



PROUD: Promoting Supported Independent Living as an alternative care practice for unaccompanied minors

D2.1 Report on the analysis of integration context for unaccompanied minors in Germany

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Project Identification

Work Package	Analysis of the integration context
Type	Report
Dissemination Level	Confidential
Version	V1
Delivery date	30 September 2020
Keywords	Unaccompanied minor integration context, integration services.
Abstract	<p>The primary PROUD activity is to analyse and assess the integration context and integration services provided to unaccompanied minors via semi-structured interviews with stakeholders in countries of project partners. This will be completed through the analysis of the integration context and services for unaccompanied minors in Germany. This report explores the general integration context for unaccompanied minors in terms of available integration instruments, integration praxis and results, policies, approaches and practices applied (A1), and analyses the existing obstacles that unaccompanied minors face while integrating into the participating countries' societies in terms of education, employment and vocational training as well as the challenges faced by relevant stakeholders who provide integration services (A2).</p>
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Abbreviations and acronyms

AsA e.V.	Aufenthalt statt Abschiebung e.V. – Registered association: Training instead of Deportation
AsylG	Asylgesetz – Asylum Act
AufenthG	Aufenthaltsgesetz – Residence Act
BAMF	Bundesamt für Migration und Flüchtlinge – Federal Office for Migration and Refugees
BumF	Bundesfachverband unbegleitete minderjährige Flüchtlinge e.V. - The national association for unaccompanied refugee minors
CEAS	Common European Asylum Law
DKSB e.V.	Deutscher Kinderschutzbund e.V. - Registered association for Child Protection in Germany
ECPAT Deutschland e.V.	Arbeitsgemeinschaft zum Schutz der Kinder vor sexueller Ausbeutung – ECPAT Germany- Registered Association/ Working Group for the Protection of Children against Sexual Exploitation
EMN	European Migration Network
GO	Governmental Organisation
NGO	Non Governmental Organisation
SchlaU Schule München	School-analogue lessons for young refugees, Munich
SGB VIII	Sozialgesetzbuch VIII – Book VII of the Social Code (The Child and Youth Welfare Act)
UM	Unaccompanied Minor

Foreword

PROUD, with the full title “Promoting Supported Independent Living as an alternative care practice for unaccompanied minors” is a two-year project, funded by the Asylum, Migration and Integration Fund of the European Commission (AMIF-2018-AG-INTE-4) for the period 2019-2021. Overall, the project aims at promoting supported independent living (SIL) as an alternative care practice for unaccompanied minors focused on minors aged 15-18 in four European countries. Specifically, knowledge and good practices regarding SIL will be collected, exchanged and disseminated. In addition, the project will develop methodologies in order to improve the living standards of unaccompanied minors aged 15-18 years old. In this regard, PROUD will support the capacity building of care professionals and the adoption of a mentoring scheme in order to address the integration needs of minors. The project is expected to have a high impact both in short and long term. In short term, 200 minors aged 15-18 years old are expected to benefit along with more than 500 child protection professionals. In the long term, the project is expected to positively influence EU Member States towards adopting alternative care practices.

The consortium entrusted with its implementation involves expert organisations from Greece, Spain, Germany and the Netherlands. Specifically, the PROUD partnership consists of METAdrasi- action for migration and development (Greece) the Co-ordinator, Fundació Privada Idea per a la millora social d'infants i famílies (Spain), APOSTOLI (Greece), Centre for European Constitutional Law (Greece), Plan International Deutschland EV (Germany), Athens Lifelong Learning Institute (Greece) and Stichting Nidos (Netherlands).

PROUD aims to promote supported independent living (SIL) as an alternative care practice for unaccompanied minors focused on the age of 15-18 years old. In particular, the project activities aim to exchange and disseminate knowledge and good practices regarding SIL care in participating countries.

The primary PROUD activity is to analyse and assess the integration context and integration services provided to unaccompanied minors via semi-structured interviews with stakeholders in countries of project partners. This will be conducted through the current (A1) Analysis of the integration context for unaccompanied minors in Greece, Germany, Spain and the Netherlands and the following (A2) Assessment of integration services provided to unaccompanied minors in Greece, Germany, Spain and the Netherlands.

The first analysis, and current research, explores the general integration context for unaccompanied minors in Germany in terms of available integration instruments, integration praxis and results, policies, approaches and practices applied. More specifically, national integration strategies for unaccompanied migrant minors and policy program structures along

with the legal framework are analysed in each participating country in order to identify the key features and focus areas which will be taken into account.

The subsequent analysis focuses on conducting a targeted assessment study in Greece, Germany, Spain and the Netherlands in terms of the integration services provided for unaccompanied minors. The aim is to identify and analyse the existing obstacles that unaccompanied minors face while integrating into the participating countries' societies in terms of education, employment and vocational training as well as the challenges faced by relevant stakeholders who provide integration services. In order to collect data, various sources and tools will be used.

Executive Summary

In 2015, the German Chancellor said the famous phrase "We can do it!", referring to the reception, placement and integration of a total of around 890,000 people from those seeking protection at Europe's borders. This year, 5 years later, the media has been and is continuously discussing whether we actually have succeeded doing it. As expected, opinions differ widely. Flight, migration and integration are undisputedly controversial and much discussed topics with strong and differing opinions. The present report also deals with the questions of integration of persons seeking protection, however, in the course of the European cooperation project PROUD it focuses on unaccompanied minor refugees and their possibilities of integration in Germany. It does not explicitly look at the last 5 years, although it cannot be denied that 2015 and the following period became the turning point in German (and in a broader sense certainly also in European) asylum, residence and integration policies. As unprepared as the systems were supposedly in 2015, the more deficits have now been identified and new structures and strategies were developed. Within the framework of this report, a literature research and subsequently a synthesis of discussions with employees of GOs and NGOs attempt to draw a picture of how integration for unaccompanied young refugees in Germany works in theory, as well as in practice, what is changing, what works well and where deficits remain. To discuss integration of unaccompanied minors in the German context, one has to talk about the German child and youth welfare system that is responsible for the minors' reception. It is also important for the wider context to understand that the Federal Republic of Germany has a federal structure. In addition to the Federal Government, the Federal Republic consists of 16 partly sovereign states, the federal states, which in turn fulfil their own state tasks. The federal states have their own legitimacy, rights and competences. Thus, the federal states have, for example, cultural sovereignty and hence primary responsibility for the language acquisition and education systems. There are other areas in respect of which laws are interpreted more strictly or favourably, depending on the federal state.

Foreign minors who come to Germany without their parents are taken into care according to the German Child and Youth Services Act – hereinafter also called Book VIII of the Social Code. Thus, the Child and Youth Services Act takes precedence over the Asylum and Residence Act. Basically, it can be said that the system works once the minors are taken into the youth welfare system. Legally, it is stipulated that every minor who arrives unaccompanied is given shelter. The conditions for admission are arguable: in the initial interview with two professionals, a language mediator and the minor, an age assessment is carried out if no identity documents can be presented. Moreover, it is possible to arrange a medical age assessment. In the German professional landscape (both pedagogically and medically) this practice is critically discussed, because amongst other things an interference on the physical

self-determination (e.g. through medical examination and/or x-ray of teeth/jaw, collar bone, carpal bones) to decide on a claim to benefits is seen as disproportionate. If the minor has passed this threshold and is taken into care, the next step is to re-allocate them to a federal state via a quota. There they are then taken into care and have the opportunity to clarify their legal situation - under the supervision of a guardian who is placed at their disposal. The process of re-allocation is also subject to varying degrees of criticism by GOs and NGOs. The re-allocation relieves the (financial and capacity) burden on the individually heavily frequented federal states and, if so, allows them to do work of a higher quality, while at the same time the minors - despite the best interest of the child being part of the examination in the case of re-allocation - are hardly ever excluded from re-allocation. Independent bodies (e.g. NGOs) are not involved in the process. This may result in disadvantages for the minors in the further course of integration.

After an initial interview, an age assessment and the allocation to another federal state via a quota, the process of integration commences. For unaccompanied minors, this is mainly achieved by placement in a youth welfare institution along with the associated pedagogical support and a school placement. In theory, unaccompanied minors have generally the same entitlements, rights and duties as native minors on account of their integration into the standard system. In practice, an unaccompanied minor faces many additional challenges that a native minor does not face. Differences of language, culture, getting a general orientation on the one hand. Clarification of residence, educational background, concerns about the family left behind, processing the experience of flight, on the other hand, to only name a few. Unaccompanied minors are faced with the challenge of building a completely new life without having a trusted person at their side, in addition to the average teenager's daily routine - including the search for identity. They are under intense pressure to perform by both internal and external factors.

Particular criticism by both GOs and NGOs- apart from other points of criticism which are, however, fundamentally build on each other - is directed at the restriction of the right to asylum and residence, which makes it increasingly difficult for minors to gain a perspective despite having a poor chance of staying (with regard to 'classic reasons for asylum and flight'). It is also directed at the barriers to access to school and vocational training places.

The German education and vocational training system, despite the heterogeneous student population and different resources, is still fixated on formal qualifications and the German language and has found little alternative approaches to change this situation. Another key point of criticism is the support and assistance given to young refugees after they have come of age. At the age of 18, the young people's entitlement to accommodation and support ends; depending on their co-operation of both the young adults and the Youth Welfare Offices, further assistance can be applied for. These 'optional benefits' (there is no legal entitlement) are granted with varying frequency depending on the federal state concerned. In addition, there is an end to compulsory schooling and also to a certain degree of protection on the grounds of

minority in asylum and residence law. If the minor/ young adult has not yet settled down in private housing, it is possible that they may suddenly find themselves on their own in a shelter, as affordable apartments are hard to find in most German cities. In view of the high proportion of young adults, this is one of the most crucial issues to ensure the long-term integration of young people.

Complex bureaucratized German systems can be discouraging for unaccompanied minors and their caretakers. Although the landscape of providers and services for integration projects going beyond the integration services offered by youth welfare and schools is rather promising, there is no general overview towards which young people can orient themselves. To a large extent, services are offered locally and communally and thrive on the commitment of the individual.

Generally speaking, the prospects for minors that are categorized as coming from "safe countries of origin" or with "poor prospects of staying" by the German immigration system are subject to high thresholds and obstacles to entry.

Concerns were also raised about the current financial situation. Refugee social work is not included in the Covid-19 rescue parachutes, and offers which go beyond the compulsory expenditure (youth welfare, language courses, school etc.) are at risk of no longer being financed in the coming years due to reduced funding.

Although much knowledge and experience has been accumulated in recent years, there is concern by GO and NGO staff that knowledge and good concepts will be lost due to the dwindling number of unaccompanied minors and consequentially the loss of services.

1 The policy and practice of integration of unaccompanied migrant minors in Germany

1.1 Introduction

If you do research on integration and talk to people, it quickly becomes clear that integration as a term and as a concept is fiercely contested. The European definition in the EMN (European Migration Network, coordinated through the European Commission) glossary is broad and speaks of a dynamic -two-way process of mutual accommodation by all immigrants and residents and refers to integration indicators such as work, education, social inclusion and active citizenship. German official bodies, the government has a clearer, more limited view on integration: that people who come to Germany legally should have the same opportunities as Germans. These opportunities come with obligations, so the motto is: demand and promote. But what happens to people who did not enter Germany 'legally', what happens to people who cannot obtain legal residence status in Germany?

So what does integration mean and how can we decide who is integrated? And who has a right to be integrated?

The following chapter will present the policy and practice of integration of unaccompanied minors in the German context. Starting with a short introduction to the German system and figures on unaccompanied minors in Germany, the current situation (main needs and challenges, living conditions) will be explained based on a literature review. Building on this, integration services and stakeholders with the challenges they face are presented in a generalised overview.

1.1.1 Demographic background – The federal republic of Germany

The Federal Republic of Germany is a federal state with 16 states as constituent parts. The exercise of state power is divided between the Federal Government and the 'Bundesländer'-the federal states by constitutional law. Both the federal states as well as the federal government as a whole have their own state authority. The federal states are states with their own state constitutions, parliaments, administrative structures and responsibilities. The federal states themselves again have their municipalities that then again also have laid down own responsibilities. The exact division of state power as well as the federal-state-principle of loyalty to the Federation and cooperation in-between the federal states is written down in the German constitution. In the scope of this report it is important to understand that the constitutional law is based on the principle that the federal states are responsible -within the framework of the law. In the areas of legislation, administration and jurisdiction, the Federal Government has

competences only if German constitutional law expressly assigned them to it (see Bundesministerium des Innern, für Bau und Heimat).

