staff, 2,038 persons altogether (local staff and their families) entered Germany between 2013 and 2015.
- 21,500 persons were granted visas to enter Germany between 2013 and 2015 under privately sponsored admission programmes implemented by Germany's federal Länder.

Challenges and best practice

Since 2012 the above-mentioned admission procedures have created prospects for more than 40,000 people to remain in Germany on a temporary or permanent basis. Moreover, this has relieved pressure on the countries of first reception and transit, provided legal pathways into the country and saved many people from embarking on highly risky journeys.

The different target groups of the single contingents (persons in permanent need of protection within the Resettlement programme, admission from 'hot conflict' within the HAP and privately sponsored admission of relatives within the programmes of the federal Länder) are granted different residence titles, leading to different entitlements to support measures and social participation – also in comparison to beneficiaries of international protection who went through the asylum procedure. These differences increase the complexity for staff at the foreigners authorities and in the employment and social service agencies and extends the need for transparency, so that persons concerned are well informed about the different procedures and legal consequences. The challenges by allowing different and numerous legal immigration channels lie in keeping track of the different criteria applied to each status and helping the people affected to understand them.

It has proved particularly valuable to provide early, vigorous support and advice for those admitted in the local communities. Some federal Länder and local

authorities begin offering advice early on in the process, especially in the case of resettlement refugees, during reception in the reception centres of Friedland and Bramsche. In these initial conversations, the public agents responsible can form an impression of the needs of those concerned, pass on relevant information about life in the destination communities and start preparing application forms for social benefits.

In the case of the privately sponsored admission programmes implemented by the federal Länder, two factors are highlighted as positive: firstly, as these programmes progressed, some federal Länder, and subsequently Germany as a whole, decided to relieve the sponsors of their liability to assume the costs of sickness, need for long-term care, pregnancy and disability, and secondly, the limitation of the sponsor's commitment to five years respectively three years for 'old cases' as a nationwide rule in the new Integration Act, which was adopted by the German Bundestag early July 2016.

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1 Introduction

In recent years several admission procedures enabled selected groups in need of protection to enter Germany directly from countries in crisis, the country of first reception or transit. This study intends to provide an overview of the different humanitarian admission programmes and procedures by documenting their various legal requirements, the key administrative procedures, the selection criteria as well as the players involved. The focus is on four recent admission procedures:

- the *resettlement programme*,
- the *Humanitarian Admission Programme for 20,000 Beneficiaries of Protection from Syria, its Neighbouring Countries, Egypt and Libya (HAP Syria)*,
- the *Admission Procedure for Afghan Local Staff (AP Afghanistan)* and
- the *privately sponsored programmes for Syrians implemented by various German federal Länder (admission following a declaration of commitment)*.

In addition to the general legal and organisational conditions and recent policy developments in the field, the present study also includes the findings of studies, documentations, and evaluations of the ministries of the federal Länder, charities and research institutions. The main input sources were acts and ordinances in the field of residence law and the admission orders for the individual admission procedures of the Federation and the federal Länder. The number of people covered and the development of these numbers for the individual admission procedures were taken from the replies of the federal and the Länder governments to related minor and major interpellations in the respective parliaments since 2012.¹ The specialist units of the Federal Office for Migration and Refugees (BAMF) contributed further data.

Chapter 2 is an overview of the Federation's three admission procedures. Highlighting the processes before departure, upon arrival and during integration for each of them separately. Chapter 3 describes the legal requirements, procedures and the central actors for the privately sponsored admission programmes of the federal Länder. Chapter 4 presents the findings of studies on the different admission procedures and identifies the major challenges during the individual phases as well as best practices. Chapter 5 summarizes the study's results.

This study has been prepared within the scope of the European Migration Network (EMN). All participating EU Member States and Norway compile their studies according to common criteria and a largely predefined template. These studies of the various EMN contact points are then edited and integrated into a comparative synthesis report.

¹ We would like to thank Jonas Weber and Kirsten Koenig for their research support during their internships at the BAMF research centre.

2 Humanitarian admission procedures of the Federation

2.1 Types of programmes and procedures, their evolution and objectives

2.1.1 Resettlement programme

On 20 November 2008 the Conference of the Ministers of the Interior stated its readiness to accept particularly vulnerable persons from Iraq within the context of a European solution. On 8 and 9 December 2011 the Conference of the Ministers of the Interior then declared its willingness to participate in the admission and resettlement of persons in need of protection from third countries in the interest of the further development and improvement of refugee protection (Ständige Konferenz der Innenminister und -senatoren 2011: 27).

The Conference of the Ministers of the Interior recommended admitting 300 refugees annually between 2012 and 2014. The programme was to be implemented in cooperation with the UNHCR and co-financed by the European Union (EU) (Staatsministerium für Soziales und Verbraucherschutz des Freistaates Sachsen/Innenministerium des Landes Schleswig-Holstein 2014: 5). Further parties contributing to the development and implementation process were the Federal Ministry of the Interior (BMI) as the leading ministry, the Federal Office for Migration and Refugees, the Foreign Office (AA) with its representations abroad and the International Organisation of Migration (IOM).

In its resolution of 21/22 March 2012 the seventh Conference of the Integration Ministers unanimously welcomed the Interior Ministers' decision to accept particularly vulnerable refugees. It called upon the Federal Government "to consider integration needs in the admission procedure's design from the very beginning and specifically to ensure access to integration measures, the labour market, education, health and social services" (Staatsministerium für Soziales und Verbraucherschutz des Freistaates Sachsen/Innenministerium des Landes Schleswig-Holstein 2014: 6).

Finally, in December 2014 the Conference of the Interior Ministers confirmed the continuation, expansion and institutionalisation of the resettlement programme (Ständige Konferenz der Innenminister und -senatoren 2014: 36). Since 2015, the admission quota was raised to 500 persons yearly.

Within the scope of an EU-wide resettlement programme the Federal Government agreed to a one-time admission of 1,600 of a total of 20,000 refugees to be resettled throughout the EU in 2016 and 2017 (Europäischer Rat 2015). This commitment is counted towards the annual resettlement quota (cf. Table 1).

From 2012 until July 2015 resettlement refugees were admitted under Section 23, subs. 2 of the Residence Act (AufenthG) which permits the admission of foreign nationals in order to safeguard special political interests. When the Act on the Revision of the Regulations of the Right of Residence and Termination of Stay entered into force on 1 August 2015, subs. 4 was added to Section 23 of the Residence Act creating an independent legal basis for the admission of resettlement refugees. In several respects the resettlement refugees received the same standing as beneficiaries of international protection.

Several reasons are cited for establishing and expanding the resettlement programme in the public debate in Germany (Trosien 2011). Irregular migration was to be reduced by offering safe and legal forms of access for beneficiaries of protection. Refugees who will be unable to return to their countries of origin and to integrate in their country of refuge in the foreseeable future shall be provided with an opportunity to enter Germany legally and to find a viable perspective for their future there. Furthermore, selected resettlement programmes shall contribute to the sharing of burden and responsibility between the EU Member States in the field of refugee protection. Lastly, the resettlement shall support the readiness of the countries of first reception to further take in refugees from neighbouring states.

Several civil-society organisations have also been working to establish an institutionalized resettlement programme in Germany. In this context special mention must be made of the ‚Save me‘-campaign

established in 2008. The campaign started local initiatives that resulted in the adoption of resolutions by over 50 municipal councils declaring that they will actively admit refugees.²

² Save me-campaign: www.save-me-kampagne.de (20/04/2016).

Table 1: Characteristics of the resettlement programme

Resettlement													
Start	2012												
Duration	Current and indefinite												
Geographical focus	<p>The Federal Ministry of the Interior selects admission regions in consultation with the Foreign Office and input from the federal Länder. UNHCR's priorities for the respective years* were taken into account.</p> <p>Since the start of the German resettlement programme third-country nationals from the countries of first reception Tunisia, Turkey, Indonesia, Syria, Egypt and Sudan have been admitted:</p> <ul style="list-style-type: none"> ▪ Admission of 202 refugees from Tunisia (2012) ▪ Admission of 105 refugees from Turkey (2012) ▪ Admission of 293 refugees from Turkey (2013) ▪ Admission of 207 (Non-Syrian) refugees from Syria (2014) ▪ Admission of 114 refugees from Indonesia (2014) ▪ Admission of 301 refugees from Egypt (2015) ▪ Admission of 180 refugees from Sudan (2015) <p>Admitted persons come from various countries in Africa (e.g. Somalia, Eritrea, Ethiopia, Sudan, South Sudan, Nigeria, Democratic Republic of Congo, Uganda) and Asia (e.g. Iraq, Pakistan, Iran, Syria, Sri Lanka, China, Myanmar, Afghanistan). Stateless persons (e.g. Palestinians from Iraq and Bidun from Kuwait) have been admitted as well.</p>												
Countries of origin	<table border="1"> <thead> <tr> <th>North Africa</th> <th>Sub-Saharan Africa</th> <th>Middle East</th> <th>Other parts of Asia</th> <th>Americas</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>Yes</td> <td>Yes</td> <td>Yes</td> <td>Yes</td> <td>No</td> <td>Stateless persons (incl. Palestinians from Iraq and Syria; Bidun from Kuwait)</td> </tr> </tbody> </table>	North Africa	Sub-Saharan Africa	Middle East	Other parts of Asia	Americas	Other	Yes	Yes	Yes	Yes	No	Stateless persons (incl. Palestinians from Iraq and Syria; Bidun from Kuwait)
North Africa	Sub-Saharan Africa	Middle East	Other parts of Asia	Americas	Other								
Yes	Yes	Yes	Yes	No	Stateless persons (incl. Palestinians from Iraq and Syria; Bidun from Kuwait)								
Is a UNHCR recognized refugee status required?	Yes												
Is the UNHCR recognition reassessed?	No												
Quota set?	The admission quota covered 300 persons annually from 2012 to 2014. Since 2015 500 persons have been admitted annually. Within the scope of an EU-wide resettlement programme for a total of 20,000 refugees over two years, the Federal Government moreover agreed, in July 2015, to the one-time admission of 1,600 refugees in 2016 and 2017. The annual resettlement quota will be taken into account so that the total annual admission quota for both years amounts to 800 persons.												
Quota	<table border="1"> <thead> <tr> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> <th>2015</th> <th>2016</th> </tr> </thead> <tbody> <tr> <td>-</td> <td>300</td> <td>300</td> <td>300</td> <td>500</td> <td>800</td> </tr> </tbody> </table>	2011	2012	2013	2014	2015	2016	-	300	300	300	500	800
2011	2012	2013	2014	2015	2016								
-	300	300	300	500	800								
Responsibility for setting the quota	The admission quota for the respective region is determined by the Federal Ministry of the Interior taking into account UNHCR's capacities; this is then laid down in an admission order.												
Difference between quota and number of admitted persons	There have been slight deviations from the annual admission quota, e.g. if persons could not leave the country or could only leave the country at a later time due to illness. The quota was also exceeded in individual cases due to the joint admission of family units.												

Source: BAMF

*UNHCR describes the worldwide requirement for resettlement capacities in its annual reports "Projected Global Resettlement Needs".
Online: <http://www.unhcr.org/558019729.html> (25/05/2016).

2.1.2 Humanitarian Admission Programme for Refugees from Syria (HAP Syria)

The history of German humanitarian admission programmes dates back to 1956:

- Admission of approx. 13,000 refugees from Hungary (1956)
- Admission of approx. 35,000 boat people from Viet Nam (starting in 1979)
- Admission of approx. 3,000 embassy refugees from Albania (starting in 1990)
- Admission and temporary protection of almost 350,000 war refugees from Bosnia (as of 1992)
- Admission of approx. 15,000 war refugees from Kosovo (1999)
- Admission of 14 beneficiaries of protection from Uzbekistan (2005)
- Admission of 20 beneficiaries of protection from Malta (2006)
- Admission of 11 beneficiaries of protection from Malta (2009)
- Admission of 2,501 Iraqi beneficiaries of protection from Syria and Jordan (2009/2010)
- Admission of 102 African beneficiaries of protection from Malta under the EUREMA project (2010/2011)
- Admission of 50 Iranian beneficiaries of protection (2010/2011) as well as other admissions in individual cases
- Admission of 150 African beneficiaries of protection from Malta (2011)
- Admission of approx. 20,000 beneficiaries of protection from Syria, its neighbouring countries, Egypt and Libya (2013–2016)

The following discussion will concentrate on the most recent of these humanitarian admission programmes, the Admission Programme for Beneficiaries of Protection from Syria, its Neighbouring Countries, Egypt and Libya (HAP Syria). HAP Syria, which has meanwhile terminated, started when the civil war broke out in Syria and the number of persons in need of protection steadily increased inside and outside of Syria. “During 2012 members of the federal parliament, churches, civil-society organisations, the UNHCR, and the Syrian community [urged] to admit Syrian refugees to Germany” (SVR 2015: 14).

In March 2013, the Federal Minister of the Interior decided in an agreement with the Interior Ministers and Senators of the federal Länder “to admit 5,000 particularly vulnerable Syrian refugees in 2013 for the duration of the conflict and its aftermath affecting the refugees, in anticipation of the expected all-European rescue mission to cope with the refugee crisis in Syria and its neighbouring countries [...]” (BMI 2013a: 1). This was followed by two more programmes – HAP Syria 2 with a quota of another 5,000 persons in December 2013 and by HAP Syria 3 with a quota of 10,000 persons in July 2014 (see table 2). All of the persons thus admitted received residence permits under Section 23, subs. 2 and 3 in conjunction with Section 24 of the Residence Act which also entitles them to pursuing an economic activity.