Let's break this down to the topic of the integration of unaccompanied minors. It can be said that the issues of social welfare (e.g. the reception, placement and care), residence, asylum and integration laws are decided on federal level and therefore obligatory for the federal states to implement. However, the federal states still have the possibility to shape and formulate those obligatory laws into their own expectations and tendencies (see Sturm, 2003, p. 144). For a report on social issues and integrational measures in Germany this is a challenge because of 16 federal states that interpret the same federal laws into their own legal framework. For the purpose of this report, the literature review will be held on a rather superior (national) level, interviews were conducted in Hamburg (a so-called city state/ a federal state of its own) and Bonn (a city in the federal state of North-Rhine Westphalia). Therefore, the report does not and cannot map German integration measures as a whole and must be read as an overview and partial insight into the topic.

1.1.2 Historical overview of migration in Germany and migration population

Germany has a long history of migratory movements but has long struggled and still does so to recognise itself as a country of immigration (see Die Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration, 2019, p. 9). Only with the change into the new millennium a change in migration policy has taken place towards the view that immigrants are no longer guests but citizens who usually stay for a long time and want to help shape the future. In order to ascertain the diversity of the German society (also with regard to the many guest workers and their families), the category 'migration background' was created for statistical purposes. This definition has been changed repeatedly (expanded, reduced) over time, with the Microcensus¹ of 2018, this category now refers to persons who themselves (or at least one parent) did not possess German citizenship by birth. One can imagine that this group contains a large number of people: immigrant and non-immigrant foreigners, immigrant and non-immigrant naturalized persons, ethnic German resettlers², persons who obtain German

¹ The term Microcensus is equivalent to a "small population census". The Microcensus is the largest annual household survey of official statistics in Germany. Since 1957, the survey has been carried out jointly by the statistical offices of the Federal Government and the federal states. With about 810,000 persons in about 370,000 private households and shared accommodation, about 1% of the population in Germany are questioned about their working and living conditions. (<https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bevoelkerung/Haushalte-Familien/Methoden/mikrozensus.html>)

² ¹ Ethnic German resettlers are descendants of Germans from the former Soviet Union and other countries in Eastern Europe who have established their residence in Germany by means of a special acceptance process. If you are recognised as an ethnic German resettler, you automatically receive German nationality. The acceptance and certification procedure carried out by the Federal Office of Administration is contingent amongst other things on your being descended from Germans. The legal basis for accepting ethnic German resettlers is the Federal Expellees Act

citizenship upon adoption by a German parent, and children of people from the aforementioned groups.

That said, according to the Microcensus of 2018, approximately one person in four of the German population (20.8 of 82.7 million) has a migration background. More than half of them (52%) hold the German citizenship (see DESTATIS Statistisches Bundesamt, 2019). This figure points to a central characteristic of the migration society: migration affects many of its members. If the German expellees and refugees of the Second World War and their descendants had not been excluded from the definition of having a migration background, the proportion would be even higher. But even so, migration is no longer just a marginal and minority phenomenon, but a central social issue.

1.1.3 Migration today

In recent years, the rate of immigration in Germany has risen sharply throughout 2014 with its peak in 2015 with the refugee influx but then quickly regressed again with political decisions that were subsequently taken (see European Commission, 2016). While in 2015 humanitarian reasons for immigration were most prevalent, statistically the main cause of immigration at the moment is labour and educational migration from EU-member states (Romania, Poland, Bulgaria) (see Federal Office for Migration and Refugees, 2019, pp. 2–3).

The number of people immigrating to Germany for humanitarian reasons is measured by the number of asylum applications. These numbers of applications have been steadily declining since 2015. In 2019 most of the people filing an asylum application were from Syria, Iraq, Turkey, Afghanistan and Nigeria (see Bundesamt für Migration und Flüchtlinge, 2019a, p. 3).

1.1.4 Unaccompanied minors in numbers

Children and young people under 18 years who enter Germany without their parents or guardians are considered unaccompanied and in need of protection. They are entitled to special care not just during their asylum procedure in Germany but as well regarding housing, supervision and care, which is relatively independent of their asylum procedure and residential status. Unaccompanied refugees under the age of 18 years are taken into care by the youth welfare offices in accordance with the German Child and Youth Welfare law/ Book VIII of the Social Code (also called the SGB VIII). The Youth Welfare Office organises care, accommodation and further coordination between the various systems (family court, school,

(Bundesvertriebenengesetz - BVFG). Individuals born until the end of 1992 may be recognised as ethnic German resettlers. (<https://www.bamf.de/EN/Themen/MigrationAufenthalt/Spaetaussiedler/spaetaussiedler-node.html>)

immigration registration office, etc.). Further information on this topic can be found in chapter 1.2.2.

Dated February 2019, 38,926 unaccompanied minors and young adults had been registered in Germany and were living under the responsibility of child and youth welfare services, according to an official report published by the German Federal Government. 14,916 of them were unaccompanied minors and 24,010 were young adults (in the scope Section 7 Book VIII of the Social Code a young adult is a person who is 18 but not yet 27 years old). This number includes all minors and young adults in the system, irrelevant of the date they entered. Therefore, it does not give an overview on the current data on unaccompanied minors taken into care at a specific date. Overall, the number of cases of (preliminary) taking into care is decreasing significantly. On 28 February 2018, 493 children and adolescents were still in preliminary care, whereas on 28 February 2019 there were only 405 children and adolescents left. In 2018, the cases of taking into care according to Section 42 of Book VIII almost halved in comparison to the previous year. In terms of age and gender, statistics show that 77% of the unaccompanied minors who applied for asylum in 2018 were 16 years or older and 80% of unaccompanied minors who applied for asylum were male, 20% were female. The main countries of origin of unaccompanied minors were, in order of numbers, Afghanistan, Somalia, Guinea, Eritrea, Syria, Iraq, Gambia, Iran, unidentified countries of origin and lastly with the least number of children Sierra Leone. The number of unaccompanied minors who applied for asylum dropped from 9,084 applications in 2017 to 4,087 applications in 2018. (see Die Bundesregierung der Bundesrepublik Deutschland 2020b, 8)

At the end of 2019, an overall number of 29,900 unaccompanied minors and young adults were under the jurisdiction of the youth welfare offices. Since the end of 2015, this number has declined sharply: At that time there were about 66,000, many of whom have reached an age that makes the youth welfare no longer responsible for them (see Die Bundesregierung der Bundesrepublik Deutschland, 2018, p. 13); (Mediendienst Integration, 2020); (Die Bundesregierung der Bundesrepublik Deutschland, 2017, p. 23).

The proportion of adults among unaccompanied minors has risen significantly in recent years: in 2015 there were about 6,400 young adults/ former unaccompanied minors, and at the end of 2019 about 18,700, that is more than 60 per cent. It is generally possible for them to continue to be supported by youth welfare services even as young adults - in exceptions and with regard to the SGB VIII until they are 27 years old (see Die Bundesregierung der Bundesrepublik Deutschland, 2017, p. 23). Compared to assistance for minors, to which there is an entitlement, the threshold for young adults (18+) is much higher and there are more requirements to be met in order to further receive support and assistance. This so called 'help for young adults' is generally approved until the age of 21 with its effectiveness being evaluated in short intervals. Since the help for young adults is additional and provided only upon request (without being entitled), the young adult's obligation to cooperate is the most important point in

the granting of the benefit. Assistance can be terminated at very short notice if the Youth Welfare Office determines that the cooperation is insufficient. Help that goes beyond the age of 21 is legally possible in theory but is hardly ever implemented (see Die Bundesregierung der Bundesrepublik Deutschland, 2017, p. 23). More Information about the process of taking minors into care and the provisions for young adults can be found in chapter 1.2.1 and following.

1.1.5 Main needs and challenges of the UAMs

Every child has a different backstory, which means that the unaccompanied minors arriving in Germany are a very heterogeneous group of people with different needs, expectations and wishes. In the following one can find an overview of these needs and wishes mentioned by the UAMs and assessed by the authorities and collected in a study by the Federal Government.

Table 1 Main needs and wishes of the UAMs

Main needs of the UAMs	Specifications and wishes of the UMs
Accommodation according to child welfare standards	Peace, quiet, security, autonomy, support
Education	Support in school matters, language support
Professional integration	Good vocational preparation
Social Integration	Social contacts (with Germans)
Health	Medical and psychological care
Family	Reunification of relatives
Legal aid	Application for asylum, residence permits

(see Die Bundesregierung der Bundesrepublik Deutschland, 2020b, p. 29)

In addition to a collection of needs and wishes it is indispensable to show the challenges and obstacles UAMs are facing in Germany. As one can see in the table below, uncertainties regarding residence permits, as well as separation from their families, were indicated as the biggest challenges by UAMs themselves and the authorities who work with them. Those are closely followed by an overall fear of the future and the situation in their countries of origin and the consequences of the flight. After a first period of adjustment, UAMs mention high educational demands, PTSD, conflicts within the facilities they are assigned to, experiences with racism and a lack of social contact as occurring problems and hindrances.

Table 2 Main challenges of the UAMs

Main challenges of the UAMs	Percentage
Uncertainties regarding residence permits	94.8%
Separation from family	92.4%
Fear of the future	85.4%
Situation in the country of origin and the consequences of flight	74.5%
High educational demands	71.7%
Illnesses and mental stress	59.8%
Conflicts arising within youth welfare institutions	53.4%
Experiences with racism	34%
Lack of social contacts	28.8%

Source: (see Karpenstein and Nordheim, 2019, pp. 16–18)

1.1.6 Living conditions

The International Covenant on Economic, Social and Cultural Rights, in accordance with the Universal Declaration of Human Rights, promotes and recognizes that in order for human beings to live a life free from fear and want, certain conditions of living have to be established and maintained, as stated in article 11 of the Covenant (see United Nations Human Rights Office of the High Commissioner).

“The State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. [...]” (United Nations Human Rights Office of the High Commissioner)

However, those material conditions should not be seen as separated from social conditions and factors of well-being. Leaning on a Eurostat statistic, which emphasises the impact of socio-economic factors (employment, health) on living standards, as well as the importance of social participation and integration (see Eurostat), this report understands living conditions as a constellation of objective material conditions, such as the standard of accommodation, health services and education, and factors of subjective well-being, such as social integration and the feeling of belonging.

Most studies, amongst them the most recent report of the German Federal Government on the state of unaccompanied minors in the country, agree on the factors that influence their well-being and living conditions. The ones this report will focus on are:

- 1) Reasons for migration and experience of violence in the state of origin, on the journey to Germany and/or after the arrival in Germany
- 2) Accommodation
- 3) Psychological and physical health
- 4) Education
- 5) Social integration

(see Die Bundesregierung der Bundesrepublik Deutschland, 2020b, p. 10)

1.1.6.1 Reasons for migration and experiences of violence in the country of origin, on the journey to Germany and/or in Germany

The country of origin, as well as the reasons for migration play an important role in how unaccompanied minors adapt when arriving in Germany. Many have experienced traumatic events, which affect their psychological- but, in many cases, also their physical well-being. The national association for unaccompanied refugee minors (BumF) included in its survey on the state of unaccompanied minors in Germany an observation on the frequency of violent experiences, in particular those of teenagers. According to the professionals who are working with these minors, 69.5% of male teenagers, 62.7% of female teenagers, as well as 53.7% of young intersex, transgender and gender-diverse teenagers reported that they experienced violence very often or all the time in their countries of origin as well as while on the move (see Karpenstein and Nordheim, 2019, p. 12).

Human trafficking, for example, is still a prevalent issue. 44.7% of male teenagers, 47.7% of female teenagers and 38.9% of intersex, transgender and gender-diverse teenagers reported that they have experienced human trafficking in their countries of origin as well as on their journey to Germany. These numbers show that young girls and women are mostly affected by human trafficking. More explicitly the survey asked for experiences with sexual exploitation, which has been answered as follows: 16.3% of male young people, 51.5% of female young people and 35.7% of intersex, transgender and gender-diverse young people have very often experienced sexual exploitation in their countries of origin as well as on their journey. It must be noted, however, that many victims of sexual violence do not come forward, which must be taken into consideration when evaluating those numbers. Additionally, the survey has been conducted with professionals working with those unaccompanied minors and not the minors themselves, which is why only those cases that had been brought to the attention of the professionals can be accounted in the results (see Karpenstein and Nordheim, 2019, p. 13).