Table 2: Characteristics of the federation's humanitarian admission programme (HAP Syria)

HAP Syria													
Start	<p>HAP Syria 1: Admission Order of the Federal Ministry of the Interior dated 30 May 2013 for 5,000 persons in need of protection from Syria and its neighbouring states (BMI 2013a)</p> <p>HAP Syria 2: Admission Order of the Federal Ministry of the Interior dated 23 December 2013 for 5,000 persons in need of protection from Syria, neighbouring states and Egypt (BMI 2013b)</p> <p>HAP Syria 3: Admission Order of the Federal Ministry of the Interior dated 18 July 2014 for 10,000 persons in need of protection from Syria and neighbouring states as well as Egypt and Libya (BMI 2014b)</p>												
Duration	Completed												
Geographical focus	<p>HAP Syria 1: Syrians in need of protection from Syria, Lebanon and Jordan (in exceptional cases also from other countries in the region).</p> <p>HAP Syria 2: Syrians in need of protection and, in individual cases, stateless Palestinians and Kurds from Syria, its neighbouring states and Egypt (in exceptional cases also from other countries in the region).</p> <p>HAP Syria 3: Syrians in need of protection and, in individual cases, stateless Palestinians and Kurds from Syria, its neighbouring states, Egypt and Libya (in exceptional cases also from other countries in the region)</p>												
Countries of origin	<table border="1"> <thead> <tr> <th>North Africa</th> <th>Sub-Saharan Africa</th> <th>Middle East</th> <th>Other parts of Asia</th> <th>Americas</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>Yes (only HAP Syria 2 and 3)</td> <td>No</td> <td>Yes</td> <td>No</td> <td>No</td> <td>No</td> </tr> </tbody> </table>	North Africa	Sub-Saharan Africa	Middle East	Other parts of Asia	Americas	Other	Yes (only HAP Syria 2 and 3)	No	Yes	No	No	No
	North Africa	Sub-Saharan Africa	Middle East	Other parts of Asia	Americas	Other							
Yes (only HAP Syria 2 and 3)	No	Yes	No	No	No								
Is a UNHCR recognized refugee status required?	<p>No, not mandatory. The admission orders provide:</p> <p>HAP Syria 1: "Persons to be admitted must have registered with UNHCR or Caritas Lebanon in Lebanon and must have applied for a place in the admission programme. Admission from other countries was possible in exceptional cases, e.g. for eligible individual cases already known to a German diplomatic mission" (BMI 2013a: 2; SVR 2015: 15).</p> <p>HAP Syria 2 and 3: "Persons to be admitted have to be proposed for admission to the Federal Office for Migration and Refugees by UNHCR, the Federal Länder or, in specific cases, by the Foreign Office or the Federal Ministry of the Interior" (BMI 2013b: 2).</p>												
Is the UNHCR recognition reassessed?	No												
Quota set?	Yes												
Quota	<table border="1"> <thead> <tr> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> <th>2015</th> <th>2016</th> </tr> </thead> <tbody> <tr> <td>-</td> <td>-</td> <td>10,000 (5,000 for each of HAP Syria 1 & 2)</td> <td>10,000</td> <td>-</td> <td>-</td> </tr> </tbody> </table>	2011	2012	2013	2014	2015	2016	-	-	10,000 (5,000 for each of HAP Syria 1 & 2)	10,000	-	-
	2011	2012	2013	2014	2015	2016							
-	-	10,000 (5,000 for each of HAP Syria 1 & 2)	10,000	-	-								
Responsibility for setting the quota	Quota for the respective HAP were set after consulting UNHCR in agreement with the Federal Ministry of the Interior and the federal Länder before taking effect; they were laid down in an admission order.												
Difference between quota and number of admitted persons	The quota were filled, although not always in the respective year. However, they were not limited to the year of the admission order.												

Source: BMI 2013a; BMI 2013b; BMI 2014; SVR 2015; Staatsministerium für Soziales und Verbraucherschutz des Freistaates Sachsen/Innenministerium Schleswig-Holstein 2014

2.1.3 Admission Procedure for Afghan Local Staff

From December 2001 in units of the German armed forces (Bundeswehr) were deployed in Afghanistan within the scope of NATO's ISAF mission (Deutscher Bundestag 2015: 6). The mission ended on 31 December 2014 and transitioned into the training mission 'Resolute Support' (Bundeswehr 2015). The German armed forces as well as other federal agencies depended on the assistance of Afghan local staff – as interpreters, as drivers or in other capacities (Luftwaffe 2015).

With respect to the termination of the ISAF mission and the transition to the NATO mission 'Resolute Support' the German presence in Afghanistan has significantly declined. As a result, also the employment of many Afghan local staff has ended, for whom the German federal agencies operating in Afghanistan recognized their special duty of care. Since 2012, the Federal Government offers Afghan local staff, who have filed a so-called "risk notification" and who have been assessed on an individual case basis as being at risk due to their activity on behalf of German public agencies, admission in Germany within the admission procedure for Afghan local staff. The Ministry of Defence, Interior Ministry, Foreign Office and the Federal Ministry of Economic Cooperation and Development agreed on a common procedure for the admission of Afghan local staff:

"Among other things the procedure provides that each Afghan local staff member that is considered at risk due to his or her activities for the German agencies will be offered to be admitted to Germany" (BMI 2014d).

Each agency named a contact person to verify the risk assessment of all local staff members within his or her area of competence. If the assessment identifies a personal risk the case is referred to the Federal Ministry of the Interior via the Foreign Office. The former then decides whether an approval for admission based on Section 22, second sentence of the Residence Act will be made. The Federal Office for Migration and Refugees again is responsible for the organisational procedure (see table 3).

Until 28 January 2016 1,865 Afghan local staff members had filed so-called risk notifications, of whom 787 received approvals for admission for themselves and their nuclear family. Until then, a total of 2,012 persons (local Afghan employees and their family members) had entered Germany under this procedure. Until 22 June 2016, all in all 2,523 persons had entered.

Table 3: Characteristics of the Admission Procedure for Afghan Local Staff

Admission Procedure for Afghan Local Staff						
Start	2013 Letter by the Federal Ministry of the Interior dated 24 January 2014 on the Admission of Afghan Local Staff (BMI 2014c)					
Duration	Admission approvals granted from 1 January 2015 on remain valid until 31 December 2016. Admission approvals granted from 1 January 2016 on remain valid until 31 December 2017.					
Geographical focus	Afghanistan					
Countries of origin	North Africa	Sub-Saharan Africa	Middle East	Other parts of Asia	Americas	Other
	No	No	No	Yes	No	No
Is a UNHCR recognized refugee status required?	No					
Is the UNHCR recognition reassessed?	No					
Quota set?	Admission to Germany will be offered to each Afghan local staff member that is considered at risk due to his or her activities for the German agencies (BMI 2014c).					
Quota	2011	2012	2013	2014	2015	2016
	-	-	-	-	-	-
Responsibility for setting the quota	-					
Difference between quota and number of admitted persons	-					

Source: BMI 2014c

2.2 Pre-departure and during the departure phase

A variety of actors is involved in the selection process which is different for each admission procedure. The actors involved in the different procedural stages are described in tables 4–6 below.

2.2.1 Actors involved in the selection process

Resettlement

Table 4: Actors involved in the pre-selection for resettlement

Action/criteria	Agency/actor	Responsibility
Administrative and legal provisions	Federal Ministry of the Interior Foreign Office Federal Office for Migration and Refugees	Decision on admission regions, setting of admission criteria by the Federal Ministry of the Interior. Implementation by the Federal Ministry of the Interior, the Foreign Office, and the Federal Office for Migration and Refugees.
Identification of admission candidates	UNHCR	UNHCR identifies vulnerable persons and provides lists with proposals to the Federal Office for Migration and Refugees.
First selection of the candidates for humanitarian admission	Federal Office for Migration and Refugees	Pre-selection based on requested dossiers.
Security screening	Security authorities and the Foreign Office	Screening by the security authorities within the scope of admission procedures (Section 73 of the Residence Act).
Interviews with pre-selected persons	Federal Office for Migration and Refugees	Normally personal on-site interviews (if not possible video interviews are used)
Health checks	IOM	Medical examinations are performed after the interviews and before the final decision (health check for communicable diseases and the general state of health). Including necessary vaccinations before departure (IOM 2015). Moreover, the person's ability to travel is usually checked no more than 48 hours before departure. If medical care is required a physician will accompany the flight. Furthermore, special regulations were applied in individual cases: Sick persons, for example, were flown out at an earlier point in time and picked up from the airport where necessary (UNHCR 2014: 5).
Decision on the final selection	Federal Office for Migration and Refugees	Admission approvals are issued within 3–4 weeks.
Pre-departure assistance	IOM, Goethe Institute and Diakonie	see below
Organisation of departure and travel	IOM and Federal Office for Migration and Refugees	The Federal Office for Migration and Refugees commissions IOM with the travel arrangements (booking flights etc.).
Pre-departure information	Federal Office for Migration and Refugees	Multilingual leaflet including general country information, information on the legal status and available integration services.
Pre-departure provision of information on cultural orientation	IOM, Diakonie and Goethe Institute	Once the admission has been approved, cultural orientation courses of up to 20 hours are generally offered in the countries of refuge by various sponsors. Contents includes: basic information on the country and living in Germany, guidelines relating to residence law, dealing with authorities, accommodation and imparting of language skills.

Source: BAMF; IOM 2015; UNHCR 2014

HAP Syria

Table 5: Actors involved in the pre-selection in HAP Syria

Action/criteria	Agency/actor	Responsibility
Administrative and legal provisions	The Federal Ministry of the Interior in consultation with the interior ministries of the federal Länder	“A delegation of Federal Ministry of the Interior, Foreign Office, UNHCR, Federal Office for Migration and Refugees and federal Länder representatives travelled to Lebanon and Jordan” to prepare admission within the scope of HAP Syria 1. “An admission order coordinated between the Federal Ministry of the Interior and the Federal Länder was adopted on 30 May 2013” (SVR 2015: 14).
Identification of admission candidates	HAP Syria 1: UNHCR, Caritas and German diplomatic missions	HAP Syria 1: The UNHCR in Lebanon and Caritas Lebanon identified persons meeting the criteria of the admission order. Moreover, persons in need of protection identified by German diplomatic missions in other countries of the region were considered; the respective agencies provided lists with proposals to the Federal Office for Migration and Refugees.
	HAP Syria 2 and 3: UNHCR, Federal Länder, in special cases Foreign Office or Federal Ministry of the Interior	HAP Syria 2 and 3: UNHCR performed first identification. Furthermore, the federal Länder were allowed to propose persons for whom a declaration of commitment or a support promise, which could also be nonmonetary, was provided by relatives or third parties in Germany.
First selection of admission candidates	Federal Office for Migration and Refugees	HAP Syria 1: The Federal Office for Migration and Refugees selected around 3,000 persons submitted by UNHCR and Caritas Lebanon, plus about 2,000 persons proposed by the German diplomatic missions (SVR 2015: 16). HAP Syria 2: The Federal Office for Migration and Refugees selected around 1,000 persons submitted by UNHCR, 3,500 proposed by the federal Länder and a total of 500 jointly proposed by the Foreign Office and the Federal Ministry of the Interior (SVR 2015: 16). HAP Syria 3: The Federal Office for Migration and Refugees selected around 7,000 persons proposed by the federal Länder, 2,000 submitted by UN-HCR and 500 proposed by the Foreign Office and the Federal Ministry of the Interior respectively (Deutscher Bundestag 2014b: 9; SVR 2015: 16).
Security screening	Security authorities	Screening by the security authorities during visa procedure (Section 73 of the Residence Act).
Interviews with pre-selected persons	No interviews	
Health checks	IOM and Federation	The health screening for UNHCR submissions was organised by IOM (SVR 2015: 19). This included a “radiological examination of the chest, blood tests as well as a check of the general state of health/anamnesis” (Caritas 2014: 14). “In difficult cases, a second examination was performed two weeks before departure, a final examination to establish the fitness for travel of all refugees takes place shortly before departure” (Caritas 2014: 14). If IOM could not guarantee the health screening the Federation took measures before arrival – where necessary – in order to prevent the introduction of communicable diseases within the meaning of the Act on the Prevention of Infectious Diseases in Humans (BMI 2014b: 3).
Decision on the final selection	Federal Office for Migration and Refugees	
Pre-departure assistance	IOM	see below
Organisation of departure and travel	IOM or individual arrangements by the refugees	The IOM organised the departure for UNHCR-proposed persons (SVR 2015: 19). Otherwise, independent organisation of departure.
Pre-departure information	IOM	Imparting of the following contents: residence law and status; accommodation, allocation, housing; economic activity; social security; children and adolescents/education; health and health care (risk of infection); first language skills (Staatsministerium für Soziales und Verbraucherschutz des Freistaates Sachsen/Innenministerium Schleswig-Holstein 2014: 14).
Pre-departure provision of information on cultural orientation	All UNHCR-proposed persons by the IOM and Goethe Institute	Initial cultural orientation courses: 20 lessons per person in general (contents such as general political/legal organisation, history, practical first-orientation advice).

Source: BAMF; Caritas 2014; SVR 2015: 19; BMI 2014b; Deutscher Bundestag 2014b; Staatsministerium für Soziales und Verbraucherschutz des Freistaates Sachsen/Innenministerium Schleswig-Holstein 2014

Admission Procedure for Afghan Local Staff

Table 6: Actors involved in the pre-selection for the Admission Procedure for Afghan Local Staff

Action/criteria	Agency/actor	Responsibility
Administrative and legal provisions	Federal Ministry of the Interior, Federal Ministry of Defence (BMVg), Foreign Office (AA), Federal Ministry of Economic Cooperation and Development (BMZ), Federal Office for Migration and Refugees	The Federal Ministry of the Interior compiled an information letter for the admission of Afghan local staff pursuant to Section 22, second sentence of the Residence Act in consultation with the other ministries and agencies.
Identification of admission candidates	Federal Ministry of the Interior/Federal Police, Federal Ministry of Defence, Foreign Office, Federal Ministry of Economic Cooperation and Development	Each agency named a contact person to verify the risk assessment of all local staff members within his or her area of competence.
First selection of admission candidates	Federal Ministry of the Interior/Federal Police, Federal Ministry of Defence, Foreign Office, Federal Ministry of Economic Cooperation and Development	If the assessment identifies a personal risk for a staff member as being at risk due to their activity on behalf of the respective German public ministry the case is referred to the Federal Ministry of the Interior via the Foreign Office.
Security screening	Security authorities	During the visa procedure a security screening pursuant to Section 73 of the Residence Act takes place.
Selection interviews	Federal Ministry of the Interior/Federal Police, Federal Ministry of Defence, Foreign Office, Federal Ministry of Economic Cooperation and Development	All local staff members are interviewed during the risk assessment. In the interview the local staff is asked to provide a detailed explanation of their individual risk.
Health checks	-	-
Decision on the final selection	Federal Ministry of the Interior	The Federal Ministry of the Interior decides whether an approval for admission based on Section 22, second sentence of the Residence Act will be issued.
Pre-departure assistance	Federal Office for Migration and Refugees	see below
Organisation of departure and travel	Embassy and Federal Office for Migration and Refugees	Once the admission approval is issued, the persons concerned and their nuclear family (spouses and their own, non married, minor children) can apply for a visa and enter Germany at any time if they wish to do so within the set timeframe. "The embassy advises them to plan travelling to the airport nearest to their host municipality" (Innenministerium Baden-Württemberg 2014a: 132). The embassy notifies the Federal Office for Migration and Refugees of the departure, which, in turn, informs the competent foreigners authorities in the destination municipalities in the federal Länder about the airports and dates of arrival, usually at least one week before arrival.
Pre-departure information	Federal Office for Migration and Refugees	Information leaflet containing information on required documents for entry to Germany, the residence status they will receive and the associated rights and obligations, accommodation after arrival, recognition of qualifications attained abroad, social benefits, kindergarten and school attendance for children and family reunification (BAMF 2015: 1 et seq.).
Pre-departure provision of information on cultural orientation	Federal Office for Migration and Refugees	Information leaflet including information on sociodemographic data of the Federal Republic of Germany and its population, language, climate and geography (BAMF 2015: 5 et seq.).

2.2.2 Selection process

Resettlement

Table 7: Selection process and actors involved in the resettlement

Phases	Defined procedure	Further explanations
Selection missions to third countries	Yes	
a) How often? b) Are they carried out to all countries from which persons are resettled	Yes	a) The Federal Office for Migration and Refugees carried out one selection mission to each of the following countries: Tunisia, Turkey, Indonesia and Egypt. b) Admissions from Syria and Sudan were approved without selection missions.
Personal interviews	Yes	
Selection based on individual dossiers	Yes/No	Admissions from Syria and Sudan – for which there was no selection mission – were decided on the basis of individual dossiers and video interviews.
Video/telephone interviews	Yes	Particularly with persons from Syria and Sudan.
Consultations with UNHCR/IOM	Yes	
Consultations with EASO	No	
Consultations with civil society/NGOs on criteria for the selection of candidates	No	UNHCR is the central contact partner in the resettlement procedure.
Interpreting during selection interviews	Yes	Interpretation was arranged with UNHCR and IOM.
Consultations with authorities of the country where the resettled person is staying	Yes	The authorities were already involved, because they had to issue the exit permit.

Source: BAMF

HAP Syria

Table 8: Selection method and actors involved in HAP Syria

Phases	Defined procedure	Further explanations
Selection missions to third countries	No	
a) How often? b) Are they carried out to all countries from which persons are resettled	No	In its capacity as decision-making authority, the Federal Office for Migration and Refugees made the selection based on UNHCR's submission, the federal Länder and, in specific cases, the Foreign Office or the Federal Ministry of the Interior.
Personal interviews	Yes/No	UNHCR performed personal selection interviews in the pre-selection phase. There were no personal selection interviews for proposals from the federal Länder.
Dossier-based selection	Yes	The Federal Office for Migration and Refugees decided on the admission approval based on the proposals and data submitted by the actors involved (federal Länder, UNHCR, Foreign Office, Federal Ministry of the Interior).
Video/telephone interviews	Yes/No	UNHCR did perform additional video and telephone interviews during pre-selection in selected cases. There were no personal selection interviews for proposals from the Federal Länder.
Consultations with UNHCR/IOM	Yes	UNHCR was among the actors entitled to submit proposals in HAP Syria, thus consultations were a prerequisite. The IOM organised the pre-departure phase and the departure itself – especially for persons admitted on the basis of UNHCR proposals.
Consultations with EASO	No	
Consultations with civil society/NGOs on criteria for the selection of candidates	Yes	Syrian migrant organisations and refugee organisations in Germany were indirectly involved in the implementation of HAP Syria 1 and the additions under HAP Syria 2 and 3 before HAP Syria was adopted, in the form of public statements and contacts with policy-makers.
Interpreting during selection interviews	No	As there were no personal interviews for HAP Syria, the arrangement of interpreters was not required for the selection process.
Consultations with authorities of the country where the resettled person is staying	Yes	The authorities were already involved, because they had to issue the exit permit.

Source: BAMF; Caritas 2014; SVR 2015; BMI 2014b; Deutscher Bundestag 2014b; Staatsministerium für Soziales und Verbraucherschutz des Freistaates Sachsen/Innenministerium Schleswig-Holstein 2014

Admission Procedure for Afghan Local Staff

Table 9: Selection process and actors involved in the Admission Procedure for Afghan Local Staff

Phases	Defined procedure	Further explanations
Selection missions to third countries	Yes	The agencies (Federal Ministry of the Interior, Foreign Office, Federal Ministry of Defence, Federal Ministry of Economic Cooperation and Development, appointed one representative each to assess the risk notifications of all local staff in their area of competence.
a) How often? b) Are they carried out to all countries from which persons are resettled?	Yes	a) The procedures are applied as required. b) The programme is specifically designed for and limited to Afghan local staff.
Personal interviews	Yes	In form of risk assessment interviews.
Dossier-based selection	Yes	If the assessment identifies a personal risk for a local staff member as being at risk due to his or her activity on behalf of the respective German public ministry the case is referred to the Federal Ministry of the Interior via the Foreign Office. The Federal Ministry of the Interior decides whether an approval for admission will be issued.
Video/telephone interviews	No	
Consultations with UNHCR/IOM	No	
Consultations with EASO	No	
Consultations with civil society/NGOs on criteria for the selection of candidates	No	
Interpreting during selection interviews	Yes	Interpretation is offered during the risk assessment interviews, if necessary.
Consultations with authorities of the country where the resettled person is staying	No	No exit permit is necessary.

Source: BAMF 2015; Innenministerium Baden-Württemberg 2014a

2.2.3 Selection criteria

Different selection criteria have been defined for each of the admission procedures. These were coordinated between the Federal Ministry of the Interior and the Länder Interior Ministries and laid down in admission orders.

Resettlement

The Federal Ministry of the Interior draws on the different admission orders for the criteria to be considered in the selection process for the German resettlement programme. In the past these criteria included:

- preservation of family unity (if the family members are staying in the country from which the person is to be admitted),
- family or other ties in Germany conducive to integration,

- the 'integration potential', determined by level of school and occupational training, work experience, language skills, religious affiliation, age,
- degree of vulnerability.³

Depending on the capacities of the hosting federal Länder also the following groups may be given special attention within the scope of the overall quota and within the framework of the admission orders:

- survivors of violence and/or torture,
- medical cases,

³ See e.g. the admission order from 4 April 2016 of the Federal Ministry of the Interior for the Resettlement procedure in 2016 and 2017 according to sec. 23 subs. 4 of the Residence Act on the admission of particular refugees of different nationality from Lebanon, Sudan and Egypt as well as Turkey. Online: http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/aufnahmeanordnung-4.pdf;jsessionid=ABD1736A427A8D59164A-7F2775A60BCE.2_cid295?__blob=publicationFile (07/07/2016).

- women and girls at risk,
- children and adolescents at risk and
- unaccompanied minors.

A sub-quota of up to 5 % is reserved for persons in critical medical condition; there are no specific sub-quota for the other groups (UNHCR 2014).

HAP Syria

Special selection criteria were determined for HAP Syria, then prioritised and published by the Federal Ministry of the Interior in corresponding admission orders. The selection criteria were weighted differently for HAP Syria 1, HAP Syria 2, and HAP Syria 3. In HAP Syria 1 top priority was assigned to humanitarian reasons, the second priority were (family) ties in Germany and the third priority was the individual ability “to make a special contribution to the reconstruction of the country of origin after the conflict has ended”, e.g. by improving existing qualifications during the stay in Germany (BMI 2013a). The top priority for HAP Syria 2 and 3 were (family) ties in Germany, humanitarian criteria came second and the ability to contribute to reconstruction third (BMI 2013b; BMI 2014). Regarding family ties in Germany those should have had priority that received a declaration of commitment or a promise of assistance with accommodation and support from someone. Other positive criteria for a selection were prior stays in Germany or knowledge of the German language.

Special consideration should also be given to women in precarious situations, critically ill people and particularly vulnerable children and their parents or guardians (to preserve family unity). In case of a risk of specific religiously motivated persecution also members of religious minorities were considered. A sub-quota for critically ill persons was set at 3 % of all beneficiaries of protection to be admitted (Deutscher Bundestag 2015). The fulfilment of several of the criteria was not required for admission (BMI 2014: 3).

Admission Procedure for Afghan Local Staff

The admission of Afghan local staff depends on the individual specific risk they are facing due to their employment for one of the German ministries in Afghanistan. The risk is assessed with a common list of criteria which is considered confidential information and thus not publicly available. “In the assessment of the individual cases both the arguments of the person seeking admission

and the facts and findings on the local situation are considered in the light of the criteria, [...]. If the subjectively perceived threat changes, the local staff member may present the new facts and trigger a review of the personal risk situation“ (Deutscher Bundestag 2014: 4).

2.2.4 Exclusion criteria

The different admission orders define criteria for refusing admission ex ante or for revoking an approval for admission after the security screening. These exclusion criteria are the same for the resettlement procedure and HAP Syria, however, those applying for the admission procedure for local Afghan staff are different.

Resettlement and HAP Syria

The Federal Ministry of the Interior’s admission orders for the resettlement programme and HAP Syria specify the following grounds for exclusion:

”As part of the admission process the candidates will be subjected to a screening by the security agencies during the visa procedure. Generally, the following persons are excluded from admission:

- a) anyone sentenced for an offence that would be considered an intentional criminal offence in Germany;
- b) or if there are factual indications justifying the conclusion that he or she has or had links to a criminal or terrorist organisation or in any other way made, supports or supported activities violating the concept of international understanding or directed against the peaceful coexistence of peoples“ (inter alia BMI 2014b: 3; BMI 2014d: 2 et seq.).

Admission Procedure for Afghan Local Staff

Within the admission process the Afghan local staff members and their family members are also subject of a screening by the security agencies during the visa procedure.

2.2.5 Organisation of departure

Resettlement

Beside the approval for admission, holding a valid and recognized passport is prerequisite for entering Germany. If the German authorities do not accept the passport submitted, but the person's identity can be established with other documents, a derogation from the passport obligation is granted by the Federal Office for Migration and Refugees under Section 3, subs. 2 of the Residence Act.⁴ The German mission will issue the visa on a separate page (so-called *Blattvisum*). If the person concerned does not hold any passport or the country of first refuge does not accept the *Blattvisum* (such as Turkey), the local German mission will issue a travel document pursuant to Section 5, Section 7, subs. 1 and Section 11, subs. 1 of the Residence Ordinance (AufenthV) with the consent of the Federal Office for Migration and Refugees (UNHCR 2014: 6). Once the person concerned has received his or her approval for admission he or she may attend a course for initial cultural orientation. Such courses are offered by several organisations to prepare the participants for their arrival in Germany (Chapter 2).

The Federal Office for Migration and Refugees commissions IOM with the travel arrangements. The Federal Office for Migration and Refugees notifies the persons entitled to depart. IOM books the flights and then passes the flight details on to the Federal Office for Migration and Refugees. The preferred form of travel is in groups rather than individually. For the transfers made to date both charter and regular flights were used. Whenever possible staff of the Federal Office for Migration and Refugees accompanied the flights.

No formal agreements are made with those entitled to admission. Every person admitted will, however, receive a written approval for admission from the Federal Office for Migration and Refugees which states the entitlements, rights and obligations of the holder after arrival in Germany.

HAP Syria

Also for HAP Syria a valid passport was a prerequisite for entering the federal territory in addition to the approval for admission. The person concerned to be admitted was subjected to a visa procedure – including security screening. If documents were missing derogation from the passport obligation could be granted pursuant to Section 3 subs. 2 of the Residence Act or a travel document for foreigners could be issued pursuant to section 5 of the Ordinance Governing Residence (AufenthV). Once the necessary visa procedure was gone through with positive result at one of the German diplomatic missions, the person concerned mostly made their own travel arrangements to Germany if they did not belong to the group of people who received their approvals for admission via the UNHCR or Caritas Lebanon. The latter generally travelled to Germany on a charter flight, organized by the Federal Office for Migration and Refugees.

No formal agreements were made with those entitled to admission. Every person admitted received, however, a written approval for admission from the Federal Office for Migration and Refugees which stated the entitlements, rights and obligations of the holder after arrival in Germany.

Admission Procedure for Afghan Local Staff

The federal Länder inform the Federal Office for Migration and Refugees of the scheduled destination locations. Thereupon the German Embassy in Kabul initiates a visa procedure which also includes the security screening under Section 73 of the Residence Act. After the visa has been issued the local employee will inform the German Embassy of the date of his or her departure which will then be forwarded to the Federal Office for Migration and Refugees. The Federal Office for Migration and Refugees will in turn notify the responsible foreigners authorities about the imminent entry to enable them to prepare for the arrival.

"Flight data are normally available at least one week before the arrival. However, because of the volatile situation in the country an immediate departure is sometimes necessary to escape an imminent threat. The top priority will always be the security of the staff member and his or her family" (Innenministerium Baden-Württemberg 2014a: 132). The point of entry should be the airport closest to the destination location. The foreigners authorities are urged to "meet the new arrivals at the airport and to take them to the planned accommodation" (Ministry of the Interior Baden-Württemberg 2014a: 132).

⁴ See accompanying letter of the admission order from 4 April 2016 of the Federal Ministry of the Interior pursuant to Section 23 subs. 4 of the Residence Act. Online: [http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/begleitschreiben-aufnahmeanordnung-4.pdf;jsessionid=ABD1736A427A8D59164A-F2775A60BCE.2_cid295?__blob=publicationFile\(07/07/2016\)](http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/begleitschreiben-aufnahmeanordnung-4.pdf;jsessionid=ABD1736A427A8D59164A-F2775A60BCE.2_cid295?__blob=publicationFile(07/07/2016)).

2.3 Post-Arrival and integration phases

2.3.1 Actors during the arrival and integration phases

Resettlement and HAP Syria

The new arrivals under the resettlement procedure and HAP Syria coming in by charter flights are usually first accommodated in the reception centres of Friedland and Bramsche (Lower Saxony), where also the applications for welfare benefits under the Social Code (SGB) are prepared (Franz 2014). This is where the charities offer initial counselling. Furthermore a five-day course “A guide to Germany” (Wegweiser für Deutschland) is offered that includes first language classes and information on living in Germany. For children there are childcare facilities and preparation courses for attending regular schools. The Federation assumes all costs for accommodation and subsistence during the stay in the reception centre.⁵

After their stay in the reception centre the resettlement and HAP Syria refugees are taken directly to their host locations. The first steps towards integration in their host communities include the filing of applications for a residence title with the local foreigners authorities, for support measures under Social Codes II and XII, registering for health insurance and opening a bank account. In these activities the resettlement refugees are supported by the Counselling Units of the Migration Services for Adult Immigrants and those for Young Immigrants or by the social support units in the community facilities for refugees. Most of these counselling and support centres are run by charities. With the help of the counsellors the resettlement refugees register for the integration courses. At the same time pre-school children are enrolled in the child care centres, those of schoolage in the schools. Vocational counselling is available from the regional employment agencies and Job Centres. Refugees who are preliminarily housed in temporary accommodation can register as applicants for available housing with the local authorities' housing offices.