In 2017, Terre des Hommes Deutschland e.V. and ECPAT Deutschland e.V. have issued a paper on trafficking of refugee children and adolescents in Germany, in which it gives precise

case studies not only on cases that happened in countries of origin or while fleeing from them, but also on cases that have happened in Germany. The study divides trafficking into three sub-categories. Firstly, sexual exploitation, secondly workforce exploitation and thirdly exploitation through committing punishable acts (see Terre des Hommes Deutschland e.V. / ECPAT Deutschland e.V., 2017, p. 3).

1.1.6.2 Accommodation

For unaccompanied minors who arrive in Germany without a legal guardian, the primacy of child and youth welfare services applies, by which the young people must be cared for and accommodated. The unaccompanied minors are initially taken into temporary care by the Youth Welfare Office (Section 42a SGB VIII). The young people are then distributed to child and youth welfare institutions, where the regular procedure of care (according to Section 42 SGB VIII) is carried out and a decision is made on the further need for care and, if necessary, on distribution to another federal state. Further elaboration on the process of (preliminary) taking into care at 1.2.2.2

The following table gives a first impression of the distribution of minors in (and outside) the process.

Table 3 Accommodation of minors after taking into custody as of 30 June 2018 (in %)

	Yes	No	No data
In residential care facilities/assisted forms of living	97.6 %	0.9 %	1.5 %
In accommodation facilities for young people	19.8 %	76.6 %	3.6%
In non-relative foster families/host families	62.4%	34.3%	3.3%
In care of relatives / with relatives	58.0 %	37.0 %	5.1 %
In reception facilities for refugees/asylum seekers	4.4 %	90.8 %	4.8 %
In shared accommodation for refugees/asylum seekers	22.5 %	71.9 %	5.7 %

Source: (Die Bundesregierung der Bundesrepublik Deutschland, 2020b, p. 49)

While accompanied minors indicate spatial conditions within the accommodation because they and their families often live in big and crowded state-based accommodations, as one of the main points, unaccompanied minors focus on the form of care and support they receive from the professionals working in said accommodation (see Lechner and Huber, 2017, pp. 37–

38). Many of them find themselves in a state in between the wish for autonomy and the wish for adequate support, as many of them have reported (see Lechner and Huber, 2017, p. 47).

1.1.6.3 *Psychological and physical health*

1.1.6.3.1 *Access to health care*

The medical care of unaccompanied minors is defined by the regulations of child and youth welfare services. The "Krankenhilfe" (health care) defined in Book VIII of the Social Code relates to medical care for unaccompanied minors in accordance with the benefits of the statutory health insurance. The young people themselves rarely raised problems with access to medical care, when being questioned. Almost all young people who were affected by acute - and usually minor - health problems reported that they were under medical treatment and did not feel that the nature and extent of medical and medical treatment was restricted. Direct encounters with doctors have been reported as mostly positive, especially regarding consultations with general practitioners or dentists. Still, some are still sceptical towards the German health care system and fear that costlier treatments would not be covered and could even affect their asylum status (see Lechner and Huber, 2017, pp. 83–85).

1.1.6.3.2 *Psychosocial support*

The psychosocial and psychotherapeutic care of unaccompanied minors lies within the responsibility of the federal states (see Die Bundesregierung der Bundesrepublik Deutschland, 2020b, p. 47).

According to a government report, there has been an increase in unaccompanied minors suffering from post-traumatic stress disorder and in need of therapy. However, even though there is a sufficient number of counselling services, there are hardly any therapists who are able to carry out their treatments in the minor's native language. Translators might also perturb the confidential setting therapy sessions ought to have, which makes it difficult to overcome the language barrier. Additionally, in rural areas, infrastructural shortages lead to fewer therapeutic offers and in bigger cities one often has to wait a very long time before getting an appointment. In many cases it is not clearly regulated who covers the cost for the treatments and many accompanied minors fear being stigmatised for going to therapy. All of those factors exacerbate the problem of providing sufficient psychological care for unaccompanied minors (see Die Bundesregierung der Bundesrepublik Deutschland, 2020b, p. 22).

This picture is emphasised by experiences by minors, who reported that many doctors they consulted diagnosed them with psycho-somatic stress, but rarely referred them to a psychologist. Some minors even reported that doctors told them to simply "forget about their worries and stay positive" in order to make their psychosomatic symptoms go away. On the

other hand, a significant number of minors reported that they rather handle their problems on their own without any external psychological help (see Lechner and Huber, 2017, pp. 84–86).

1.1.6.4 Education

Equal access to a proper education is a key element in providing the best possible conditions for societal integration of unaccompanied minors. In general, all minors have the right to gain equal access to education, regardless of their current residence status. However, due to Germany’s federal structure, every federal state is solely responsible for its own educational and schooling system and has different requirements and specifications regarding access to it. This starts with the time frame after which unaccompanied minors are to enter compulsory education (see Tangermann and Hoffmeyer-Zlotnik, 2018, p.52). In the following you will find a list with the different regulations regarding the start of compulsory education in each respective federal state³. Further elaborations on how schooling influences integration can be found in 1.2.1

Table 4 Start of compulsory education in each federal state

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

Source: Tangermann and Hoffmeyer-Zlotnik, 2018, p.54

Due to very differing educational backgrounds, the minors have to be assessed before being able to enter the school system. This decision is, similar in all federal states, based on age, language skills and prior education and schooling. Normally the responsible authorities conduct interviews with the minors. However, in some federal states there are more special

³ An interactive overview on the start of compulsory education in the German federal states can be found at the website of the German Institute for Human Rights - <https://landkarte-kinderrechte.de/maps/zugang-schulen.html> (accessed 05.10.2020)

assessment procedures. For example, in Baden-Wuerttemberg, the authorities take additional use of a “refugee potential analysis”, which is a personal skills test, carried out on a computer and without any use of language, which avoids the main obstacle of language barriers. During the course of time, many preparatory classes have been established to make the transition of the unaccompanied minors from their home country schooling to the German school system as easy as possible and to provide thorough language courses to further enhance integration. (see Tangermann and Hoffmeyer-Zlotnik, 2018, p.55)

Even though the quality and quantity of these programmes has increased, there are still many obstacles hindering a seamless integration of unaccompanied minors. The most prevalent obstacles, according to the Federal Office for Migration and Refugees, are:

- 1) The heterogeneity of pupils in preparatory classes
- 2) The high rate of fluctuation in preparatory classes
- 3) A lack of programmes at whole-day schools
- 4) The lack of specialised staff
- 5) The varying availability of special support and language programmes
- 6) The unequal arrangements provided by the federal states with regard to compulsory education, access to school and special programmes for the transition to employment (see Tangermann and Hoffmeyer-Zlotnik, 2018, p.59)

1.1.6.5 Social integration

As mentioned before, in order to assess children's living conditions, it is indispensable to consider social integration as a main indicator of well-being. Some unaccompanied minors have lost their families or do not have any contact with them, which adds to the hardship of adapting to their new circumstances they find themselves in. Emotional bonds are necessary for children to develop and thrive. When being asked, many unaccompanied minors claim that the lack of family support has an immense impact on their subjective well-being (see Lechner 2017, p.73).

After having arrived in Germany, most social contacts of unaccompanied minors are limited to other children they have met in their respective accommodation facility. Many minors report that the person they felt the most connected to were roommates and other children coming from the same country of origin. Furthermore, they indicate that they often support each other emotionally, but also when it comes to homework, other school related issues or doctor's appointments (see Lechner 2017, p. 77-78).

Unaccompanied minors have access to many leisure time activities offered by youth welfare organisations, in which they have the possibility to get to know each other. Once having

settled in Germany, they also have the chance to join already existing sports clubs, in which they can get in contact with German teenagers their age (see Lechner 2017, p. 77).

However, there are still many obstacles which hinder them to fully integrate socially. Firstly, the language barrier makes it difficult for young people to fit in and communicate with young people from other backgrounds or local Germans. Additionally, the minor's time resources are often limited due to visits to authorities and internal processes within the accommodation facility. There are also structural factors, such as the special housing situation. For example, the minors are not allowed to bring friends to their accommodation and the frequent change of location or the change between different accommodations makes it even more difficult for the them to settle in. Many state that they seek stability and a good social network, also outside the accommodation, but this is often made difficult by the constant change of location and in many cases by situations of exclusion. A main factor for the lack of contact with German young people is the lack of meeting places. Many encounters with Germans are limited to the professional environment, and even in sports clubs it is sometimes difficult to establish contacts. This issue is exacerbated by gender normative differences. While many boys have joined sports clubs and thus participate in social life outside the accommodations, girls find it harder to take this step. They withdraw more often from others and are more afraid of exclusion or even assault. At school, the place which should act as the main contributing factor to social integration, many unaccompanied minors do not see themselves as part of the class community, as many classmates' tease or ignore them. These statements emphasise the need for structural improvement in order for young people to achieve the level of social integration they so much desire (see Lechner 2017, p. 78-81).

1.1.7 Services and stakeholders

Following the EMN Report of 2018, which already gives a general overview on the organisations that are involved in the integration of unaccompanied minors, one can say that the governmental responsibility for the integration of unaccompanied minors into the school system and into the vocational training and labour market lies, for the most part, in the hands of municipal authorities. The youth welfare offices, national and local employment agencies, and the school boards or the individual schools in the municipalities are the responsible ones for these tasks. The following table taken from the EMN Report (Tangermann and Hoffmeyer-Zlotnik, 2018, p. 53) gives an overview of the most important organisations at national, federal state ('Bundesland') and municipal levels, as well as of their duties regarding the integration of unaccompanied minors (see Tangermann and Hoffmeyer-Zlotnik, 2018, p. 53).

Table 5 Overview of organisations at national, federal state and municipal levels

Name of the public authority or organisation	Description	Duties and responsibilities regarding the integration of unaccompanied minors
Federal Office for Migration and Refugees	Responsible Federal authority for processing asylum applications, with further responsibilities, i.e. within integration, and there providing as well as funding integration activities	Funding and organisation of integration courses and vocational German-language promotion. Special integration courses exist for juveniles who are no longer subject to compulsory education and for young adults aged up to 27 (BAMF 2017b). Persons attending school or school-based training are not obliged to attend (Section 44 subs. 3 no. 1 of the Residence Act).
Municipal foreigners' authorities	Responsible for all measures under residence law	<ul style="list-style-type: none"> ▪ Validation and issuance of employment permits (see Chapter 4.3.1) ▪ Validation and issuance of residence titles
Federal Employment Agency and job centres	Responsible for employment placement and promotion, as well as granting social benefits to jobseekers	<ul style="list-style-type: none"> ▪ Labour market counselling ▪ Employment placement ▪ Placement in and funding of skill-building programmes, e.g. language courses or continuing vocational education and training ▪ In some cases, granting approval for taking-up employment (see Chapter 4.3.1)

Ministries of Education and Culture of the federal states	Responsible for federal states school law	Stipulation of the framework for school organisation and the integration of pupils who have recently entered the country
Education authorities of the municipalities or within the respective Ministries of Education and Culture	Responsible for the supervision of schools in towns and cities	<ul style="list-style-type: none"> ▪ Supervision, control and counselling of schools ▪ In some federal states responsible for assigning new pupils to schools
Schools	Organisation and provision of schooling	<ul style="list-style-type: none"> ▪ Language and subject teaching ▪ In parts, additional assistance from teaching staff or skilled school psychologists or social educators ▪ Whole-day programmes and leisure activities, e.g. homework supervision, sports, etc.
Youth welfare offices	Responsible for all child and youth welfare measures	Support and counselling, esp. via assistance planning and providing youth welfare assistance pursuant to Book VIII of the Social Code
Charitable associations etc.	Numerous social tasks, including counselling for immigrants and juveniles or young adults	<ul style="list-style-type: none"> ▪ Youth Migration Services: general counselling services, including on topics concerning labour market/school integration ▪ Tasks within youth welfare

Chambers, trade associations	Regional business associations or sector-specific associations	<ul style="list-style-type: none"> Chambers: organisation of the dual system of vocational training Initiatives and projects to promote vocational training and labour market integration
Civil society	Local support groups and initiatives, volunteers etc.	<ul style="list-style-type: none"> Support provided via personal contacts, informal counselling, etc. Language courses provided by volunteers Leisure activities

1.1.7.1 Institutional obstacles

To get an impression of work on institutional side, it is also necessary to take a look at institutional obstacles which hinder proper and sufficient care for unaccompanied minors. In order to get insight into the institutional obstacles facing youth welfare services, 153 employees of youth welfare offices were asked, and the mean value of their answers was calculated. The mean value is determined from the information provided by the youth welfare offices in relation to a Likert scale (1: Does not challenge us at all at the moment to 6: Currently challenges us strongly).