Admission Procedure for Afghan Local Staff

Local Afghan staff members are normally met at the airport by representatives of the municipality, the community facility or reception centre in the federal Land to which they are allocated and taken to their accommodation. Thereafter, they are requested to promptly present themselves to the foreigners authorities and thereafter the procedure is largely identical to that for the resettlement and HAP programmes (see above).

Furthermore, the Federal Ministry for Interior and the Federal Ministry of Defense implemented mentoring programmes. The mentors support the Afghan local staff members and their families after their arrival in Germany with the integration process. Particularly, help is offered for daily life issues as well as administrative formalities and interaction with the authorities.

⁵ See accompanying letter of the admission order from 4 April 2016 of the Federal Ministry of the Interior pursuant to Section 23, subs. 4 of the Residence Act. Online: [http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/begleitschreiben-aufnahmeanordnung-4.pdf;jsessionid=ABD1736A427A8D59164A7F2775A60BCE.2_cid295?__blob=publicationFile \(07/07/2016\).](http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/MigrationIntegration/AsylZuwanderung/begleitschreiben-aufnahmeanordnung-4.pdf;jsessionid=ABD1736A427A8D59164A7F2775A60BCE.2_cid295?__blob=publicationFile (07/07/2016).)

2.3.2 Services offered immediately upon arrival

Resettlement

Table 10: Services offered immediately upon arrival in the resettlement programme

Support	Yes/No	Further information
Airport pick-up	Yes	Beneficiaries of protection are usually met at the airport, welcomed and then taken to their accommodation.
Provision of (temporary) documentation	Yes	Upon entry the new arrivals possess an admission approval, valid and recognized travel documents or German substitute passports valid for three months as well as a valid visa. A travel document for foreigners is issued in the destination municipality pursuant to Section 5 of the Residence Ordinance as required. The local foreigners authorities are responsible for issuing the residence permit, which can also be issued as substitute ID.
Food	Yes	Meals are usually provided in the reception centre. Refugees receive a one-time cash payment of €20 for additional needs.
Lodging	Yes	Usually for 14 days in the reception centres of Friedland and Bramsche.
Clothing	Yes	Provision of second-hand clothing by welfare organizations in the reception centres depending on availability.
Medical examination	No	Performed before entry and repeated directly upon entry only if required.
Other form of health care	Yes	According to the accompanying letter of the admission order of the Federal Ministry of Interior, medical care is available in the reception centres (BMI 2016). Resettlement refugees are entitled to benefits under the German Social Code (SGB) and are therefore entitled to comprehensive health care.
Interpretation services upon arrival	Yes	Interpretation is arranged for the arrival where possible. This also applies to information events and the “Guide to Germany” courses in the reception centre.

Source: BAMF; BMI 2016

HAP Syria

Table 11: Immediate support upon arrival for HAP Syria

Support	Yes/No	Further information
Airport pick-up	Yes	For arranged group entries the beneficiaries of protection were usually met at the airport, welcomed and then taken to their accommodation.
Provision of (temporary) documentation	Yes	Upon entry the new arrivals possessed an admission approval, valid and recognized travel documents or German substitute passports valid for three months as well as a valid visa. A travel document for foreigners was issued in the destination municipality pursuant to Section 5 of the Residence Ordinance as required. The local foreigners authorities were responsible for issuing the residence permit, which could also be issued as substitute ID.
Food	Yes	Those staying at a reception centre first, received meals in the reception centre. Pocket money for additional needs was available upon arrival.
Lodging	Yes	Approximately one third of persons admitted were first accommodated in the reception centres of Friedland and Bramsche. Some others were accommodated by relatives or institutions in their host municipalities.
Clothing	Yes/No	The reception centres usually had a clothing storage, from which clothing could be obtained upon arrival. Otherwise, the new arrivals promptly received first financial means to buy the necessary clothing.
Medical examination	No	Performed before entry and repeated directly upon entry only if required.
Other form of health care	Yes	Medical care was available after entry. Persons entering Germany under HAP Syria were entitled to benefits under the German Social Code (SGB) and therefore to comprehensive health care.
Interpretation services upon arrival	Yes	Interpretation was arranged for the arrival where possible. This also applied to information events and the "Guide to Germany" courses in the reception centre.

Source: BAMF; Caritas 2014; SVR 2015; BMI 2014b; Deutscher Bundestag 2014b; Staatsministerium für Soziales und Verbraucherschutz des Freistaates Sachsen/Innenministerium Schleswig-Holstein 2014

Admission Procedure for Afghan Local Staff

Table 12: Immediate support upon arrival for Afghan local staff

Support	Yes/No	Further information
Airport pick-up	Yes	
Provision of (temporary) documentation	Yes	Upon entry the new arrivals possess an admission approval, valid and recognized travel documents or German substitute passports valid for three months as well as a valid visa. A travel document for foreigners is issued in the destination municipality pursuant to Section 5 of the Residence Ordinance as required. The local foreigners authorities are responsible for issuing the residence permit, which can also be issued as substitute ID.
Food	Yes	
Lodging	Yes	
Clothing	Yes/No	Sometimes the arrivals' accommodation has a clothing storage, from which clothing can be obtained. Otherwise, the new arrivals promptly receive first financial means to buy the necessary clothing.
Medical examination	No	Performed before entry and repeated directly upon entry only if required.
Other form of health care	Yes	Medical care is available upon entry as required.
Interpretation services upon arrival	No	Many of Afghan local staff members speak German or English, therefore no interpretation is required in these cases.

Source: BAMF

2.3.3 Residence title, initial duration and extensions

Table 13: Residence title, initial duration and extensions

Admission procedure	Residence title	Term of validity of the residence title	Extension of the residence status
Resettlement	Residence permit pursuant to Section 23, subs. 4 of the Residence Act (until July 2015 pursuant to Section 23, subs. 2)	From 2012 to 2015 the validity of residence titles was limited to between 12 and 36 months depending on the federal Land and the municipality. The Federal Ministry of the Interior ordered a limitation of residence titles to 36 months for 2016 and 2017.	Since the Integration Act and subsequent amendments of Section 26, subs. 3 of the Residence Act entered into force, resettlement refugees with a residence permit in accordance with Section 23, subs. 4 of the Residence Act may be granted a settlement permit after five years of stay if certain conditions are met. Under certain circumstances a settlement permit may be granted after three years already. A settlement permit is an indefinite residence title.
HAP Syria	Residence permit under Section 23, subs. 2 and subs. 3 in conjunction with Section 24 of the Residence Act	Usually 24 months	According to the admission order, the refugees may be admitted to Germany "for the duration of the conflict and its relevant consequences for refugees". An extension of the residence permit shall usually be granted for two years (BMI 2014a). As a general rule, it is expected that they return once the civil war in Syria ends. After five years of legal residence in the Federal Republic of Germany, an unlimited settlement permit may be issued if the necessary prerequisites have been met.
Admission Procedure for Afghan Local Staff	Residence permit under Section 22, second sentence of the Residence Act	Usually 24 months	In a letter to the Ministries of the Interior of the Länder dated 29 September 2015 the Federal Ministry of Interior confirms that due to the unchanged situation in Afghanistan the admission reason for Afghan local staff is still given and asks to prolong existing residence titles until 31 December 2018 (BMI 2015: 2). After five years of legal residence in the Federal Republic of Germany, an unlimited settlement permit may be issued if the necessary prerequisites have been met (BAMF 2015: 1).

Source: BMI 2015; BMI 2014a; BAMF 2015

2.3.4 Geographical distribution, accommodation and free movement

Geographical distribution

Resettlement

The resettlement refugees admitted are distributed to the different federal Länder according to the so-called 'Königstein Key'⁶. The distribution tries to take into account any family links the beneficiaries of protection might have in Germany. In distributing the refugees to the different municipalities the federal Länder use different approaches. Some federal Länder apply a defined key that is also used for allocating asylum-seekers to the municipalities (Aumüller/Daphi/Biesenkamp 2015: 21 et seq.). Others address exclusively those municipalities which have volunteered to admit refugees, these are among others those communities that joined the Save me campaign (see Chapter 2.1.1).

Some of the federal Länder, such as North Rhine-Westphalia (NRW), attempt to “take the personal requests of the refugees for specific places of residence into consideration” in coordination with the municipalities of that federal Land. The selection of the place of residence in NRW is discussed with the refugees immediately after their arrival in the reception centre where they are accommodated. The following criteria are applied in deciding about the future place of residence:

- "family ties,
- presence of a religious community to receive the refugees, migrant self-organizations,
- adequate health care,
- integration facilities in these locations (migration counselling for adults and adolescents, integration into pre-schools and schools, possibility to attend an integration course etc.),
- labour market policy aspects and
- availability of volunteer support services (e. g. Save me campaign, integration guides)” (KfI NRW 2014).

6 The 'Königstein Key' establishes "how many asylum-seekers a federal Land must accept. The criteria are tax revenue (2/3 of the weighting) and the size of the population (1/3 of the weighting). The quota is reviewed each year. In 2015 NRW had the highest quota for the admission of asylum-seekers and Bremen the lowest" (BAMF 2016).

HAP Syria

Under HAP Syria most of the refugees were allowed to enter Germany independently and travel to join their relatives; though, the distribution to the different federal Länder was based on the Königstein Key (BMI 2013c: 2). The federal Länder were advised of the individually organized arrival date by the federal agencies as soon as possible to prepare for the refugees' arrival and pick-up at the airport. For about one third of the admitted refugees an initial reception in the reception centres of Friedland and Bramsche in Lower Saxony was organized – as for the resettlement procedure – subject to a request by the federal Länder and the availability of capacities. Critically ill persons and unaccompanied minors were exempted from this rule. The critically ill were usually taken directly to their host municipalities, while the responsible youth welfare offices took custody of the unaccompanied minors. The federal Länder were responsible for the distribution within their territories and applied different methods to do so (see SVR 2015; Caritas 2014).

Admission Procedure for Afghan Local Staff

The Federal Office for Migration and Refugees is responsible for the distribution of the Afghan staff members to the different federal Länder, taking care that they and their families are distributed evenly in analogy with the Königstein Key. Furthermore family ties are usually considered in the decisions about the distribution (Innenministerium Baden-Württemberg 2014a: 132).

The staff members and their families usually travel independently and are met at the airport by staff of the responsible municipal department or a reception centre who then take them to their accommodation.

The federal Länder organize the distribution to the different municipalities within their territories independently and in different ways. Their decisions are sometimes based on several additional factors. Baden-Württemberg, for instance, tries [to consider] various other ties, beyond the family links, that might be “conducive to integration within the Land, such as religious affiliation and the location of the respective religious institutions, the services of municipal, charity and church institutions or the need for special medical care” (Innenministerium Baden-Württemberg 2014a: 134 et seq.).

Accommodation

The type of accommodation offered depends on the federal Land and the host municipality. Housing in the municipal community facilities for refugees and provision of publicly subsidized housing are widespread practices (Staatsministerium für Soziales und Verbraucherschutz des Freistaates Sachsen/Innenministerium Schleswig-Holstein 2014: 18). Some municipalities, for example, accommodate resettlement refugees in hotels that are leased temporarily in their entirety or in municipal emergency shelters for homeless people. Resettlement refugees that have first been accommodated in provisional housing can avail themselves of the municipal housing services.

The municipal housing services can generally only offer public housing for which an eligibility certificate for public housing is required. Pursuant to Section 27 of the Federal Housing Promotion Act (Wohnraumförderungsgesetz), the entitlement to such an eligibility certificate depends on the family income and applies only to the federal Land in which it has been issued. The housing eligibility certificate expires after twelve months. When applying for the eligibility certificate, in general, foreign nationals must submit a residence or settlement permit that will remain valid for at least another twelve months after the date of application.

Resettlement

Table 14: Accommodation under the Resettlement Programme

Accommodation	Yes (always, often or rarely)	Maximum length of stay	Who provides the accommodation?	Explanations
Reception centres	Yes – always	Usually two weeks; in community facilities also longer term	Reception agencies of the federal Land	Resettlement refugees are usually accommodated in the reception centres of Friedland and Bramsche for the first 14 days, with the exception of critically ill persons and unaccompanied minors.
Community facilities	Yes – often	no information	Urban and rural district authorities	
Accommodation in temporary shelters (tents, converted buildings such as schools or gyms)	Yes – often	Until they rent their own apartment	Municipality	In times of especially strong influx several federal Länder also allowed limited deviations from regular accommodation rules.
Accommodation in council housing or other social institutions	Yes – sometimes	Permanently	Municipality	
Accommodation in hotels or other types of housing (formerly) foreseen for tourists	Yes – sometimes	In individual cases long-term stay may be possible	Municipality	In times of especially strong influx several federal Länder also allowed limited deviations from regular accommodation rules.
Regular apartments/housing	Yes – sometimes	no information	Municipality	

Source: BAMF

HAP Syria

Table 15: Accommodation of beneficiaries of protection under HAP Syria

Accommodation	Yes (always, often or rarely) Not used	Maximum length of stay	Who provides the accommodation?	Explanations
Reception centres	Yes – often	Usually two weeks; In community facilities also longer term	Reception agencies of the federal Land (in particular reception centres of Friedland or Bramsche)	Persons whose entry was organized by the Federation were usually accommodated in the reception centres of Friedland or Bramsche for the first 14 days, with the exception of critically ill persons and unaccompanied minors.
Community facilities	Yes – often	no information	Urban and rural district authorities	
Accommodation in temporary shelters (tents, converted buildings such as schools or gyms)	Yes – sometimes	no information	Municipality	In times of especially strong influx many federal Länder also allowed limited deviations from regular accommodation rules.
Accommodation in council housing or other social institutions	Yes – often	Permanently	Municipality	
Accommodation in hotels or other types of housing (formerly) foreseen for tourists	Yes – sometimes	In individual cases long-term stay may be possible	Municipality	In times of especially strong influx many federal Länder also allowed limited deviations from regular accommodation rules.
Regular apartments/housing	Yes – often	Permanently	Relatives and municipality	Particularly in cases where family members and/or third parties submitted a declaration of commitment or a commitment of support, they were accommodated in the private apartments offered.

Source: BAMF; SVR 2015; Caritas 2014

Admission Procedure for Afghan Local Staff

Table 16: Accommodation of Afghan local staff

Accommodation	Yes (always, often or rarely) Not used	Maximum length of stay	Who provides the accommodation?	Explanations
Reception centres	Yes – often	Usually not longer than six months	Reception agencies of the federal Land	Depending on the federal Land, (temporary) accommodation might be offered in a reception facility of the Federal Land.
Community facilities	Yes – often	Longer-term stay may be possible	Urban and rural district authorities	
Accommodation in temporary shelters (tents, converted buildings such as schools or gyms)	Yes – sometimes	no information	Municipality	In times of especially strong influx most federal Länder also allow limited deviations from regular accommodation rules.
Accommodation in council housing or other social institutions	Yes – often	Permanently	Municipality	
Accommodation in hotels or other types of housing (formerly) foreseen for tourists	Yes – sometimes	Longer-term stay may be possible	Municipality	In times of especially strong influx several federal Länder also allowed limited deviations from regular accommodation rules.
Regular apartments/housing	Yes – often	Permanently	Municipality	

Source: BMI; BAMF

Free movement

Resettlement, HAP Syria and Admission Procedure for Afghan Local Staff

Under Section 24, subs. 5 of the Residence Act foreigners are not entitled to stay in a specific federal Land or location. They shall take up their ordinary residence in the federal Land and at the place to which they were allocated by the Federal Office for Migration and Refugees or the Land authority (Section 12, subs. 2 of the Residence Act). The residence permits of the persons concerned receiving welfare benefits include a restriction limiting their abode to the respective city or rural district (Section 12, subs. 2 of the Residence Act). There is, however, no restriction on movement, meaning that there is full freedom to travel within Germany.

2.3.5 Support after distribution to the municipalities

The residence permits granted to the beneficiaries under all of the three procedures entitle their holders to pursuing an economic activity from the very beginning.

Furthermore pre-school children above the age of three are legally entitled to a place in kindergarten (section 24 Social Code VIII). For earners of low incomes any cost arising for attendance of Kindergarten can be assumed by the Youth Welfare Office (Section 90, subs. 2 and 3 Social Code VIII). Children over six years of age are subject to compulsory schooling which also applies to all children and adolescents that join their families later. The residence permit also entitles to taking up university studies, however, admission to a university is subject to the respective terms of admission. Subsidies under the Federal Education Assistance Act (BAföG) can be claimed (Section 8, subs. 2 of the BAföG). The remainder of the assistance is different for the various procedures as described below.

Resettlement

Since August 2015 resettlement refugees have been issued a residence permit under Section 23, subs. 4 of the Residence Act (formerly Section 23, subs. 2 of the Residence Act). They are entitled to the basic subsistence allowance for job-seekers under Social Code II or to welfare payments for persons permanently incapacitated or above the age of 65 under Social Code XII. For their

subsistence they are in essence additionally entitled to housing allowance, child allowance, parental allowance, advances on support payments, educational grants, and vocational training subsidies. Resettlement refugees may also benefit from the assistance for labour market integration offered by the local Job Centres. Under Section 44, subs. 1, first sentence, no. 2 of the Residence Act resettlement refugees have a legal claim to attending integration courses.

As long as they are receiving benefits under the Social Code they have mandatory health insurance coverage in a statutory health insurance scheme. The statutory health insurance scheme also includes the claim to psychotherapy as medical or psychotherapeutic treatment. However, the list of services covered by statutory health insurance does not cover the cost for interpreting services that might be required for psychotherapeutic treatment (Staatsministerium für Soziales und Verbraucherschutz des Freistaates Sachsen/Innenministerium des Landes Schleswig-Holstein 2014: 32).

Furthermore, resettlement refugees have unrestricted access to all services of the Migration Counselling Agencies for Adults (MBE) and for Young People (JMD). These counselling agencies help with searching for housing, jobs or training, in matters relating to residence law, the recognition of foreign qualifications, language learning as well as with personal and family issues. At the local level there are several information and counselling services run by private or public institutions and volunteer support groups such as migrant self-organizations and the Save me campaign. For example, volunteer guardians accompany the refugees when looking for housing, contacting the authorities and help with language learning.

HAP Syria

HAP Syria refugees receive a German residence permit under Section 23, subs. 2 and subs. 3 in conjunction with Section 24 of the Residence Act. They are entitled to the basic subsistence allowance for job-seekers under Social Code II or to welfare payments for persons permanently incapacitated or above the age of 65 under Social Code XII. They have a legal claim to attending integration courses (Section 44, subs. 1, first sentence, no. 2 of the Residence Act).

Admission Procedure for Afghan Local Staff

As residence titles for Afghan staff members under Section 22, sentence 2 of the Residence Act are issued for more than one year, they are entitled to participate in integration courses. In addition, there are many volunteer-organized language courses in numerous cities and local communities or such that are supported by the municipalities which the Afghan local staff members can attend as well.

2.3.6 Family reunification

Resettlement

The Act on the Revision of the Regulations of the Right of Residence and Termination of Stay, that entered into force on 1 August 2015, put the resettlement refugees on equal footing with beneficiaries of international protection and refugees in essential respects with regard to family reunification (DRK 2015: 1). If the refugees file their application for family reunification within three months after the residence permit has been issued, no particular conditions for the entry of a spouse or minor single children **should** be imposed. This applies for the requirement to provide sufficient housing and to secure their livelihood. After the three months period has expired the conditions **may** be waived (Section 29, subs. 2 of the Residence Act). Furthermore, the spouse of a resettlement refugee does not have to provide proof that he/she is able to communicate in the German language at least on a basic level (Section 30, subs. 1, third sentence of the Residence Act). The parents of a minor resettlement refugee shall receive a residence permit, although none of the parents holding custody is staying in the federal territory, although no sufficient housing is available and/or subsistence is not ensured (Section 36, subs. 1 of the Residence Act).

HAP Syria

The subsequent entry of spouses or minor children of HAP Syria refugees may only be permitted in exceptional cases for reasons of international law, on humanitarian grounds or in order to safeguard political interests of the Federal Republic of Germany (Section 29, subs. 3 of the Residence Act).

Admission Procedure for Afghan Local Staff

The approval for admission always includes the staff member's nuclear family (spouses and own, non-married underage children). Applications for family reunification of other relatives are executed along the usual procedure pursuant to Section 36 subs. 2 of the Residence Act by the German diplomatic missions.

2.3.7 Acquisition of German citizenship

Resettlement, HAP Syria and Admission Procedure for Afghan Local Staff

Refugees admitted under each of these three modalities must usually meet the same requirements to acquire German citizenship as any other foreign national. They become entitled to apply for German citizenship if they,

- are capable of acting (as from completion age 16) or are legally represented,
- confirm their commitment to the free democratic constitutional system enshrined in the Basic Law of the Federal Republic of Germany (activities subverting the free democratic constitutional system or other extremist or terrorist activities rule out the right to acquire the German citizenship),
- have legally resided in Germany for eight years,
- have been granted a permanent right of residence,
- are able to ensure their own subsistence and the subsistence of their dependents without recourse to benefits in accordance with Book Two or Book Twelve of the Social Code or recourse to such benefits is due to conditions beyond their control,
- have not been sentenced for a criminal offence (Section 10, subs. 1 of the Nationality Act (StAG)).

Furthermore, level B1 German language skills are required as well as knowledge about the legal system, society and living conditions in Germany. The latter can be proved by taking the uniform nationwide naturalisation test (BAMF/EMN 2015; BAMF 2015c).

Under Section 10, subs. 1, no. 4 of the Nationality Act German citizenship can only be awarded, if the previous citizenship has been given up. The former nationality can be maintained alongside the German one pursuant to Section 12, subs. 1 sentence 2 no. 1 and 2 of the Nationality Act, if the country of origin does in fact not foresee any release from its citizenship (which applies among others to Afghanistan, Eritrea, Syria).

Naturalisation may already be applied for after seven years of stay in Germany if the Federal Office for Migration and Refugees proves the successful attendance of an integration course (Section 10, subs. 3 sentence 1 of the Nationality Act). Naturalisation may already be applied for after a six year of stay in Germany, when special integration efforts have been made, specifically if level B2 language skills have been acquired (Section 10, subs. 3 sentence 2 of the Nationality Act).

However, in practice, some of the resettlement refugees receive travel documents for stateless persons under article 28 of the Convention on Stateless Persons when the responsible authorities have determined that they are stateless or they receive travel documents for refugees under article 28 of the Convention relating to the Status of Refugees of 28 July 1951 (German Federal Law Gazette II 1953) when UNHCR has established their status as refugees. In these cases, under articles 32 of the Convention on Stateless Persons and article 34 of the Convention relating to the Status of Refugees naturalisation shall be eased and the procedure shall be shortened. As resettlement refugees are beneficiaries of protection, at the discretion of the foreigners office and pursuant to Section 8 of the Nationality Act they may also be granted German citizenship after six years of permanent and legal residence, if the general conditions are met (No. 8.1.3.1 General Administrative Regulations for the Nationality Act/Preliminary Application Notes of the Ministry of the Interior on the Nationality Act – StAR-VwV/VAH-StAG). In case they are in possession of travel documents for refugees under article 28 of the Convention relating to the Status of Refugees, an exception from the need to renounce once former citizenship may be granted (No. 8.1.2.6.3.5 StAR-VwV/VAH-StAG). In case of a right to naturalization pursuant to Section 10 of the Nationality Act, the need to renounce once former citizenship is waived pursuant to Section 12, subs. 1 sentence 2 no. 6 of the Nationality Act.

2.3.8 The funding of the different admission programmes

For the 2016 fiscal year the funds from the federal budget for the resettlement programme and HAP Syria amount up to € 9m. Thus, the budget has been tripled against the previous year (for previous years see table 17). Next to the federation's expenses there are expenditures by the federal Länder and by local governments/municipalities that are defined in their respective budgets and cannot be detailed here. There is no separate budget for the Admission Procedure for Afghan Local Staff.

Table 17: Annual budget

	2011	2012	2013	2014	2015	2016
Resettlement (in €)	-	450,000	402,000	780,000	1,004,000	9,000,000*
HAP Syria (in €)	-	-	4,779,000	5,455,000	1,813,000	
Admission Procedure for Afghan Local Staff	ni	ni	ni	ni	ni	ni
What is included in the budget?	<p>The Federation bears the costs for the admission procedure and the transport of the refugees to Germany, unless they travel individually. Likewise expenses for necessary medical care for beneficiaries of protection until their arrival in the host municipalities are paid for by the Federation. Moreover, the Federation bears the costs for the two-week initial reception including initial medical care, if they are first accommodated a reception centre.</p> <p>Further responsibilities concerning assistance, care, accommodation etc. are regulated by law and usually borne by the admitting federal Länder and host municipalities in the Federal Länder. Legislation of the federal Länder often provides for a (partial) reimbursement of cost by the federal Land for the respective municipalities. The expenses of the Federal Länder, cities, municipalities and municipal associations sometimes differ significantly and are determined in the respective budgets.</p>					

Source: BMI; BAMF

*In 2016 fiscal year a total of € 9m is available for the Resettlement and HAP Syria programmes

2.3.9 Provision of information to refugees, public agencies and municipalities

At various points in time information and cultural orientation is offered for the persons admitted under the resettlement and HAP Syria programmes. The Federal Office for Migration and Refugees also provides relevant information on the characteristics of the groups admitted under the programmes to the responsible public agencies and the municipalities (see tables 18 and 19).

Resettlement and HAP Syria

Table 18: Provision of information to refugees under the resettlement and HAP Syria programmes

Type of information provided	When is the information provided	Actors	How is the information provided	Difference to information provided to other persons granted international protection
Cultural initial orientation (usually 20 teaching units per person)	Approximately two weeks before departure from the country of origin or third country	IOM or Goethe Institute in the respective country of origin or third country	Oral and written (classroom materials)	The pre-departure classes are only available to persons to be admitted under the Resettlement Programme or HAP Syria
Orientation courses in reception centres (e. g., community orientation, public transport, advise on entitlements, the role of the police, opening a bank account etc.)	Immediately after arrival in Germany	Lecturers and social workers of the federal Land Lower Saxony and charities	Oral and written (teaching material)	Only for persons admitted under the Resettlement Programme and HAP Syria
Start of integration and language courses in the municipalities	Immediately upon arrival in the host municipality	Competent institutions of the federal Länder and approval by the Federal Office for Migration and Refugees	Oral and written (teaching material)	No difference

Source: BAMF

Admission Procedure for Afghan Local Staff

Table 19: Information provided for Afghan local staff

Type of information provided	When is the information provided	Actors	How is the information provided	Difference to information provided to other persons granted international protection
Cultural initial orientation	Immediately	Federal Office for Migration and Refugees	Information leaflet	The information leaflet is exclusively intended for beneficiaries of protection in the admission procedure for Afghan local staff
Start of integration and language courses in the municipalities	Immediately after arrival in Germany	Competent institutions of the federal Länder and approval by the Federal Office for Migration and Refugees	Oral and written (teaching material)	No difference

Source: BMI; BAMF

Information transfer to the municipalities

For all three admission programmes the Federal Office for Migration and Refugees notifies (in writing) the federal Länder of the imminent arrival of the beneficiaries of protection they are to admit. They receive the personal

data, information on skills, the size of the family and whether these are vulnerable persons (e. g. information about pregnancies, diseases or handicaps). Additional documents such as medical reports or educational diplomas are provided, if applicable. The federal Länder will then distribute the new arrivals within the Land and

forward the relevant information to the responsible agencies in the host municipalities.

In the initial phase of the resettlement programme and HAP Syria some federal Länder set up round tables to plan and improve the admission process for the beneficiaries of protection. One of these round tables in North Rhine-Westphalia started the initiative of preparing the guideline “Humanitarian Admission Procedures and Resettlement – Implementation in NRW” (Bezirksregierung Arnsberg 2016). The guideline explains the motives for fleeing Syria and the situation of the displaced persons and refugees. At the same time it “shall give guidance for everyone involved in the reception of these refugees, be it officially or as volunteers, public or private” (Bezirksregierung Arnsberg 2016: 1).

In 2015 the German Caritas Association and the Caritas Association Hildesheim and the Caritasverband for the Hildesheim diocese started a nationwide cooperation project in the reception centre of Friedland to strengthen the communication and support services during the integration process of resettlement refugees and beneficiaries of protection under HAP Syria.⁷ The project strives to provide information about the different admission programmes and to connect all stakeholders. Furthermore, the project promotes the exchange of experience between previous and recent arrivals. Until 2018 the project will be co-funded by the Asylum-, Migration- und Integration Fund (AMIF).

Information transfer to local NGOs and the population

The admitting federal Länder and municipalities are responsible for informing the respective population and locally active NGOs about the refugees admitted under the resettlement programme, HAP Syria and the Admission Procedure for Local Afghan Staff.

In the first two weeks after arrival all beneficiaries of protection under the resettlement procedure and about one third of those under HAP Syria are staying in the reception centres of Friedland and Bramsche where some charities, such as Caritas, are already actively involved. These NGOs frequently notify their branches in the host municipalities already prior to the refugees' arrival there.

At the start of the admission programmes working groups were formed in some municipalities (e. g. in Nuremberg and Aachen) which united all of the players such as representatives of the Jobcenters, foreigners authorities, housing agencies, charities, NGOs and churches. In its meetings the working group notifies the responsible agencies of the arrival of the beneficiaries of protection and coordinates their accommodation and care.