Table 6 Main challenges indicated by the youth welfare office

Main challenges indicated by the youth welfare office	Mean value
<i>Provision of sufficient space for UAM in facilities and assisted living facilities</i>	2.2
<i>Reduction of existing places for UAM</i>	2.9
<i>Finding carriers for the accommodation of UAM</i>	1.9
<i>Termination or no further extension of existing contracts with institutions for the accommodation of UAM</i>	2.4
<i>Securing longer-term financing of services and structures for UAM</i>	2.6

<i>Acquisition of qualified personnel for the work with UAM</i>	2.6
<i>Reduction of personnel for the tasks related to UAM</i>	2.5
<i>Overburdening of staff in the area of tasks for UAM</i>	2.5
<i>Development of technical concepts for offers for UAM</i>	2.4
<i>Equipping and organising official guardianship for qualified support of UAMs and to enable sufficient personal contacts between guardian and UAMs</i>	2.2
<i>Design and implementation of qualified assistance planning (Section 36 SGB VIII)</i>	2.4
<i>Avoidance of contradictions and double structures in the cooperation for framing transitions from school to training and work</i>	2.8
<i>Creation and organisation of follow-up assistance after the UAM have reached the age of majority</i>	3.2
<i>Adherence to own professional standards with regard to working with UAMs</i>	2.4
<i>Implementation of the distribution procedure of UAMs (without young adults)</i>	1.6
<i>Qualification of personnel for work with UAMs</i>	2.1
<i>Overcoming language communication problems with the UAMs</i>	2.9
<i>Reimbursement of costs for accommodation and care of the UAMs (from the state)</i>	3.4
<i>Consideration of the UAMs as an addressee group within the framework of municipal youth welfare planning</i>	2.8
<i>Cooperation with other agencies responsible for UAMs</i>	3.0
<i>Coordination of volunteers and voluntary workers as well as initiatives in refugee work when working for UAMs</i>	2.6

Source: (Die Bundesregierung der Bundesrepublik Deutschland, 2020b, pp. 88–89)

The table shows that the obstacles, which currently challenge the youth welfare office the most are the lack of reimbursement of costs for accommodation and care of the unaccompanied minors from the state, the creation and organisation of follow-up assistance after the UAMs have reached the age of majority, the cooperation with other agencies responsible for the unaccompanied minors, the reduction of existing places for the minors, as well as language barriers.

1.2 National framework for unaccompanied migrant minors in Germany

1.2.1 Review of the policy framework

1.2.1.1 Overview

To discuss integration in a specific context, the general concept of integration in Germany should be defined beforehand. The concept of integration in Germany is quite open, often used and utilized and often politicized with a negative connotation. Comparing different definitions of (trans)regional authorities in Germany, however, there is a basic agreement that integration concerns people who live 'permanently and legally' and with 'long-term prospects of remaining' in Germany. At second glance, this excludes quite a lot of people, namely those with insecure residence permits waiting for a decision on an asylum application, people with rejected asylum applications who cannot be sent back for various reasons or those who do not apply for asylum because it is obvious from the outset that there is no chance of success. According to the Federal Ministry of the Interior and Homeland, integration is the possibility of equal opportunities for participation in economic, social and societal areas compared to the host population. The integration measures of the Federal Government pursue the principle of 'promote and demand'.

How does integration manifest itself in detail? What are the measures taken by the government? And who is entitled to them? How do young people (and in the case of this report especially unaccompanied minors) fit into the strategies and measures?

Integration measures officially offered by governmental authorities (or sub-parts thereof), so-called integration courses are 'basic offers for integration'. These are covering a large part of what the authorities require from migrated people in order to be able to orientate themselves in Germany: language skills, knowledge of the legal system, culture and history. The courses are coordinated by the BAMF - the Federal Office for Migration and Refugees, which in turn reports to the Federal Ministry of the Interior and Homeland. The courses themselves are run by both- public and private organisations. Often the costs of the course are covered by social benefits, but in principle the costs should be levied to an appropriate extent and with due regard to performance by the participants. Excluded, among others (generally people with a poor prospect of staying), from an obligation to participate are people who are in a vocational or

other training or who can prove that they have attended comparable training courses. Children, adolescents and young adults who have started school or continued their school career in Germany are not entitled to participate in an integration course.

This does not mean that unaccompanied minors who have fled the country do not have an explicit claim to integration services, as formulated by the Residence Act and everything that lies behind it.

State integration services for unaccompanied minors within the scope of this report derive, on the one hand, from admission to youth welfare services (SGBVIII) and, on the other hand, from compulsory schooling or, more generally, the German education system, which plays a special role in the integration of refugee children into German society. The 'state educational mandate' is laid down in the constitutional law and is reworded and interpreted in the respective state constitutions on compulsory schooling. It should be pointed out again that education lies in the responsibility of the federal states, in its so-called cultural sovereignty and is therefore not uniformly regulated. In principle, however, it can be stated that schooling is compulsory until the age of majority in all federal states. Compulsory schooling is understood as the obligation for children and young people to attend school. According to German case law, school attendance is not only interpreted as an educational measure and the imparting of knowledge, but also as the imparting of social competence and the education to become a responsible citizen. Which leads us back to the term integration.

In addition to integration through language and education/school, an infrastructure of leisure time offers, and activities is being tried to be created for unaccompanied minors. On the one hand, a balance to everyday life shall be created and on the other hand, the possibility of contacts with the receptive society should be encouraged and facilitated. Offers are thus intended to enable participation in society.

All unaccompanied minors receive the services of youth welfare according to their needs within the framework of Book VIII of the Social Code. These include, for example, access to associations, youth clubs or working groups (see Die Bundesregierung der Bundesrepublik Deutschland, 2020b, 41 pp.). In particular, when young people live in spaces like residential groups, leisure activities, group activities and vacation trips are offered as part of the pedagogical work. In the context of living independently, this is often - depending on the basis of financing - somewhat more complicated and financing must be applied for if necessary (compare the various possibilities in German child and youth welfare law for unaccompanied minors living independently elaborated in 1.2.2.4.3 of this report). According to the Integration Commissioner of the Federal Government, special emphasis in matters of integration is placed on sports activities; clubs in urban and rural regions are encouraged (and already do much of the work out of their own motivation) to create low-threshold facilities and offers to make it easier for unaccompanied minors to get started (see Die Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration, 2019, 272 pp.). Enquiries made by the Federal

Government to associations and municipalities underline this focus: Young people make particular use of sporting activities. Sports clubs themselves usually support participation and, for example, waive the participation fee. Leisure activities aside, offers that facilitate participation, such as language training or computer courses, are widely accepted by minors. Over the last few years, a large variety of offers have been developed in the field of youth work and youth social work. It should be pointed out that in the course of federalism the range of offers varies greatly from region to region.

1.2.1.2 Provisions for adulthood

When an unaccompanied minor comes of age in Germany several things happen:

- the 'automatic' placement in the youth welfare service ends
- legal representation ends, as the young adult can now represent himself according to German law
- they are now legally competent and fully responsible for applications as well as for the further course of the procedures, such as the asylum procedure
- the compulsory school attendance ends

In German child and youth welfare law, unaccompanied minors who come of age are called 'young adults'. This includes former unaccompanied minors who have reached the age of 18 but not yet 27 and are thus of legal age by German law (see Die Bundesregierung der Bundesrepublik Deutschland, 2020b, 30 pp.). Upon reaching the age of majority, the primacy of the youth welfare service over the asylum and residence law ends and young adults are now fully responsible for their own concerns as well as their own representation (see Tangermann and Hoffmeyer-Zlotnik, 2018, p. 19) There is a section in child and youth welfare law that also provides assistance (e.g. SIL) for young adults. However, the assistance is a 'should-be' regulation, which means that it is assessed on a strict and individual basis whether further pedagogical assistance is required (see Die Bundesregierung der Bundesrepublik Deutschland, 2020b, 31 pp.).

The youth welfare service is not obliged by law to provide unaccompanied minors with specific counselling on reaching the age of majority. However, it has been established in practice that precisely because compulsory supervisory assistance and accommodation of unaccompanied minors end with the transition to adulthood, the reaching thereof takes up large parts in the assistance planning process (the assistance must be inter-evaluated and the objectives must be reviewed at regular intervals).

The caretakers/ pedagogical assistance of the accommodation the minors live in, as well as the legal guardians, are supposed to prepare them for the transition to adulthood and provide advice (see Tangermann and Hoffmeyer-Zlotnik, 2018, p. 40). Since most unaccompanied minors arrive in Germany at the age of 16-17 years, most of the assistance planning refers to the time 'after' the compulsory youth welfare services. An actually well-founded pedagogical

work is often hindered, because matters such as finding an apartment and arranging important things with support before the support is withdrawn (e.g. asylum procedures, applying for funds, finding training etc.) are prioritised.

In recent years it has become clear that the young people who came in the period of the great influx in 2015 to 2016 are reaching or have already reached the age of majority by now. More than half of the unaccompanied minors are now ‘unaccompanied adults’ with similar problems and challenges but fewer legal possibilities (or a certain safety net provided by child and youth welfare law/youth services). For this reason, there is a growing demand and interest in Germany to find ways to further stabilise young adults and to give them the opportunity to integrate themselves successfully. NGOs and practitioners note that good counselling for young adults in the transition from youth welfare to autonomy must often be wide-ranging, as it is not only about residence law issues, but also about social security, health care and prevention, training and schooling, housing and accommodation and other everyday areas and concerns of life. However, there is no central contact point for such matters, as a result the offers are rather local and depend strongly on the local circumstances (see Tangermann and Hoffmeyer-Zlotnik, 2018, p. 41).

1.2.2 Review of the legal framework

1.2.2.1 Overview

When talking about the current legal framework concerning unaccompanied minors in Germany, there are mainly two determining areas of law that must be included. On the one hand, children and youth welfare law (Book VIII of the Social Code) and, on the other hand, residence and asylum law. It is a difficult task to summarise this comprehensibly but concisely and some knowledge - especially about the supranational protection status in asylum and refugee law - is presupposed of the reader. The chapter will be divided into several sub-chapters: Starting with an overview of the relevant legal provisions in the international and European area, as well as the main legal principles in the German context, followed by a subsumption of unaccompanied minor refugees in the German legal framework, which will be divided into youth welfare and asylum and residence matters with an overview of the reception regulations and procedures. Subsequently, the asylum procedure (with an integrated overview of the most important residence statuses and possibilities) is presented.

Table 7 International and European framework

International and European framework	
Convention Relating to the Status of Refugees from 1951 and Protocol	Central international agreement on refugee rights established in 1951, amended with the

<p>Relating to the Status of Refugees from 1967 (Geneva Convention and New York Protocol)</p>	<p>1967 Protocol which removes the geographical and time limits that were part of the 1951 Convention.</p> <p>It defines a refugee as a person who is outside his/her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his/her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail him/herself of the protection of that country, or to return there, for fear of persecution. People who fulfil this definition are entitled to the rights and bound by the duties contained in the 1951 Convention (UNCHR The UN Refugee Agency, 2011).</p>
<p>United Nations Convention on the Rights of the Child (CRC)</p>	<p>Central international agreement on children's rights, founded on four core principles: the best interest of the Child (Art.3), the ban on discrimination against children (Art.2), the guarantee of the development of the child (Art. 6) and the involvement of children in all matters (Art.12). The States Parties are obliged to take measures to guarantee protection, humanitarian assistance and the possibilities to fully enjoy the rights laid down in the CRC and other international agreements (e.g. Geneva Refugee Convention) (see Federal Office for Migration and Refugees, 2019, p. 16; see Tangermann and Hoffmeyer-Zlotnik, 2018, p. 16).</p> <p>Germany signed the convention in 1990 (coming into force in 1992) with a reservation regarding asylum and residence law prior to children and youth welfare law. This changed in 2010 when the reservation was withdrawn,</p>

	and the CRC finally has been fully applicable to Germany.
Charter of Fundamental Rights of the European Union	Art. 24 'The rights of the child' states the child's right to protection and care and the primary consideration of the best interest of the child in all matters undertaken by public authorities of private institutions.
CEAS – Common European Asylum Law Asylum Procedures Directive Reception Conditions Directive Qualification Directive Dublin Regulation EURODAC Regulation	All directives and regulations of the CEAS have the best interest of the child written down in their statutes, especially regarding unaccompanied minors there is emphasis on the particular vulnerability of this group that bears special rights (e.g. appropriate accommodation, qualified assistance, legal counselling etc.)
National framework	
SGBVIII – Book VIII of the Social Code/ Child and Youth Welfare Law	The Book VIII of the Social Code regulates all matters concerning child and youth protection and welfare. Unaccompanied minors are primarily seen as minors, hence their protection, accommodation, care and assistance is falling into the scope of the Book VIII. This is called the 'primacy of child and youth welfare' which generally means, that the provisions of Book VIII apply before any other regulation (eg. asylum and residence law) (see Tangermann and Hoffmeyer-Zlotnik, 2018, p. 17).
AsylG – Asylum Act	The Asylum Act regulates the asylum procedure. Unaccompanied minors have- in accordance with the European regulations that have been implemented into German

	<p>legislation- special rights, e.g. they are considered particularly vulnerable and therefore have different conditions (application, further procedure, support) than adults. Since they are not yet capable of legal action, they are entitled to a guardian who will file the application with the Federal Office as a representative (Bundesamt für Migration und Flüchtlinge, 2019b, see).</p>
<p>AufenthG – Residence Act</p>	<p>The Residence Act contains the essential legal basis for the entry, exit and residence of foreigners in Germany and formulates the various statuses that can be attained</p>

The legal framework for unaccompanied minor refugees is very complex and the legal regulations - national, European and international - have been changed repeatedly in recent years. In Germany, a distinction must be made in particular between children and youth welfare law and the asylum and residence law. The regulations of the federal states are also of importance.

The most important law responsible for unaccompanied minors in Germany is the children and youth welfare law - Book VIII of the Social Code. The code defines the right of all young people to promote their development and to be educated to become independent and socially responsible personalities and it regulates access to social education services based on individual needs and structural necessities. It applies in principle to all foreign minors.

Residence regulations are derived from the Residence Act. If an unaccompanied minor applies for asylum, the Asylum Act is relevant. These legal regulations are influenced by the higher-ranking law of the European Union, such as the EU Reception Directive, which contains certain requirements for the reception of unaccompanied minors. At the international level, the UN Convention on the Rights of the Child is of importance (see Diakonie Deutschland, 2018, see).

1.2.2.2 *The primacy of children and youth welfare law*

“When unaccompanied minors enter Germany, all necessary measures are to be taken to ensure the protection of the best interests of the child in the framework of the State’s guardian role [...], pursuant to the international legal provisions. The guiding principle of this Code is that each young person in Germany is entitled to receive support in his or her development and to be given assistance in growing into a

responsible individual who is able to play his or her role in the community (Section 1 subs. 1 of Book VIII of the Social Code)”

Unaccompanied minors are in the eyes of German law - also with regard to integration, as already described above - first of all children and young people who need guidance and care. This is called ‘the primacy of the youth welfare service’. Admission, accommodation and accompaniment / support is regulated by the Child and Youth Welfare Act (Section 42a Book VIII of the Social Code). Only then - hence the 'primacy of youth welfare' - do the asylum and residence law and other legal provisions come into play. This also means that the residence status of the minor has no influence on the type of reception, accommodation and accompaniment / support. There is no separate code of law that deals solely with the group of unaccompanied minors. However, due to a change in the law in 2015, some sections in the law now refer exclusively to unaccompanied minors (see Tangermann and Hoffmeyer-Zlotnik, 2018, p. 26).

1.2.2.3 The role of the youth welfare office and recent changes in law that influence procedures

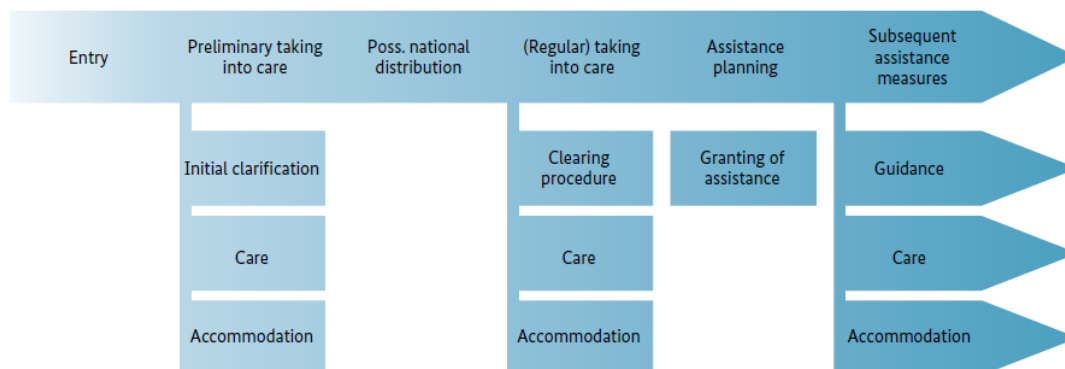
In Germany, all necessary measures to protect the best interests of the child must be ensured based on Book VII of the Social Code (Child and Youth Welfare Act). In the case of an entry of unaccompanied minors the so called ‘Staatliches Wächteramt’ comes into play. The ‘Staatliches Wächteramt’ lies with the specialists of the youth welfare services and basically describes the official role with inherited duties and sovereign rights of intervention in case of endangerment of the well-being of the child, in case the parents should or could not comply with their natural right of upbringing ('of care and education', anchored in the constitutional law).

The Book VIII of the Social Code was last amended by the "Act on the Improvement of Care Arrangements for Foreign Children and Adolescents", which came into force in its main parts on 1 November 2015. The core of the law is a legally regulated harmonised procedure for the distribution of unaccompanied minors and a change in the reimbursement of costs. The objective of the Act on the Improvement was a more needs-based care and better support in accordance with the standards of youth welfare services and thus to ensure the welfare of the child and to distribute the burdens of the municipalities more fairly. The newly inserted legal sections of Book VIII of the Social Code contain modifications concerning the taking into care of unaccompanied minors, for example the preliminary taking into care, national distribution and age assessment (see Bundesarbeitsgemeinschaft Landesjugendämter, 2017, p. 10).

1.2.2.4 Recording and verification process

The following introductory table gives a good overview of the general process of reception and accommodation of unaccompanied minors in Germany. The procedure is then explained step by step in more detail.

Table 8 Overview – process of the accommodation, care assistance of unaccompanied minors in Germany



Source: (Tangermann and Hoffmeyer-Zlotnik, 2018, p. 26)

1.2.2.4.1 Procedure

Unaccompanied minors arrive in Germany by train, bus, car, truck, ship or even by foot. As a result, they have their first contact with different authorities. Often, they are stopped by the federal or state police, sometimes they report themselves to foreigners' authorities, social or youth welfare offices. Regardless of which authority they turn up at, the following applies:

The first German authority that encounters a possibly unaccompanied minor must gather the personal data according to their details. If the person presents valid identification documents, the age stated therein is decisive. If no identification documents are available, as is often the case with unaccompanied minors, the information provided by the minor counts. If they are a minor as evidenced by the documents or if they claim to be a minor, the authority or initial reception centre have to immediately inform the local youth welfare office (see Bundesarbeitsgemeinschaft Landesjugendämter, 2017, p. 14).

1.2.2.4.2 Preliminary taking into care

Unaccompanied minors will then be taken into preliminary care by the Youth Welfare Office, since it is entitled and obliged to take preliminary care of unaccompanied minors and young people as soon as their unaccompanied entry into Germany is detected. The Youth Welfare Office will clarify whether the conditions for preliminary taking into care –if the person asking for assistance is unaccompanied, minor and foreign- are met in a personal interview with the minor (the so-called **initial interview**). In this **initial interview** the data is to be gathered and reviewed and the minor must be kept informed about all aspects of the further process. The Youth Welfare Office has to consider the following aspects: The initial interview and decision-making should be carried out according to the "four-eyes principle" in a personal conversation with the minor by usually two socio-educational specialists from the Youth Welfare Office and

a neutral language mediator or interpreter. This person should not be a relative or friend of the unaccompanied minor.

Excursus: age assessment

With the amendments in 2015, binding requirements in the form of a regulation on the procedure for age assessment were enshrined in law for the first time.

The factual condition for preliminary taking into custody and regular taking into care is that the child or adolescent is considered to be a minor.

When taking into custody a foreign person (for a preliminary taking into custody), the Youth Welfare Office has to determine the minor's age on the basis of identity papers or similar documents from which the age of the person can be clearly seen, or alternatively, by means of a **"qualified inspection"** to assess and determine the age.

In addition, the Youth Welfare Office shall make use of other possibilities, such as the consultation of any documents or other evidence that may be available, information of any kind, hearing of parties involved, questioning of witnesses and experts, or obtaining the written or electronic statements of parties involved, experts and witnesses that are necessary to establish the facts of the case according to its best judgment. A **"qualified inspection"** includes not only the evaluation of the external appearance, but also the assessment and evaluation of the overall impression by means of the information obtained in the initial interview.

If the foreign person is found to be of age, they are discharged from the care of the Youth Welfare Office, as the conditions for the protective measure, namely being a minor, are not fulfilled.

In cases of doubt, the Youth Welfare Office shall, at the request of the person concerned or their representative or ex officio, arrange for a medical examination to assess the age of the presumed minor. An exact assessment of age is not possible by medical, psychological, educational or other means. All procedures can at best provide approximate values. There is a 'grey area' of approx. 1-2 years.

The medical examination must be carried out by qualified medical professionals using the gentlest and, as far as possible, most reliable methods. Suitable means can be an age estimation based on external physical characteristics, a physical examination and, if necessary, an X-ray of the hand and clavicles as well as a dental examination (tooth status).

The person concerned is to be comprehensively informed by the Youth Welfare Office about the procedure for age assessment, the method of age assessment and about the possible consequences of age assessment as well as the possible

consequences of refusing to cooperate in the investigation of the facts of the case. They must be informed about their rights.

The person in question must consent to the medical examination for medical age assessment, i.e. consent/order only from the Youth Welfare Office is not sufficient. However, a non-approval can be interpreted as non-cooperation, which in turn leads to a decision on taking into care according to the current state of knowledge which can lead to a refusal of taking the person in concern into care because they are no longer assumed to be a minor (see Bundesarbeitsgemeinschaft Landesjugendämter, 2017, p. 37).

If, however, after the initial interview and possible age assessment, the person is preliminarily taken into care, the Youth Welfare Office must assess the situation further in accordance with the minor. During the so-called **initial screening** it must be assessed

1. whether the welfare of the minor would be endangered by the implementation of the distribution procedure
2. whether a person related to the minor is staying in Germany or abroad
3. whether the best interests of the minor require being taken into care together with siblings or other unaccompanied minors, and
4. whether the state of health of the minor precludes the implementation of the distribution procedure within 14 working days of the start of the preliminary taking into custody; a medical opinion should be obtained on this.

Based on the result of this assessment, the Youth Welfare Office will decide whether to register the child or young person for distribution or to exclude distribution. The minor shall be informed of the decision in an appropriate manner (see Bundesarbeitsgemeinschaft Landesjugendämter, 2017, p. 18).

The initial interview, as well as all further conversations and assessments, should be documented in the best possible way in order to ensure a good course of help and a reliable handover (if any) to the responsible Youth Welfare Office. The so-called initial screening serves to clarify the circumstances, whether there are any reasons for exclusion from distribution. The initial screening concludes with a decision on the further course of action. With the handing over to another Youth Welfare Office (distribution) or taking into care into one's own responsibility, the regular help process begins.

1.2.2.4.3 The regular taking into care/ clearing procedure and assistance planning process

Upon arrival in the host federal state, the minor is then taken into regular care and goes through the actual first stage of arrival in their approximate new and long-term area of stay.

In many federal states there are larger 'initial reception living groups' in which the unaccompanied minors are accommodated for the reception stage. There they receive 24-hour care, meals and orientation in the new surroundings. In cooperation with the Youth Welfare Office, the minor's need for support shall then be determined within the following months. Based on their stage of development and the need for further assistance the form of support in which the minor will be placed in the long term will be decided upon collectively with the minor's established 'support system' (e.g. youth welfare officer, legal guardian, caretaker and others).