In some municipalities public institutions and civil society groups, in particular the Save me campaign, engage in public relations work and inform the local population of the arrival of the beneficiaries of protection (Save me München 2014; Pro Asyl 2013: 18 et seq.).

⁷ The cooperation's website can be found at: [http://resettlement.de/\(06/05/2016\)](http://resettlement.de/(06/05/2016)).

3 Private sponsorship admission programmes for Syrian beneficiaries of protection

Next to the resettlement programme, HAP Syria and the Admission Procedure for Local Afghan Staff all of which are sponsored by the federal government, there currently are yet other admission procedures, allowing in particular Syrian refugees to enter Germany. These are the admission programmes, known as “Private Sponsorship Programmes” in the Anglo-Saxon countries, that have been implemented by 15 out of the 16 federal Länder (Minister of Citizenship and Immigration Canada 2016; Kumin 2015). Privately sponsored admission programmes for Syrians were initiated in Germany in 2013 in agreement with the Ministry of the Interior. In many of the federal Länder, the programme came to an end in subsequent years, but it is ongoing in some Länder which intend to continue them at least until the end of 2016. 21,500 persons were granted visas to enter Germany until the end of 2015 under the Länder’s admission programmes.

Those eligible to be sponsors are primarily German and Syrian citizens who have been living in Germany for more than a year and who wish to bring Syrian relatives seeking protection to Germany and are prepared to assume the cost for their travel and stay. Such admissions under the federal Länder programmes are based on section 68 of the Residence Act, which allows for a so-called declaration of commitment (“Verpflichtungserklärung”). The sponsor commits to bear all costs for the admitted relatives’ travel and stay (for details on the requirements see table 20).

3.1 Objectives and organization

The reasons many federal Länder cite in their admission orders for admitting refugees in addition to the resettlement programme, HAP Syria and asylum procedures are that: “for humanitarian reasons” there is a need “to provide more Syrian nationals affected by the civil war in Syria with an opportunity to obtain a residence permit”, if “there are close family ties” to a person that is entitled to legal residence in the respective federal Land “who is willing and able to bear the living expenses for their relatives during their stay in Germany” – thus this is an additional admission programme which at the same time entails a guarantee for the state (Innenministerium des Landes Schleswig-Holstein 2013: 1; Saarländisches Ministerium für Inneres und Sport 2013: 1; Thüringer Ministerium für Inneres und Kommunales 2013: 1; GGUA 2015: 1). The Baden-Württemberg Interior Minister, Reinhold Gall (SPD – Social Democratic Party), explained the motivation saying: “We would like to respond to the concerns of a large number of Syrians living here and open up a door to help close relatives to escape from an extreme situation” (Baden-Wuerttemberg.de 2014).

Table 20: Structure of private sponsorship admission programmes of the federal Länder

General conditions	Explanations
Beginning of the admission programmes of the federal Länder	Privately sponsored admission programmes started in 15 federal Länder in summer 2013. Bavaria stated that it was only prepared to admit persons seeking protection beyond HAP Syria in individual cases (Bayerisches Staatsministerium des Innern, für Bau und Verkehr 2013).
Requirements for sponsors	<p>Separate declarations of commitment are required for every person desiring entry. According to the first admission orders of the federal Länder the sponsors had to be German or Syrian citizens holding a limited or unlimited residence title and who had been staying in the Federal Republic at least since 1 January 2013. In the course of programme extensions some federal Länder amended these requirements. In several of the federal Länder, for example, the deadline was removed and replaced by the requirement that the relative in Germany holding a limited or unlimited residence title has to have stayed at least one year in the Federal Republic of Germany (e.g. Saxony-Anhalt) and at least six months in the respective federal Land (e.g. Schleswig-Holstein) (Ministerium für Inneres und Sport des Landes Sachsen-Anhalt 2015: 2; Ministerium für Inneres und Bundesangelegenheiten Schleswig-Holstein 2015: 1).</p> <p>Moreover, a family relationship was and remains a prerequisite in most federal Länder. Spouses, first-degree relatives (parents, children), second-degree relatives (grandparents, grandchildren or siblings) as well as their spouses and minor children were favoured. Under certain circumstances, further primary carers of favoured minor children (to preserve the family unit) could be included.</p> <p>Section 68, subs. 1 of the Residence Act moreover stipulated the following regulations for liability for living expenses as of the writing of this study (May 2016): “Anyone who has provided the foreigners authority or a diplomatic mission abroad with a declaration of commitment to bear a foreigner’s living expenses shall be required to reimburse all public funds which are expended to cover the foreigner’s living expenses, including the provision of living space, medical care in case of illness and any required nursing care, and including any such expenditure which is based on a legal entitlement of the foreigner. Expenses which are based on the payment of contributions shall not require reimbursement”.</p> <p>Several federal Länder excluded various costs from the declaration of commitment either from the very beginning or in the course of programme extensions in order to limit the financial burden for the sponsor. In July 2014, moreover, the ministries and senators of the interior of the Federation and the federal Länder decided on a proposal of the Interior Minister of the Federation that the federal Länder which adopted an admission programme should bear the medical expenses, in order to limit the financial burden for the sponsors (see Chapter 3.2).</p> <p>In some of the federal Länder, such as North-Rhine Westphalia, third parties may also make declarations of commitment (MIK NRW 2013b: 2), while other federal Länder, such as Berlin, excluded this option at least in the beginning of the admission programme, however, allowed for it in the course of extensions at a later date (Landesamt für Bürger- und Ordnungsangelegenheiten Berlin 2016).</p> <p>Furthermore, the federal Länder set different deadlines by which visa applications had to be filed or the declaration of commitment had to be made.</p>
Target group of the admission programmes of the federal Länder	Residence permits are granted to Syrian citizens and sometimes also to stateless persons having lived in Syria for at least three years (e.g. MIK NRW 2014: 2), who had to flee their homes due to civil war, are currently staying in a neighbouring state of Syria, still in Syria or (depending on the admission order of the federal Länder) in Egypt and file an application to enter Germany to join their relatives living in the respective federal Land. In individual exceptional cases, admission from other countries is also possible at the discretion of the federal Länder.
Involvement of (international) organisations in the implementation?	International organizations were not involved in the implementation of the admission programmes of the federal Länder.
Selection process	<p>Depending on the Federal Land, the host or hostess has to state his or her interest in admitting Syrian relatives either directly with the competent foreigners authority or initially via a central hotline (e.g. NRW). The foreigners authority accepts the declaration of commitment and examines the financial standing as well as the family relationship.</p> <p>Once the application is approved by the foreigners authority, it notifies the competent diplomatic mission which in turn contacts the person desiring entry and the latter can file a visa application. The visa procedure includes a security screening and verifies whether all general requirements for granting a visa under foreigners law are met. The diplomatic mission makes a final decision on issuing a visa (MIK NRW 2013b: 2).</p>
Is a UNHCR recognized refugee status required?	No

Table 20: Structure of private sponsorship admission programmes of the federal Länder (part 2)

Does the sponsored person need to be in their country of origin or can they also be in another third country?	Admission is possible from Syria, neighbouring countries and Egypt. Furthermore, some federal Länder may approve admission from other countries in exceptional cases.
Can more than one person be sponsored at a time?	Yes, however, a separate declaration of commitment is required and the prerequisites have to be met (e. g. relevant family relationship, financial means, living space etc.) for each of the sponsored persons.
Exclusion criteria	The admission orders exclude persons “who were convicted on the grounds of offences considered intentional criminal acts in Germany, or if there are factual indications justifying the conclusion that he or she has or had links to or in any other way supports or supported activities violating the concept of international understanding or supports or supported activities directed against the peaceful co-existence of peoples” (inter alia Senatsverwaltung für Inneres und Sport des Landes Berlin 2013: 3).
Duration and limitation of the admission programmes of the federal Länder	The programmes expired already in 2014 in three federal Länder (Baden-Württemberg, NRW and Rhineland-Palatinate), in six federal Länder they expired in 2015 (Bremen, Hesse, Mecklenburg-Western Pomerania, Lower Saxony, Saarland and Saxony-Anhalt) and in six further federal Länder the programmes were extended until the year 2016 (Berlin, Brandenburg, Hamburg, Saxony, Schleswig-Holstein and Thuringia; for the respective decrees and extensions of the federal Länder see: Pro Asyl 2016); Bavaria announced from the very beginning that it would only admit refugees in exceptional cases within the scope of declarations of commitment (STMI Bayern 2013).
Organisation of arrival in Germany	<p>For the admission programmes of the Federal Länder entry has to be organised and financed independently and usually takes place by plane. Actors involved prior to entry include the local foreigners authorities and the competent German diplomatic mission. The former sends a provisional approval to the latter which then enters into contact with the respective persons to make an appointment for a personal interview (Caritas 2014: 10).</p> <p>Upon entry the new arrivals possess an admission approval, valid and recognized travel documents or German substitute passports valid for three months as well as a valid visa. A document in lieu of an identity document for foreigners is issued in the destination municipality pursuant to Section 55 of the Residence Ordinance as required. The local foreigners authorities are responsible for issuing the residence permit, which can also be issued as substitute ID.</p>
Is a family link with the sponsor needed?	In the majority of the federal Länder, a family link is a prerequisite; however, in some federal Länder third parties may also make a declaration of commitment.
Duration of the declaration of commitment	<p>In the majority of the federal Länder, a family link is a prerequisite; however, in some federal Länder third parties may also make a declaration of commitment.</p> <p>Some federal Länder (e. g. Hamburg) limited the period of liability to five years as of its second admission order (Behörde für Inneres und Sport der Hansestadt Hamburg 2015: 2). The federal Länder are free to provide for a temporal limitation of, or fully waive the declarations of commitment (Deutscher Bundestag 2015: 3).</p> <p>On 7 July 2016, the German Bundestag adopted the Integration Act in its revised version by the Committee on Employment and Social Affairs amending Section 68, subs. 1 of the Residence Act and limiting the duration of liability in case of a declaration of commitment to five years in general: “Anyone who has provided the foreigners authority or a diplomatic mission abroad with a declaration of commitment to bear a foreigner’s living expenses shall be required to reimburse all public funds which are expended to cover the foreigner’s living expenses, including the provision of living space, medical care in case of illness and any required nursing care, and including any such expenditure which is based on a legal entitlement of the foreigner. Expenses which are based on the payment of contributions shall not require reimbursement. The declaration pursuant to the first sentence shall start upon entry of the foreigner enabled by means of the declaration of commitment” (Deutscher Bundestag 2016b).</p> <p>Moreover, the revised version of Section 68, subs. 1 of the Residence Act stipulates a clarification of the previously controversial question (GGUA 2015; Karpenstein 2015; GGUA 2013: 2) as to whether the declaration of commitment expires or continues in case of a positive decision of an asylum application. The legislative draft reads as follows: “The declaration of commitment shall not expire before the expiration of the period of five years from entry of the foreigner due to the granting of a residence permit pursuant to the fifth paragraph of the second chapter or recognition pursuant to Section 3 or Section 4 of the Asylum Act” (Section 68, subs. 1, third sentence of the Residence Act). Moreover, the Integration Act provides for the newly created Section 68a of the Residence Act for legacy cases stipulating that declarations of commitment given before the law entered into force will expire after three year (Deutscher Bundestag 2016b).</p>

Table 20: Structure of private sponsorship admission programmes of the federal Länder (part 3)

Residence title	Residence permit pursuant to Section 23, subs. 1 of the Residence Act for up to two years with the possibility of extension pursuant to Section 8 of the Act (Der Senator für Inneres und Sport der Freien Hansestadt Bremen 2013: 2).
Quota set?	Some federal Länder set a quota at the beginning, however, some of them revoked it in the course of extending their admission programmes (e.g. NRW).
Is this quota additional to the quota for the (state) resettlement procedure?	Yes, admissions under the admission programmes of the federal Länder are additional to the resettlement and humanitarian admission programmes of the federation.

Source: Deutscher Bundestag 2016b; Landesamt für Bürger- und Ordnungsangelegenheiten Berlin 2016; Pro Asyl 2016; Caritas 2014; Deutscher Bundestag 2015; GGUA 2015; Karpenstein 2015; Ministerium für Inneres und Sport des Landes Sachsen-Anhalt 2015; Ministerium für Inneres und Bundesangelegenheiten Schleswig-Holstein 2015; MIK NRW 2014; GGUA 2013; Bayerisches Staatsministerium des Innern, für Bau und Verkehr 2013; Der Senator für Inneres und Sport der Freien Hansestadt Bremen 2013; MIK NRW 2013b; Senatsverwaltung für Inneres und Sport des Landes Berlin 2013; STMI Bayern 2013

3.2 Requirements for sponsors

Once a declaration of commitment has been submitted the foreigners authorities must verify the financial standing of the sponsor to ensure that he or she “is able to pay for the obligations he or she committed to from his or her income or other assets in Germany” (BMI 2009: 4). The nationally uniform instructions of the Ministry of the Interior for the uniform declaration of commitment form relating to Section 68 in conjunction with Section 66 and 67 of the Residence Act specifies the details of the verification of financial standing:

”The Federal Ministry of the Interior does not specify a minimum amount for the sponsor’s income to prove his or her financial standing. Rather this shall be determined according to the specific circumstances on a case by case basis. It must be objectively plausible, that for the duration of the foreigner’s stay covered by the declaration of commitment his or her subsistence can be guaranteed, including medical care in case of illness and any required nursing care, as well as the expenses for a potential return. Any additional commitments made by the sponsor for the same period must be taken into account. The sponsor’s financial solvency must be assessed in the light of the number of family members he or she is supporting and the number of foreigners he or she is inviting. An important aspect in this assessment are the attachment-exempt thresholds for earned income pursuant to Section 850 et seq. of the Code of Civil Procedure, because income below these thresholds is not accessible by execution orders for obligations under Section 68 of the Residence Act. At the same time statutory obligations to pay maintenance (Section 850c, subs. 1, second sentence, subs. 2 to 3 Code of Civil Procedure in conjunction with the notification

of attachment-exempt thresholds for earned income) must be considered. If the sponsor’s earned income remains below the threshold the foreigners authorities may require collaterals (e.g. blocking notes for savings accounts, bank guarantees, security deposit to a trust account of the municipality) in addition to the declaration of commitment in order to avoid unreasonable hardship (e.g. when the family relationship is a very close one). The provision of a collateral for any commitment under Section 66, subs. 2 and Section 68, subs. 1 of the Residence Act shall be noted on the declaration of commitment. If the sponsor lacks the required funds this sum or savings account must be provided by a third party” (BMI 2009: 5).

The declaration of commitment is not a simple courtesy but comes along with great responsibility and major financial consequences.