Tasks of the youth welfare office in charge of the minors are amongst other things: appeal to the family court to appoint a legal guardian, if necessary recommend, examine and advise a guardian or examine whether family members are able to take the minor into their care or to be legal guardians, to secure health insurance and to transfer temporarily taking into care into long-term care. For this purpose, the Youth Welfare Office arranges a so-called assistance planning with the minor, the legal guardian, the current and possibly the future caretaker and other important persons of trust who can contribute something about the development of the minor. Things to be discussed in this planning are educational needs, residence law perspectives (family reunification, voluntary return), school and vocational training, medical or therapeutic needs and a suitable follow-up placement. A requirement for support and assistance is further determined and goals are set jointly. On the ground of this decision, the Youth Welfare Office then seeks suitable further options for assistance (assisted living arrangements, socio-educational care etc.). Depending on the need the living arrangements are more or less supervised.

Excursus: Supported independent living in Germany

Legal Framework

Like other children and juveniles living in Germany, unaccompanied minors and young adult refugees are entitled to necessary, suitable assistance pursuant to Sections 27-35 and 41 of Book VIII of the Social Code. Pursuant to Book VIII of the Social Code, these are supervisory assistance (Section 27), educational counselling (Section 28), social group work (Section 29), supervision by a social worker, care assistant (Section 30), social-educational family assistance (Section 31), supervision in a day group (Section 32), full-time foster care (Section 33), placement in a home and so called 'other assisted living arrangements' (Section 34), intensive social-educational individual care (Section 35), as well as assistance for young adults and subsequent care (Section 41) (see Tangermann and Hoffmeyer-Zlotnik, 2018, pp. 29–35). Often, assisted living is not legally assigned to a special type of assistance (as in- bound to

one specific section), but is determined based on section 27 following and further interpreted. In the scope of the PROUD-Project, a closer look on three different sections will be taken, listed according to the intensity of the socio-educational assistance offered:

Section 34 SGB VIII - placement in a home/ residential care and so called 'other assisted living arrangements'

Services falling under Section 34 of Book VIII of the Social Code are highly varied in Germany and may be organised in a variety of ways. Depending on the need of the unaccompanied minor, they provide differing degrees of pedagogical assistance. These range from accommodation in a home facility with around-the-clock assistance on site, to assisted living groups in which more independent juveniles are accommodated, with 'open concepts' of accommodation in which pedagogical assistance is ensured on a mobile, flexible basis. When taken into care, the accommodation unaccompanied minors find themselves in, are closest to what an 'around-the-clock-assistance' of this section would be like (see Tangermann and Hoffmeyer-Zlotnik, 2018, p. 34). Often, this is where they will live for the first months before they move to another less assisted place (e.g. into accommodations following section 34 or 30 SGB VIII). As mentioned before, there is a vast range of different degrees in assistance, therefore certain assisted living groups/ apartments can be partly counted into the concept of supported independent living.

Section 35 SGB VIII - intensive social-educational individual care

In the past, the intensive socio-educational individual care was often oriented towards experiential education projects abroad. In contrast to the assistance approaches, which are designed according to Section 30 SGBVII, the support and care according to Section 35 SGBVIII is more intensive and concentrates more on the individual pedagogical level. This makes it particularly suitable - also with a focus on the group of unaccompanied minors - for young people who are not able to follow a 'normal group routine' due to individual (often traumatic) challenges and who cannot be reached by so-called 'group educational offers'. This form of assistance and care is financed solely by the Youth Welfare Office (including accommodation, food, pocket money and health insurance), which makes it very cost-intensive and therefore rarely authorised (see Macsenaere 2014, 167–173).

Section 30 SGB VIII - supervision by a social worker, care assistant

The socio-educational assistance according to section 30 SGB VIII is an independent, specific service offer of the youth welfare service within the framework of the pedagogical assistance:

"The socio-educational assistance and the care assistance should help the child or young person to cope with developmental problems, if possible, with the inclusion of the social environment, and promote its independence while maintaining a connection to the family". (Section 30 SGBVIII)

Youth welfare institutions that are offering this kind of assistance often either have a stock of apartments or rooms they can rent out to young persons from 16 years on (below the age of 16 years only with a special permission, by law a young person below the age of 16 years is not allowed to live alone) or design an offer of assistance accordingly. When the organisation and the young person (incl. their legal guardian and the youth welfare office) consent on terms, they agree on user's/ rental agreement. Living and benefiting from this form of support in 'own surrounding' requires a personal income to finance the housing itself. Where this cannot be covered by earned income or training allowances, there often are possibilities to apply for other financing options, e.g. through social benefits. Normally the rent in those cases is handled on application by social care (another institution, e.g. social benefits, asylum seeker benefits), leaving the costs for pedagogical care to the youth welfare services. (which is counted in so called 'Fachleistungsstunden' – specialist/skilled service hours carried out by social workers) (see Macsenaere, 2014, pp. 103–109).

To summarise:

Supported independent living in Germany is part of the youth welfare system and evolved throughout recent years to serve the needs of unaccompanied minors. It is seen as the preparation for an independent living- it however cannot be summarised legally under one section/paragraph and is subjected to interpretation and implementation. Whereas in classic residential care and housing the care itself and monitoring aspects are integral part of the pedagogical work (esp. in work with unaccompanied minors who, through the initial reception process, have been in full-care residential homes before), the assistance in supported independent living focuses on advice, guidance and orientation. Therefore, this form of care and assistance is primarily reserved for those already having acquired a basis of personal, social and domestic skills and have proven to be responsible enough to manage some areas of life or parts of it independently. The emphasis in supported independent living is on questions of further personal development, education, clarification of perspectives and the designing of the respective space for development in the future.

1.2.2.4.4 Asylum and residence law and possible procedures

Unaccompanied minors are considered incapable of acting on legal ground due to their age and therefore cannot make an asylum application on their own. An appointed legal guardian or the youth welfare office can act on behalf of the minor. It is important to inform the authorities about the whereabouts of the minor and 'establish legality'. There is no obligation though for an immediate asylum application. In advance of an application a clearing in terms of the asylum and residence law is necessary in order to be able to decide if an asylum application indeed is the right decision. Apart from the asylum procedure, there are further possibilities of securing residence for unaccompanied minors in Germany (see Bundesfachverband unbegleitete minderjährige Flüchtlinge).

While it is being determined whether an application for asylum should be made, the minor is given a 'temporary suspension of removal' once they are registered. This paper is usually valid for three months and must then be renewed.

If it is decided that an asylum application can benefit the minor, it can be filed by the legal guardian or through the Youth Welfare Office (in case a guardian is not yet appointed). The application must be submitted in written form to the Federal Office of Migration and Refugees (BAMF). Information regarding the reasons of flight is not necessary at this point, because there will be a personal hearing on the subject. Exceptions are made for unaccompanied minors who are younger than 15 years of age; in these cases, the reasons for flight are usually described to the BAMF by the legal guardian.

The personal interview on the reasons of flight is central to the asylum procedure. An accurate and detailed description of the reasons must be given here - if possible, in an orderly, consistent and complete manner. Reasons put forward later do not have to be considered by the authorities. Not only must the minor prepare themselves for the forthcoming situation and the special requirements, but also the legal representatives (guardians, caretakers) who fulfil this task in the best interests of the child.

The accompanying person of trust (e.g. the legal guardian) has to play a supporting role. The minor may have had very stressful experiences in the country of origin and during the flight. They may have experienced violence, imprisonment and exploitation. These stressful traumatising experiences can manifest themselves in psychological and psychiatric clinical pictures, which may have the consequence that the minor is not able to talk about the reasons for his/her flight. If this only comes to surface at the hearing or afterwards, it can have considerable negative consequences for the asylum procedure. The hearing situation should therefore be discussed and rehearsed in advance and in detail with the minor.

The hearing is a conversation that usually takes place in the room of the respective listener/decision maker. As unaccompanied minors are considered a particularly vulnerable group and are granted with special guarantees for their asylum procedure, their asylum

procedures/hearings are supervised by specially-trained decision makers (see Bundesamt für Migration und Flüchtlinge, 2019b).

In addition to the minor, an interpreter, the guardian and, if necessary, a confidant - such as the caretaker - are present. The hearing is based on a list of questions. During the hearing, particular attention is paid to whether there is any evidence of child-specific reasons for flight. Examples could be genital mutilation, forced marriage, domestic violence, human trafficking or forced recruitment as a child soldier (see Bundesamt für Migration und Flüchtlinge, 2019b). The answers are not recorded verbatim, but in summary.

The duration of the hearing itself can vary greatly, from less than an hour to several hours. The focus of the hearing is not the provability of what has been described, but the credibility of the person interviewed. Everything that seems important should be presented, even if not explicitly asked for. This is of relevance, since the BAMF does not have to consider additional reasons that have been mentioned post hearing. It is possible to take breaks in between to ease the burden on the minor and to consult further.

After the hearing, the hearing transcript, which is only available in German, will be sent by post. It is advisable to go through the minutes again with the unaccompanied minor with the assistance of an interpreter (see Bundesfachverband unbegleitete minderjährige Flüchtlinge, 2019). Based on the hearing a decision on the respective asylum application will be made. This decision is then sent to the guardian. It is possible to file an appeal against the decision. The time factor plays a major role in this respect. In the period around 2015, the processing of asylum applications often took a very long time. This has improved since. However, the path of an appeal and/or a lawsuit is usually linked with further waiting and thus uncertainty and fear.

1.2.2.4.5 Other possible status next to an asylum claim

The main concern and indicator for the well-being of unaccompanied minors is the status of residence. If an asylum application is decided to not be promising, for example because the reasons given by the minor are not officially recognised as grounds for a recognition for asylum or refugee status, German law offers further possibilities to secure the minors stay in Germany. Since an immediate application for asylum is not necessary for unaccompanied minors, they can live with a 'temporary suspension of removal' (Duldung) for a certain period, whereas they are 'tolerated' then. If the minor (is able) to start a vocational training, a so-called "temporary suspension of removal for vocational training" (Ausbildungsduldung) can be applied for. This allows the minor to remain in Germany for the duration of the training and, in the best case, for a certain period beyond, if the training is completed successfully. According to an online survey, conducted by the association for unaccompanied refugee minors (Bundesfachverband unbegleitete minderjährige Flüchtlinge (BumF)) with professionals working in social services closely with unaccompanied minors, 43.9 % of unaccompanied minors stated that they could secure their residence or tolerated stay by starting vocational trainings (Ausbildungsduldung),

23% via statutory residence arrangements (Bleiberechtsregelung), 7.8% because of health reasons, 2.6% because of family-related reasons, such as marriage and parenthood, and 1.9% because of a decision made by a Hardship Commission. (see Karpenstein and Nordheim, 2019, p. 49)

Excursus 'temporary suspension of removal for vocational training'

A "qualified vocational training" is defined as a vocational training in a company or school leading to a state-recognised or comparable qualification, with a regular training period of two years or more. Shorter assistant or helper training courses in "shortage occupations" are also permissible, if a follow-up vocational training is assured.

The temporary suspension of removal for vocational training is possible for persons who were in possession of a temporary suspension of removal at the time of commencement of training for at least three months. On the other hand, the law stipulates that persons who have taken up training during the asylum procedure and who wish to continue this training after the asylum application has been rejected, are also entitled to a temporary suspension of removal for vocational training if the conditions are met, without the requirement of a pre-existing suspension-paper period.

However, a claim is only valid if the identity has been verified in time or they have at least cooperated in the verification of their identity in a timely manner. In case the identity could not be resolved despite proven cooperation the granting of the suspension is at the decision of the issuing authority.

Further reasons for exclusion from temporary suspension of removal for vocational training are for example, if "concrete measures to end residence" are imminent. These are listed exhaustively in the law and are deemed to have been initiated, for example, when a medical examination to determine whether a person is fit to travel or the booking of transport for deportation has been arranged. Likewise, a temporary suspension of removal may not be granted if there is a ban on work which applies in particular under certain conditions to nationals of countries of origin classified as safe (at the moment that would be: EU-Member states, Albania, Bosnia and Herzegovina, Ghana, Kosovo, North Macedonia, Montenegro, Senegal and Serbia (see Bundesamt für Migration und Flüchtlinge, 2018)). The granting of a training tolerance is also excluded for persons who have been convicted of an offence committed with intent.