The assessment of the sponsors’ financial solvency was/is, however, performed in different ways by the federal Länder. Many federal Länder take the attachment-exempt thresholds of earned income as described above as their guideline and add the normal requirement level/s as defined by Social Code II (as is done by Baden-Württemberg) or as defined in the Asylum Seekers’ Benefits Act (AsylbLG – as is done by NRW).

Example I: A Syrian mother joining her single daughter in Baden-Württemberg

In early 2014 a single daughter without any obligations to pay maintenance who wanted her mother to join her had to prove that she is earning the following income:

Attachment-exempted monthly income:	1,050.00 €
plus normal requirement under Social Code II:	391.00 €
Required minimum net income:	1,441.00 €

Source: Author's compilation in analogy to an example from Innenministerium Baden-Württemberg 2014b: 4.

Example II: Syrian parents joining their married son in NRW

In 2013 a couple with two children (the wife being the sole earner) living in NRW who wanted the husband's Syrian parents, who had fled to Jordan, to join them, had to prove that they earn the following income:

Attachment-exempted monthly income:	1,879.99 €
plus normal requirement level 2 to guarantee subsistence minimum of a refugee as a spouse:	318.00 €
plus normal requirement level 2 to guarantee subsistence minimum of a refugee as a spouse:	318.00 €
Required minimum net income:	2,515.99 €

Source: Author's compilation in analogy to an example from MIK NRW 2013a: 7.

In May 2016 the Department for the Interior and Sports of the federal Land of Berlin stipulated a fixed income threshold for admitting a refugee, this amounted to € 2,210 for a single person, to € 2,980 for a married couple, and to € 3,365 for a married couple with one child (Agency for Citizens' and Regulatory Affairs of the Land of Berlin 2016).

Since the declaration of commitment represents an extreme financial burden for the sponsor that might even threaten a person's very existence, a heated debate ensued in many of the federal Länder right after the initiation of the sponsorship programmes, on whether and how the burden could be eased – at least in some ways – for the sponsors living in Germany- which included many German citizens as well. This triggered in particular two key changes:

For one, the following provision was included in the federation's admission orders: "preference is to be given to persons [...] for whom someone made a declaration of commitment or declared his or her willingness to assist with accommodation and subsistence expenditures" (BMI 2013a: 2). Within the scope of their HAP quota the federal Länder could submit such proposals.

Secondly, many federal Länder exempted several expenditures from the declaration of commitment, either from the start or for the extended programme. Then in July 2014 the Interior Ministers of the federation and the federal Länder resolved that expenses for medical care in case of illness shall generally be borne by the Länder (cf. Table 21).

Table 21: Requirements and obligations of the sponsors

Costs to be borne by the sponsors	Explanations
Visa fee	Yes/No: The visa fee can be waived for humanitarian admissions.
Cost of travel	Yes: The sponsor or the entering person had/has to cover the travel costs.
Does the sponsor need to cover the cost of medical exams and other medical costs?	<p>Yes/No: The previous version of Section 68, subs. 1 of the Residence Act and the revised version of the Integration Act bill generally stipulate that the sponsor needs to cover costs for medical care in case of illness and any required nursing care. This was also stipulated under the first admission orders for the majority of Länder admission programmes. However, to ease the special burden this represented for the sponsors, many of the federal Länder thereafter amended their admission orders excepting certain medical and nursing care costs from the declaration of commitment.</p> <p>In NRW, already the first admission order excluded the costs of sickness, pregnancy, birth, long-term care and disability within the meaning of Sections 4 and 6 of the Asylum Seekers' Benefits Act from the declaration of commitment (MIK 2013a: 3).</p> <p>In Hesse, the Ministry of the Interior and Sports ordered an amendment of the admission order in February 2014 excluding the costs of benefits in case of sickness, pregnancy, birth, long-term care and disability within the meaning of Sections 4 and 6 of the Asylum Seekers' Benefits Act from the declaration of commitment for a quota of 365 persons covered by the Länder admission programme (Hessian Ministry of the Interior and Sports 2014a: 1). These provisions were further amended in November 2014, for one, by revoking the quota and secondly, by further specifying the reimbursement for health care expenses (Hessian Ministry of the Interior and Sports 2014b: 2).</p> <p>On 12 June 2014, the Conference of the Ministers of the Interior adopted a common regulation for health care costs at the suggestion of the Minister of the Interior, to the effect that "from 1 July 2014 the costs in cases of sickness [shall be] borne by the federal Länder in all of the Federal Länder that are implementing an admission programme" and access to health care should be based on the Asylum Seekers' Benefits Act (German Bundestag 2014: 13). This regulation has been adopted by almost all federal Länder.</p>
Expenses for accommodation	Yes: The provision of sufficient living space constitutes a prerequisite for the approval of the declaration of commitment and shall also be borne by the sponsor upon arrival (Section 68, subs. 1 of the Residence Act).
Cost of living	Yes: The sponsor needs to cover the cost of living, if the family members who joined him or her cannot provide for themselves. The residence permit shall entitle the holder to pursue employment.
Other types of financial/social support	Yes: Any costs that are not explicitly excluded from obligations under the admission orders of the federal Länder (see above) must be borne by the sponsor/family members.
Administrative fees	Yes/No: The fee per declaration of commitment amounts to € 25. A separate declaration of commitment must be made for each individual. As the admission programmes of the Federal Länder constitute humanitarian admissions, it is up to the foreigners authorities to charge or reduce the fees, "e. g. when declarations of commitment were submitted for several persons" (Ministry of the Interior and Sports of Lower Saxony 2013: 2).
Asylum procedure	<p>Yes: The declarations of commitment continue to apply, even, if the refugees filed an asylum application. In this case, the declaration of commitment also includes the costs that might be incurred for compulsory accommodation and provision in a reception centre. The sponsors must usually reimburse the social welfare office for any benefits drawn under the Asylum Seekers' Benefits Act.</p> <p>The Integration Act adopted by the German Bundestag on 7 July 2016 stipulates that in case of recognition as person with international protection status "the issuance of (another) humanitarian residence permit shall not affect the liability of the sponsor under the declaration of commitment before the expiration of the five-year period, provided that the recognition of international protection and the subsequent issuance of a residence permit pursuant to Section 25, subs. 1 or 2 of the Residence Act does not give rise to a change of purpose which will reduce the 5 year period after acceptance for an admission programme of a Federal Land" (Federal Ministry of Labour and Social Affairs 2016: 26).</p>
Departure/deportation	Yes: Departure costs in case of deportation (deportation costs) must also be borne (Sections 66 and 67 of the Residence Act). The uniform form for declarations of commitment includes a note stating that the commitment also includes the cost for departure (Landeshauptstadt Hanover 2014: 4; Berlin.de 2015: 1; BMI 2009: 2).

Source: BMAS 2016; Berlin.de 2015; Deutscher Bundestag 2014; Hessisches Ministerium des Innern und für Sport 2014a; Hessisches Ministerium des Innern und für Sport 2014b; Landeshauptstadt Hannover 2014; MIK 2013a; Niedersächsisches Ministerium für Inneres und Sport 2013; BMI 2009

Consequences, if the sponsors cannot honour their commitment

In the event sponsors cannot honour their commitment due to special hardship section 8, subs. 2 of the Asylum Seekers Benefits Act provides:

“Anyone who has met his or her obligations under Section 68, subs. 1 first sentence of the Residence Act for a person named in Section 1, subs. 1 for at least six months, may be granted a monthly subsidy of twice the sum established in section 3, subs. 1, 8th sentence, if extraordinary circumstances relating to the sponsor justify the expenditure of public funds” (Section 8, subs. 2 Asylum Seekers Benefits Act).

If public funds have to be expended for the person admitted, execution can also be levied against the sponsors to recover such funds (Landeshauptstadt Hannover 2014: 4).

the attendance of kindergarten can be assumed by the Youth Welfare Office (Section 90, subs. 2 and 3 of the Social Code VIII). Children over six years of age are normally subject to compulsory schooling which also applies to all children and adolescents that joined their families later.

The residence permit also entitles to taking up university studies, however admission to a university is subject to the respective terms of admission. Subsidies under the Federal Training Assistance Act (Berufsausbildungsförderungsgesetz, BAföG) can be claimed (Section 8, subs. 2 of the BAföG) for such studies.

3.3 Support offered

Anyone who entered Germany based on a declaration of commitment submitted within the scope of one of the admission programmes of the federal Länder will receive a residence permit under Section 23, subs. 1 of the Residence Act in any of the participating federal Länder. The residence permit includes a permit to pursue an economic activity without priority check. They have no claim to attend an integration course, however, they may be admitted on request subject to availability (Section 44, subs. 4 of the Residence Act). In this case the expenditure for the integration course must generally be borne by the sponsors (Section 9, subs. 1, second sentence of the Integration Ordinance – IntV). In individual cases the Federal Office for Migration and Refugees may waive this fee, if “its payment would represent undue hardship for the person entitled to attend considering his or her personal and financial situation” (Section 9, subs. 2, second sentence of the Integration Ordinance). Furthermore many supplementary language courses are meanwhile offered in numerous cities and local communities by volunteers or supported by the municipalities. These courses are often open to persons who entered under a programme of the federal Länder or because of a declaration of commitment.

Pre-school children above the age of three are legally entitled to a place in kindergarten (Section 24 of the Social Code VIII). For earners of low incomes any cost arising for

4 Evaluation, challenges and best practices for admission procedures

4.1 Selection and pre-departure phase

After HAP Syria 1 and HAP Syria 2 had been adopted, Caritas Germany organised a networking and exchange trip to Lebanon at the beginning of 2014 and subsequently published a documentation of the trip (Caritas 2014). Employees of the Caritas office in the reception centre of Friedland, where many of the beneficiaries of protection of HAP Syria and the resettlement programme are spending their first weeks in Germany (cf. Chapter 2.3.4), participated in the trip. The Caritas staff met the key players for HAP Syria in Lebanon and described all responsibilities and processes in their documentation. In the process they identified a number of challenges in the HAP Syria selection process that might cause delays or even the exclusion of certain persons from the programme. The major issues were:

- The refugees included in the admission procedure were often difficult to reach, because the responsible actors on the ground, mainly the UNHCR, were often not notified of their contact data, changes in phone numbers or addresses.
- The composition of the families might change in the period between the initial registration, the selection process and the departure by marriage, birth or joining of other relatives.
- During the admission process some refugees change their mind about leaving their country; even at the time they receive an approval for admission refugees might decide not to leave, for example, because they meanwhile got married and do not want to leave without their spouse (Caritas 2014: 12).

The report also said that another challenge for logistics was that some individuals who already possessed an approval for admission decided in the end not to go to Germany because of the information and insights they had gained in the orientation courses (Caritas 2014: 9). As a consequence a certain 'buffer' was included in the different process stages allowing for a similar number of drop outs in order to make full use of the available quota. This proved to be a very useful method (Caritas 2014: 12).

The Federal Office for Migration and Refugees is currently working on a research project on the integration process of resettlement refugees who were admitted to Germany in 2012 and 2014 (BAMF Resettlement Study; Baraulina/Bitterwolf pub.). The study includes reports and evaluations of how the beneficiaries of protection experienced their resettlement to Germany (BAMF 2015). First project results suggest that waiting for potential admission under the resettlement procedure was exhausting and discouraging for the responding beneficiaries of protection. This experience, however, changes with the onset of the admission procedure to Germany and specifically after being in contact with German authorities. The respondents attested that it was a reliable process, well ordered and transparent that is speedily executed. The refugees stressed that it was particularly positive that Germany always tried to admit the family unit as a whole and thus allowed the family to remain united (Baraulina/Bitterwolf pub.).

In its study on the humanitarian admission programmes of the Federation and the privately funded admission programmes of the federal Länder the Expert Council of German Foundations for Integration and Migration (SVR) proposed to increase the proportion of "especially vulnerable refugees without any connections" considered in the programmes (SVR 2015: 25). It said this group "has significantly less chance of being admitted under one of the programmes", although "the option of individual territorial asylum proceedings is also a disproportionately formidable obstacle for them" and they often have no relations or previous stays in Germany (SVR 2015: 25). Therefore the SVR proposes to define a "target agreement for the proportion of vulnerable persons among the refugees admitted" for future admission programmes (SVR 2015: 25).

4.2 Entry and first phase of arrival

The Ministry of the Interior and Sports of Lower Saxony documented the process for the resettlement refugees received in the reception centre of Friedland in 2012. The lessons learnt thereby helping to improve the process in line with requirements (Ministry of the Interior and Sports 2013b). In 2013 and 2014 the reception process in the transit camp and the integration process of the beneficiaries of protection admitted in the first HAP and the resettlement programme were also scrutinized by a working group open to all federal Länder which included representatives of the Conference of the Ministers of the Interior the Federal Ministry of the Interior, the Federal Office for Migration and Refugees and the federal government's commissioner for migration, refugees, and integration (State Ministry for Social Affairs and Consumer Protection of the Free State of Saxony/Ministry of Interior of the Federal Land of Schleswig-Holstein 2014).

Both reports find, *inter alia*, that the method of handling first reception centrally for 14 days has proved to be positive. The following favourable aspects are mentioned: availability of interpreting services, provision with clothing, medical care, counselling services, the possibility to prepare for the arrival in the municipalities and the initial orientation courses "A guide to Germany" (Ministry of the Interior and Sports of Lower Saxony 2013: 7; State Ministry for Social Affairs and Consumer Protection of the Free State of Saxony/Ministry of Interior of the Federal Land of Schleswig-Holstein 2014: 16). The Resettlement Study of the Federal Office for Migration and Refugees also finds that the refugees view the central reception for a short and clearly defined period as something positive. This phase gives them the opportunity to get their bearings after arriving in Germany, to find out more about the country, to learn about daily routines and to identify the right contact persons (Baraulina/Bitterwolf pub.).

Sometimes the information on when who will arrive with which (special) needs, who will have to be picked up and accommodated, is passed on to the municipalities at very short notice and this is seen as a difficult phase in the process. This is all the more serious, because especially in case of medical needs, extensive preparation is required, e.g. to provide the right accommodation and equipment, first meals, possibly first medical care, a cash advance and contacting the specialist counselling services for migration (Hergenröther/Kaufmann 2015). For example, in some instances when HAP Syria refugees organised their travel individually, the only available information was their family relationship to persons in Germany, but very little was known regarding the date of entry or special needs,

thus making it very difficult to prepare adequately and pass on relevant information to the counselling services (State Ministry for Social Affairs and Consumer Protection of the Free State of Saxony/Ministry of Interior of the Federal Land of Schleswig-Holstein 2014: 20).