Once the vocational training has been successfully completed, the temporary suspension can be extended for a further six months in order to find a suitable job. If training is discontinued before completion, the company providing the training must report this to the immigration authorities. This leads to the original suspension expiring and a one-time suspension is granted for a further six months for the purpose of finding another training place (see Informationsverbund Asyl & Migration).

If the minor or adolescent lives in Germany for several years on a temporary suspension of removal, is well integrated and has proof of this (by means of references, certificates, etc.), then there are various possibilities to obtain a so-called 'right of residence' (e.g. on humanitarian grounds, for being well integrated).

Table 9 Overview of possible legal status

Titles that can be obtained through the asylum procedure		
Permission to remain pending the asylum decision	Section 55 of the Asylum Act	Not a residence title – issued after the asylum application is handed in and lasts as long as the decision is pending
Recognition as a person entitled to asylum	Art. 16a of the Basic Law	Residence permit 3 years (Section 25 subs.1 and 2 of the Residence Act)
Recognition as a refugee	Section 3 of the Asylum Act	Residence permit 3 years (Section 26 subs.1 second and third sentences of Residence Act)
Recognition as a beneficiary of subsidiary protection	Section 4 of the Asylum Act	Residence permit 1 year (Section 26 subs.1 second and third sentences of Residence Act)
Recognition of removal bans	Section 60 subs.5 and 7 of the Residence Act	Residence permit 1 year (Section 25 subs.3 in conjunction with Section 60subs.5 and 7 of the Residence Act)

		<p>A person who is seeking protection may not be returned if: return to the destination country constitutes a breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), or a considerable concrete danger to life, limb or liberty exists in that country (see Bundesamt für Migration und Flüchtlinge).</p>
Other		
Temporary suspension of removal/ Toleration	Section 60a subs.2 first or third sentence of the Residence Act	Not a residence title, but merely certifies the temporary suspension of removal (see Tangermann and Hoffmeyer-Zlotnik, 2018, 17 pp.).
Temporary suspension of removal for persons with undetermined identity/ 'Toleration light'	Section 60b of the Residence Act	Not a residence title – gets issued when a person cannot identify themselves through relevant documents/ passport, does not cooperate sufficiently in the procurement of the passport or does not exhaust the reasonable cooperation actions for the fulfilment of the special passport procurement obligation.

		Comes with a lot of legal consequences, e.g. the explicit prohibition of work among other things (see Der Paritätische Gesamtverband, 2020)
Temporary suspension of removal for vocational training ('Ausbildungsduldung')	Section 60c of the Residence Act	Not a residence title – If granted the minor can stay for the duration of the apprenticeship in Germany. If successfully completed the apprenticeship, the person then can receive a residence permit for another two years in order to work in that job. This is called the “3+2 regulation” („3+2 Regelung“) (see Flüchtlingsrat Sachsen-Anhalt e.V.)
Right of residence ('Bleiberecht')		
Residence permit issued on humanitarian grounds	Section 25 subs.5 of the Residence Act	Already in possession of a temporary suspension of removal for 18months; No reasons relevant to asylum and refugee status but other humanitarian reasons (e.g. leaving the country is impossible for different reasons) and further criteria to be met

<p>Residence permit for well-integrated minors and adolescents</p>	<p>Section 25a of the Residence Act</p>	<p>Already in possession of a temporary suspension of removal, permission to remain while asylum case is pending or other residence permits for 4years; No reasons relevant to asylum and refugee status but other humanitarian reasons and further criteria to be met esp. criteria for 'good integration' (e.g. school diploma, vocational qualifications, language skills, financial independence or a positive prediction thereof, no criminal record etc.) and a positive integration prognosis (see Flüchtlingsrat Sachsen-Anhalt e.V.)</p>
<p>Residence permit in case of sustainable integration</p>	<p>Section 25b of the Residence Act</p>	<p>Already in possession of a temporary suspension of removal, permission to remain while asylum case is pending or other residence permits for 8years; No reasons relevant to asylum and refugee status but other humanitarian reasons and further criteria to be met esp. criteria for 'good integration' (e.g. in possession of a passport,</p>

		school diploma, vocational qualifications, language skills, financial independence or a positive prediction thereof, no criminal record etc.)(see Flüchtlingsrat Niedersachsen e.V.; Flüchtlingsrat Sachsen-Anhalt e.V.)
Residence permit through hardship case procedure	Section 23a of the Residence Act	Can be issued due to severe hardship if no other option already mentioned is suitable – therefore there must be handed in a form/ a case to the ‘hardship commission’ which differs from federal state to federal state(see Bundesfachverband unbegleitete minderjährige Flüchtlinge)

1.3 Migrant integration programmes in practice in Germany

1.3.1 Challenges, achievement and opportunities: the findings of the field research

The synthesising of interviews results of interviews with national and local authorities and interviews with NGOs. The interviews were conducted in German and were oriented on a semi-structured guideline. The questions asked were formulated openly, different key topics were addressed – with emphasis on the interviewee's field of expertise. In general, all interviewees agreed that the system for the reception and integration of unaccompanied minors in Germany works. As a result, the conversations tend to focus more on the obstacles and challenges. Differences became apparent in how it works and for whom. The following statements are therefore rather critical and must be understood against this background.

“The big goal is quite simple: integration into the standard systems.” (GO)

“It matches with everything we already have. Book VIII and adjacent social codes. We have good social systems, school systems. That is basically the strategy: that they are integrated into the standard systems. That is why you don’t read much about it, because we have these standard systems that did not have to be specially created and all the questions actually focus on how we manage it.” (GO)

Based on previous results, it can be summarised that migrant integration programmes in Germany, especially with regard to unaccompanied minors, can only be assessed if the German standard youth welfare and school system is taken into account. Accordingly, the interviews have shifted to a greater extent in precisely this area. It must also be noted that the coverage (whether from GO or NGO side) is already good and broad. Many of the things that were mentioned and noted in the interviews have often been taken up in other reports. As mentioned several times in this paper, it is recommended to keep in mind the federalist structure of the Federal Republic of Germany. Comprehensive research across all 16 federal states would not have been possible within the scope of this report. It is therefore further recommended to read this summary of field research only as an insight into the subject matter. In this regard, it makes no claim to completeness.

In particular, the discussions took a closer look at and compared the developments of the last 5 years, with a glance towards 2015, when almost 1 million people came to Germany and momentarily pushed the systems to their limits. GOs pointed out that in the period from 2014-2016 many things did not run smoothly, but that this soon levelled off. There was a great willingness, both personally and financially, to tackle and overcome challenges. As a result, refugees in general and unaccompanied minors in particular could be quickly accommodated and services could be created.

Access requirements and age assessment The requirements for access to youth welfare and thus to the system are high. NGOs impressions are that unaccompanied minors are generally suspected of wanting to take advantage of the system and the authorities. The age assessment accompanying the initial admission has been criticised by NGOs for years. If a person cannot document his/her age, the exact age cannot be ‘determined’ either. Therefore, the determination of age or the question of whether someone is a minor is always - even in medical procedures - a mere estimate that may have far-reaching consequences for the young people.

Re-allocation after preliminary taking into care The re-allocation that was also applied to the law in the end of 2015 is evaluated quite differently by different actors. GOs place particular emphasis on the fact that the systems have been relieved by a distribution across all federal states on a quota basis, which has improved the quality of local support and care and made the administration capable of taking action again. NGOs criticise the fact that re-

allocation, which is often implemented in rural areas against the wishes and choices of the minor, is contrary to the best interest of the child, as e.g. structures, resources and communities are often not well established there. In addition, there is criticism that there **is no involvement of independent bodies** (e.g. NGOs) in the process of deciding on a possible exclusion from re-allocation on the basis of criteria regarding the best interest of the child. Authorities would 'hold their cards close to their chest'- and the whole process would remain a closed system.

Youth welfare and professionals Due to the large number of newly arrived young people who had to be integrated into to the youth welfare system, the system has had to develop further. There were not enough spots and, following the creation of offers, not enough qualified pedagogical staff to guarantee the care of the minors. So, in the first few years there was by times a lack in adequate specialised, perhaps even specially qualified, care. NGO interviewees state that in some cases, due to shortage and pressure, the professionalism and training of staff was sacrificed in the recruitment process, which in turn could make life difficult for the minors. Employment contracts for qualified pedagogical staff were in many cases also limited in time, which was criticised.

Language GO staff as well as NGO employees agree that *language is the key* to participation in society and to further offers. Especially in 2014/2015 there were not enough German course places available for this high number of new pupils. This initially led to difficulties, especially during the period of high influx. Young people often had to put up with long waiting periods. Alternative language courses were created (e.g. by volunteers, students, in residential groups, etc.), but these were run in an informal manner and could thus certainly help out young people in the meantime, but could not replace professional language tuition. **Language development** and support for minor refugees who cannot keep up in class due to their **language proficiency** should be more widespread and promoted to guarantee improved progress and enhanced opportunities.

School System

"Getting along in a performance-oriented, highly institutionalised school system [...]" (GO)

NGO interviewees state that the school system was also not well prepared for the high numbers of new pupils. The heterogeneity of the newly immigrated pupils made it particularly difficult to create sustainable and satisfactory offers at school. As many of the unaccompanied minors were (are) already in their adolescence, access to the regular school system is often restricted. Instead, minors are placed in preparatory and vocational schools. It is hardly ever possible, for example, to spend more time in a regular school according to one's own ideas and, if possible, to obtain a higher degree (e.g. diploma). Especially those minors whose educational biographies were briefly or frequently interrupted, minors who may never have attended school and illiterates have a hard time getting into the German school system. For them, there are rarely alternative educational paths that would better meet their abilities.

Illiteracy Especially young people with little or no formal school education, who are barely or not at all literate, have a hard time fitting into the German school system. It is criticised by NGOs in this context that there are too few offers for alphabetisation. Consequently, there are further disadvantages, a loss of time in the school system and many paths into formal education stay blocked. Schools are often overburdened with such challenges and do refuse to enrol illiterate young people. Opposed to this are the disillusioned, demotivated young people who have the feeling that the system does not 'want' them and that they have no chance.

Outdated school materials School materials are often outdated and use an (old fashioned) language which can be difficult to comprehend even for a native German speaker. This is a high barrier for young people for whom German is only the second, third or fourth language they learn. They often need more time to understand texts, but this extra time is normally not given to them.

Shortage of teachers Some school types, including those of vocational schools, have been dealing with unfilled vacancies even before the high immigration figures. Due to a large number of newly immigrated pupils, this type of school in particular is now under pressure. In addition, a high **fluctuation of teachers** is also highlighted, leaving young people without a safe and stable learning environment - nor reference person/contact person - in everyday school life, in turn having a negative influence on learning success.

Lack of flexible arrangements for schooling Provision for minors who, for a variety of reasons, are unable to attend regular school and regular programmes are available but too few. At times, there is a lack of sensitivity for the specifics in the biographies and also the realities in which refugee adolescents often find themselves.

Waiting times Minors often had to wait a very long time for a school placement, especially at a time of high influx. There are considerable differences between the federal states (cf. the section on school and education) as to when a young person has access to school education or is/becomes obliged to attend school, which again can be a disadvantage depending on in which federal state the minor is placed. And it is not just the school placement they have to wait for. Waiting is a factor that occurs in nearly all of their areas of life.

Uncertainty in the event of an uncertain residence status A major factor - perhaps the most significant one - recognised by both GOs and, in particular, NGOs in the realities of minor refugees is that of the residence and asylum procedure. Who can stay and why? How long and when will what be decided? NGOs in particular are criticising the **ever-increasing tightening and restriction of the law of asylum and residence**. The insecurity in the chances of staying is a major psychological factor and highly influences the integration in Germany. It is also often a barrier to school, training and work, many of which can only be accessed with certain residence permits/papers. Minors are under **pressure** to find their way in the German

society as quick as possible, to find their way around and to follow a 'path' that will secure their stay in Germany.

Bureaucracy, complex, complicated and unclear systems The system (cooperation and coordination, interwovenness of law, youth services, school services, housing, health services etc.) is complex, unclear and restrictive and difficult for immigrated people to understand and grasp on their own, NGO interviewees say. Unaccompanied minors have the opportunity to access pedagogical support and counselling through the youth welfare service. But the requirements of the converging systems and legal requirements (asylum and residence law, social law, youth welfare law, school and training regulations, etc.) are also difficult for pedagogues to cover. The question which arises amongst staff of NGOs here is to what degree a complicated system is also wanted by authorities to a certain extent- to not make it 'too easy to get settled in a new surrounding' as a prevention mechanism against further migration.