4.3 Resettlement phase

The Resettlement Study of the Federal Office for Migration and Refugees also analyses the integration strategies during the phase of first orientation in Germany. In a nationwide survey in selected municipalities qualitative guided interviews were held with respondents on several aspects of their living conditions (including accommodation, vocational orientation and labour market participation, language acquisition and counselling). Parallel thereto the people active in promoting integration at local level were interviewed (BAMF 2015).

The study concludes that the refugees need very much counselling and support during the first year after their arrival in their community. The beneficiaries of protection under HAP Syria and the resettlement programme can resort to the Migration Service for Adult immigrants (MBE) or that for young migrants (JMD) as well as to the counselling centres for refugees. The Resettlement Study of the Federal Office for Migration and Refugees clearly shows that the progress of integration is sustainably improved when a relationship of trust can immediately be established between the counsellors and the beneficiaries of protection. Those who can immediately turn to a personal contact on location find their way around the existing support and counselling services faster and are less hesitant to contact public agencies (Baraulina/Bitterwolf pub.). However, in rural areas access to the counselling and integration services can be problematic as these capacities may not be available nearby (State Ministry for Social Affairs and Consumer Protection of the Free State of Saxony/Ministry of Interior of the Federal Land of Schleswig-Holstein 2014: 21).

Many municipalities are very challenged to provide decentralized housing in apartments for the refugees – in particular in metropolitan areas with a strong housing demand. Therefore they are often living in community facilities for much longer than merely for a transitional phase (Baraulina/Bitterwolf pub.). Furthermore there is a host of additional personal and structural issues that makes it difficult to find housing, be it lack of language skills, not knowing how tenants are selected, receiving

welfare payments or reservations or rejection by the landlords (Federal Anti-Discrimination Agency 2015; Meesters 2016).

In its study on HAP Syria and the privately sponsored admission programmes of the federal Länder the SVR finds that, overall, these programmes have been successful and cooperation between the different actors “worked well” (SVR 2015: 23), but that some challenges remained:

“However, the parallel existence of different programmes and residence titles for the same target group has caused insecurity and confusion among the refugees and some felt that they had been treated unfairly. This is quite understandable, because the entitlements of the admitted Syrian refugees differ considerably depending on entry procedure or programme and the residence title they are awarded. [...] This also demanded considerable additional efforts by the responsible administrative agencies, in particular the foreigners authorities. For one, they had to explain and justify the legal differences between the programmes. Secondly, almost half of the refugees admitted via the programmes of the Länder also filed an application for protection as refugees because of the difference in entitlements and thus became part of asylum procedures” (SVR 2015: 23).

The SVR commented on the privately sponsored admission programmes of the federal Länder that the requirements and risks for the sponsors are still too demanding and that the federal Länder and the Federation should ease that burden, e.g. by assuming the expenses for medical treatment or nursing care. With reference to the Canadian private sponsoring model the SVR proposes to limit the duration of liability under the commitment to one to three years (SVR 2015: 25). The Integration Act adopted by the German Bundestag on 7 July 2016 stipulates a limitation of the declaration of commitment to five years in Section 68, subs. 1, first sentence of the Residence Act and to three years for ‘old cases’ in Section 68a of the Residence Act.

4.4 Best practices in the local communities

One best practice example is the reception and integration support of the City of Munich. Since 2012 25 resettlement refugees have been arriving in Munich every year. This number was determined by the Bavarian Ministry of Social Affairs and is fixed. The municipality is responsible

for counselling and housing. The refugees are visited during their two week stay in the reception centres of Friedland and Bramsche, all application forms for welfare payments under the Social Code are prepared and submitted to the Munich agencies on the refugees' behalf before their physical arrival. This gives the welfare agencies time to process the applications and thus the refugees can get payments as soon as they arrive in Munich. Further, a special migration counselling service for resettlement refugees was set up to meet their enormous demand for support in the beginning (Hergenröther 2014).

The Competence Centre for Integration of the Arnsberg District Government which is responsible for the reception and distribution of refugees in NRW visits the Syrian beneficiaries of protection and the resettlement refugees arriving in groups immediately after their arrival in the reception centres of Friedland and Bramsche. They talk to the refugees to confirm or correct and complete the information they had previously received from the Federal Office for Migration and Refugees or UNHCR. The new arrivals are informed about the next steps to take after their arrival in the host municipality and about the counselling services available there. The refugees can also ask questions (Arnsberg District Government 2016: 17 et seq.; State Ministry for Social Affairs and Consumer Protection of the Free State of Saxony/Ministry of Interior of the Federal Land of Schleswig-Holstein 2014: 39).

An example for volunteer involvement in a rural area is the initiative “Welcome to the village!” (Willkommen im Dorf!) of the village Jugenheim (pop. 1,600) in Rhinehessen. This is an initiative of the Protestant congregation that is supported by many villagers and has been working for the reception of refugees in their community since 2014. Volunteer guardians support refugee families or single refugees accepted under the resettlement programme or HAP Syria in dealing with the authorities and learning the language. They facilitate membership in sports clubs and set up tutoring to help with school work. The initiative also sees it as its task to inform the local population of the political situation in the refugees' countries of origin and the circumstances of their flight to reduce prejudice and solicit support for them. The initiative prepared a manual to pass on their experience with setting up a volunteer initiative in a rural area.⁸

⁸ Jugenheim in Rhinehessen, Project „Willkommen im Dorf“: <http://www.jugenheim-rheinhausen.de/gemeindeleben/willkommen-im-dorf.html> (23/05/2016).

Another network of volunteer guardians was established in January 2015, mostly by active or former members of the German armed forces, for the admitted Afghan local staff. In the “Guardian Network Afghan Local Staff” (Patenschaftsnetzwerk Afghanische Ortskräfte).⁹ “To the extent possible the guardians assist as required by the individuals with finding housing and also with finding jobs. They are available as contacts for general issues with living in Germany and in this way support their integration” (Deutscher Bundestag 2016a: 22). Until 23 May 2016 180 guardians had been found (Bundeswehr 2016). Additionally, since early 2016 the Federal Association of Interpreters and Translators took initiative to join the guardian network for those Afghan local staff members, who worked as interpreters and translators for the single ministries in Afghanistan (BDÜ 2016).

9 Patenschaftsnetzwerk Afghanische Ortskräfte:
<http://www.patenschaftsnetzwerk.de/> (23/05/2016).

5 Conclusions

Germany adopted its first humanitarian admission programme in 1956 and since the 1990s refugees have regularly been admitted to Germany on humanitarian grounds. In the course of time each of these programmes and procedures gained its particular profile. In 2011 a fixed annual quota for resettlement refugees was determined for the following years. At the end of 2013 it became possible to bring people seeking protection to Germany in larger numbers via privately sponsored admission programmes of the federal Länder.

As explained above, some of the legal requirements, selection criteria and actors as well as the support measures and residence rights of the different admission procedures vary significantly. The resettlement programme for instance offers the prospect of a permanent stay in Germany to the refugees, HAP Syria and the Admission Procedure for Local Afghan staff are generally only forms of temporary protection. They provide for a return once the war, crisis or threats in the countries of origin have ceased. However, the stay in Germany may also become permanent and a settlement permit may be issued, once the length of stay of the respective individual is as long as required and he or she meets certain requirements.

The privately sponsored admission programmes of the federal Länder offered another avenue for admissions and by the end of 2015 about 21,500 such visas had been issued. The sponsoring relatives usually provide a social network in the host community which ensures a certain degree of social participation. At the same time, the privately sponsored admission programmes of the federal Länder include only limited public support and the sponsors have to bear a very heavy financial burden for several years.

The various admission procedures have created prospects for more than 40,000 people to remain in Germany on a temporary or permanent basis. Moreover, this has relieved pressure on the countries of first reception and transit and saved many people from embarking on highly risky journeys to Europe.

The different target groups of the single contingents (persons in permanent need of protection within the Resettlement programme, admission from 'hot conflict'

within the HAP and privately sponsored admission of relatives within the programmes of the federal Länder) are granted different residence titles, leading to different entitlements to benefits and social participation – also in comparison to beneficiaries of international protection who went through the asylum procedure. These differences increase the complexity for staff at the foreigners authorities and in the employment and social service agencies and extends the need for transparency, so that persons concerned are well informed about the different procedures and legal consequences. The challenges by allowing different and numerous legal immigration channels lie in keeping track of the different criteria applied to each status and helping the people affected to understand them.

Early support and advice in the local community for the persons admitted is considered extremely helpful for the refugees. In the municipalities it is especially the involvement of local civil society actors that makes a positive difference (Gesemann/Roth 2016). The positive aspects highlighted for the admission programmes of the federal Länder are that the sponsors are relieved of certain types of expenditures and that their liability is limited in time.

Annex

Table 22: Total number of persons admitted under the Resettlement Programme, HAP Syria, the Admission Procedure for Afghan Local Staff and the private sponsorship admission programmes of the Federal Länder (2011–2015)

Admission programme	Persons entering per year				
	2011	2012	2013	2014	2015
Resettlement	-	307	293	321	481
HAP Syria	-	-	1,879	9,926	7,147
Admission Procedure for Afghan Local Staff	-	-	67	946	1,025
Private sponsorship admission programmes for Syrian beneficiaries of protection	-	-	ni	ni	ni

Source: BAMF

Table 23: Total number of persons resettled under the Resettlement Programme by sex, age, citizenship and last country of residence/host nation (2012–2015) (part 1)

	2012		2013		2014		2015	
	Total	in %	Total	in %	Total	in %	Total	in %
Sex								
Male	205	67%	153	52%	166	52%	243	51%
Female	102	33%	140	48%	155	48%	238	49%
Age								
up to 17 years	102	33%	110	38%	98	30%	191	40%
18 to 35	124	40%	100	34%	105	33%	179	37%
36 to 50	60	20%	56	19%	60	19%	78	16%
51 to 65	18	6%	25	9%	46	14%	30	6%
66 and older	3	1%	2	0%	12	4%	3	1%
Citizenship								
Afghanistan	-	-	-	-	21	7%	-	-
Ethiopia	27	9%	-	-	1	0%	45	9%
Eritrea	36	12%	-	-	-	-	200	42%
Iraq	132	43%	175	60%	117	36%	26	5%
Iran	-	-	116	39%	-	-	-	-
Somalia	45	15%	-	-	41	13%	45	9%
Sudan/South Sudan	59	19%	-	-	3	1%	122	26%
Syria, Arab Republic	-	-	2	1%	-	-	9	2%
Stateless Palestinians	-	-	-	-	31	10%	33	7%
Other stateless persons	-	-	-	-	34	10%	-	-
Other	8	2%	-	-	73	23%	1	0%

Table 23: Total number of persons resettled under the Resettlement Programme by sex, age, citizenship and last country of residence / host nation (2012–2015) (part 2)

Country of residence/host nation before departing to Germany							
Egypt	-	-	-	-	-	-	301 63%
Indonesia	-	-	-	-	114	36%	- -
Tunisia	202	67%	-	-	-	-	- -
Turkey	105	33%	293	100%	-	-	- -
Sudan	-	-	-	-	-	-	180 37%
Syria	-	-	-	-	207	64%	- -
Other	-	-	-	-	-	-	- -

Source: BAMF

Table 24: Total number of persons resettled under the HAP Syria by sex, age, citizenship and last country of residence / host nation (2013–2015)

	2013		2014		2015	
	Total	in %	Total	in %	Total	in %
Sex						
Male	918	49%	5,065	51%	3,555	50%
Female	961	51%	4,861	49%	3,592	50%
No information on gender						
Age						
up to 17 years	619	33%	3,578	36%	2,810	39%
18 to 35	535	28%	3,040	31%	2,011	28%
36 to 50	348	19%	1,843	19%	1,334	19%
51 to 65	216	11%	1,016	10%	718	10%
66 and older	161	9%	449	4%	274	4%
Citizenship						
Syria, Arab Republic	1,819	97%	9,389	95%	6,801	95%
Stateless Kurds	1	0%	7	0%	2	0%
Stateless Palestinians	3	0%	207	2%	171	2%
Other, unexplained or no information	56	3%	323	3%	173	3%
Country of residence/host nation before departing to Germany						
Egypt	60	3%	242	2%	411	6%
Jordan	234	12%	110	1%	56	1%
Lebanon	1,552	83%	4,836	49%	2,221	31%
Libya	-	-	10	0%	-	-
Syria	1	0%	3,460	35%	3,065	43%
Turkey	22	1%	1,024	10%	1,169	16%
Other	10	1%	244	3%	225	3%

Source: BAMF

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Abbreviations

AA	Foreign Office (Auswärtiges Amt)
AP	Admission Procedure
AMIF	Asylum Migration and Integration Fund
AsylbLG	Asylum-Seekers' Benefit Act (Asylbewerberleistungsgesetz)
AufenthG	Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory/ Residence Act (Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet/Aufenthaltsgesetz)
AufenthV	Residence Ordinance (Aufenthaltsverordnung)
BAföG	Federal Training Assistance Act (Bundesausbildungsförderungsgesetz)
BAMF	Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge)
BMI	Federal Ministry of the Interior (Bundesministerium des Innern)
BMVg	Federal Ministry of Defense (Bundesministerium der Verteidigung)
BMZ	Federal Ministry of Economic Cooperation and Development (Bundesministerium für Wirtschaft- liche Zusammenarbeit und Entwicklung)
Cf.	Compare
EASO	European Asylum Support Office
EASY	Initial Distribution of Asylum-Seekers (Erstverteilung von Asylbegehrenden)
EC	European Community
e.g.	For example
EMN	European Migration Network
ESF	European Social Fund
Et seq.	The following pages
EU	European Union
HAP	Humanitarian Admission Programme
ISAF	International Security Assistance Force
IntV	Integration ordinance (Integrationsverordnung)
IOM	International Organization for Migration
NATO	North Atlantic Treaty Organization
NGO	Non Governmental Organisation
NRW	Federal Land of North-Rhine Westphalia (Bundesland Nordrhein-Westfalen)
StAG	Nationality Act (Staatsangehörigkeitsgesetz)
STMI	Bavarian State Ministry of the Interior, Construction and Transport (Bayerisches Staatsministerium des Innern, für Bau und Verkehr)
Subs.	Subsection (of a legal act)
SVR	Expert Council of German Foundations on Integration and Migration (Sachverständigenrat deutscher Stiftungen für Integration und Migration)
UNHCR	United Nations High Commissioner for Refugees

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Overall Responsibility:

Dr. Axel Kreienbrink (Migration Research)
Birgit Gößmann (EMN National Contact Point)

Supplier:

Bundesamt für Migration und Flüchtlinge
Frankenstraße 210
90461 Nuremberg
www.emn-germany.de
E-Mail: info@bamf.bund

Editors:

Janne Grote
Maria Bitterwolf
Tatjana Baraulina

Editorial assistance:

Isabelle Suchowitz und Rafael Bohlen

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