Cooperation and networking between the various public authorities and NGOs

"Each person is individual, each person is special and while we try to see the big picture, we have lost sight of the small or have lost the angle of vision." (NGO)

Many organisations, both governmental and non-governmental, often describe cooperation as good, but also as capable of improvement.

"We have a good, well-differentiated system of social assistance in the various areas of life, such as health, housing, youth welfare and the labour market. Of course, all of them contribute, all of them would have to contribute their competences in order to support a certain target group and to integrate it into the respective support system." (GO)

In some cases, minors are sent back and forth from authority to authority because employees are hesitant and afraid of making an (exceptional) decision in favour of the minor, e.g. giving another chance or walking an extra mile so that someone gets issued a working permit to start a job. Especially on governmental side NGOs often see a general sense of mistrust towards refugees, meaning "[...] it is assumed that everyone wants to exploit [...]" the systems. (NGO)

Biased behaviour through and experiences of racism are particularly identified and outlined by NGOs. Stressful situations that occur at different levels in everyday life, in public discourse (public opinion, victimisation but also the opposite, e.g. the denial of the 'right reasons to seek refugee'), at school and in health care, influence the way in which young people are able to arrive safely in a new country. The success of minors usually depends to a large extent on the willingness, and therefore the attitude and the motivation of the individual employee (e.g. in the Immigration Office, Youth Welfare Office, social services, school etc.), which can be and often is a frustrating experience.

No standardised overview of services Following on from the complex and difficult-to-understand systems, there are also no standardised and barrier-free overviews of non-governmental integration services. This is partly due to Germany's federal structure but cannot be explained by it alone. Many offers, be they regional or supra-regional, are not or only to a small extent known to the addressees and their accompanying persons.

Reduced services for young people with 'poor prospects of staying' Another point of criticism is that many of the services are financed to deal exclusively with specific target groups who often cling to the residence status, thereby putting a large group - those with the so-called 'poor prospects of staying' - at a fundamental disadvantage. Even if this often plays a rather subordinate role in youth welfare, since in youth welfare everyone receives the same support due to their minor age, it is nevertheless a topic that resonates in the background and builds up pressure.

Few services for unaccompanied minors with physical or mental disabilities and chronic illnesses Although support for young people with disabilities is a rather marginalised but no less important and mentioned topic in the German youth welfare services, the situation for unaccompanied minors with disabilities has been specifically raised several times. Not only in terms of adequate housing and care possibilities but also in terms of further support e.g. in the health care system, there is a lack of expertise (e.g. in the interplay of language, diagnosis and special care) that needs to be addressed and looked at further.

Psychosocial health and psychological support This issue is also under discussion in the German context as a whole, as psychological and psychiatric care and mental health services are quantitatively insufficient. Particularly with regard to causes of flight, history of flight and the adaptation and processing thereof, assistance for young refugees is equally inadequate. This is repeatedly noted throughout all the interviews with an emphasis on language and cultural sensitivity in therapy/psychological counselling.

Decline in numbers The decrease in the number of minor refugees and refugees in general gradually leads to the **closure or non-renewal of many services** (youth housing, accommodation, but also support services, tutoring, counselling services, etc.). As a result, not only **skilled professionals but also expertise that had been accumulated during the peak phase get lost.**

No time to arrive In particular, the lack of 'time to arrive' is criticised in many discussions that have taken place. The young people do not have time to settle in and cope with the journey and the new surroundings but are expected to "*function in society*" (NGO) as soon as possible. They have to respect and obey the rules, go to school, participate well, find a vocational training and a hobby. Especially NGOs criticise the fact that the system sets strict requirements: A decision on an asylum application should be made by the age of 18, because for 'adults' other rules are decisive and certain forms of protection are lost; in youth welfare and

school everything has to go well (you have to make an effort, participate, keep to all the rules) because at 18 the entitlement to housing in youth welfare and compulsory schooling ends. This again puts a lot of pressure on minor refugees and might be counterproductive when it comes to finding one's place in life.

Care leaver problem, lack of offers and limited protection for young adults

“There was an increase in 2015 /2016. These people are still here, they are getting older, they are becoming adults, i.e. the big questions for the support and social systems are changing, not only for the individual person. In 2015 youth welfare was massively confronted with these questions, with this group of people and this is going on now because they are becoming adults, because now labour market policy deals with it. [...] This is interesting, if you do not only want to take a sectoral view, but rather take a look on how you can continue to ensure that these people are successful over here and can continue to live comfortably.” (GO)

This group of young adults will be of particular importance for the German welfare systems in the coming years. Numerous young people who arrived in the years after 2015 have or will now come of age. The 'care leaver problem' as it is called in professional circles has gained enormous significance, as there are now more young adults in the German youth welfare system than minors. How can these young adults be well accompanied so that **the integration efforts** of previous years are not discontinued? Where can these young adults live (in Germany there is a housing problem in all major cities), how can they work and pursue a comfortable life as part of society? Many young adults have to move into shelters. In addition, the end of youth welfare services, without a follow-up option and including a move into a shelter, often leads to a break-in and discontinuation of performance, even if the integration process is already well under way (i.e. school leaving certificate, training place). When exactly a young adult has to leave youth welfare and whether benefits for young adults are approved at all is handled differently from federal state to federal state, municipality to municipality and county to county.

Funding The different handling of granting support in the federal states, in the districts and municipalities has to a not inconsiderable extent to do with the budget available and funds released. Other services (both governmental and non-governmental services, which are nevertheless at least partially dependent on state funding) are also threatened by under- or non-sustainable financing. Particularly in the face of falling numbers of unaccompanied minors, it has become increasingly difficult to maintain services. As a result, good concepts can and will disappear.

“The systems are in place now and available, it is time to start reflecting on what was good, what can be further developed.” (GO)

Girls and young women often fall behind when it comes to the discourse on unaccompanied minors. But they exist, and they might have different needs than unaccompanied male minors.

It is stated that they have few choices regarding the place and type of accommodation within the framework of youth welfare services. This problem is particularly aggravated when additional childcare becomes necessary and results in long distances to persons of trust, vocational training opportunities, legal guardians and specific support services. The lack of guaranteed educational opportunities particularly affects young mothers and girls with short educational biographies.

In practice as well as in the professional field, however, there is still too little knowledge transfer and cooperation on the situation and needs of refugee girls and young women nationwide. There are too few specialised offers for unaccompanied and accompanied young women and girls nationwide, a lack of gender sensitivity and corresponding qualification and a lack of institutionalised links between specialised counselling centres (e.g. sexualised violence), other institutions and social workers. As a result, **gender-specific reasons for flight, experiences of sexualised violence and the fact that people and children are affected by trafficking are rarely recognised**. Girls and young women therefore rarely receive the legal and health-promoting assistance they need from specialised services.

The system, the people and professionals that work for the system have learned from the high number of new migrants, and structures have been created that can be used to respond to crisis situations in a sustainable and effective manner. Different professional circles have improved networking and there is exchange and cooperation, as well as a higher sensitivity for needs of the group of unaccompanied minors. Housing arrangements have been created and expertise has been accumulated. Migration and flight also have a higher priority in research, media coverage and in general a higher visibility.

Accommodation and housing In 2015/2016, a joint effort was made with civil society to provide accommodation and care for the people who were arriving in Germany. Now the issues are more differentiated and small-scale, more target group-oriented and less general. Other issues are coming to the centre of attention.

The **school system** has also learnt, and many issues that were not part of the curriculum of the teacher training studies in the years around 2014 are now part of it. Cultural sensitivity and diversity are becoming more visible as a result of the experiences made. Knowledge has been built up about resources on the one hand, but on the other hand deficits are also to be more precisely identified.

The **networking, structures and knowledge** that has been created will continue to be of benefit if the political commitment prevails.

1.3.2 Good practices

Due to the German practice (you may find an overview of the stakeholders in integration programmes in the previous course of this report), many integrational measures are contracted to independent organisations (NGOs) but often partly financed by state funds. Therefore, the good practice examples in this section present 3 NGOs that are offering integration services to unaccompanied minors.

1.3.2.1 "AsA - Ausbildung statt Abschiebung e.V." (Training instead of Deportation)

As a recognised provider of independent youth welfare, the association "AsA - Ausbildung statt Abschiebung e.V." (Training instead of Deportation) in the Bonn and the Rhein-Sieg district (State of North Rhine Westphalia), has been committed to providing young refugees, in particular those with an insecure residence status, with vocational qualifications and the opportunity to build up a secure independent perspective, for over 15 years. It is based on the concept "help from one source": where young people receive counselling and assistance in all situations of life e.g. counselling in residence law, social law and on everyday issues (school, housing, medical care and others), as well as professional orientation, choice of career and how to apply for a job, learning German (and everything that goes with it), tuition/ voluntary support and leisure activities. All bundled and coordinated in terms of content under the umbrella of the initiative. At the same time, the association's "employer service" also supports companies that are willing to provide vocational training by providing relevant information, particularly on legal issues, and by arranging contacts to specialist contact persons.

The aim of the work of AsA is to enable as many young refugees who have a need for counselling and assistance to obtain vocational qualifications, as possible, so that, ideally, they will have a long-term perspective in Germany and, in any case, the time they spend here with insecure residence status can be put to a good use. Therefore, all the association's assistance begins at the earliest possible point in time and is intended in particular for young refugees who otherwise receive little support. Following the principle of "education from the first minute", AsA supports precisely those who have not yet received a decision in the asylum procedure or have received a negative decision and who would have little chance of a long-term stay in Germany without the offers the association provides. This applies in particular to tolerated refugees and those from so-called "safe countries of origin" or with uncertain prospects of remaining in Germany during the current asylum procedure for other reasons. People from countries with "good prospects of remaining" are usually referred to other organisations because they have access to other support services. However, if an asylum procedure is positively decided upon after admission by the association, the refugees in question can still take up the offers of AsA (Bethscheider, 2019).

1.3.2.2 SchlaU Schule München (School-analogue lessons for young refugees, Munich)

The “Trägerkreis Junge Flüchtlinge e. V.” (Panel of supporters for young refugees, Registered association), based in Munich (Free State of Bavaria), has set itself the goal of supporting unaccompanied minors and young refugees aged between 16 and 21 (in exceptional cases 25) in exercising their human right to education and school and to participate in society. At the association's school in Munich - "SchlaU" (school-analogue lessons for young refugees) - a total of 300 young refugees are educated in up to 20 classes. About 80 students are led to graduate from school each year and are placed in training or secondary schools. Afterwards, i.e. during their training or their attendance at a secondary school, the former pupils are given follow-up support by the "SchlaU Übergang Schule-Beruf" (clever transition from school to work) programme in order to support sustainable integration. In total, the “SchlaU-Schule München” with “SchlaU Übergang Schule-Beruf” has successfully supported more than 5000 individual cases. Since 2004, the schools have been recognized as vocational support institutions, in accordance with the Bavarian law on education and schooling, where young refugees can complete their compulsory vocational schooling. The financing of the schools is based on a mixture of public funds, foundation funds and non-earmarked donations. They get supported by around 100 volunteers, who are mainly involved in tutoring. With this concept, the “Trägerkreis Junge Flüchtlinge e.V.” is thus following up current debates on inclusion. Targeted, intensive individual support in a protected environment enables the young people to enter the German regular school and training system after a short period of time in order to develop themselves. The SchlaU-Werkstatt für Migrationspädagogik (SchlaU workshop for migration education) is part of the SchlaU Group and operates under the auspices of the Trägerkreis Junge Flüchtlinge e. V. In addition to research and internal counselling, the SchlaU-Werkstatt für Migrationspädagogik develops training programmes for teachers and teaching material for young refugees (SchlaU - Werkstatt für Migrationspädagogik, 2020).

1.3.2.3 Deutscher Kinderschutzbund Landesverband Hamburg e.V. (Registered association for Child Protection in Germany, State association Hamburg) – Mentoring and legal guardian-program

The "Deutscher Kinderschutzbund Landesverband Hamburg e.V. " (Registered association for Child Protection in Germany, State association Hamburg), is a politically and denominationally independent, non-profit association and carrier of the free youth welfare service. Since its foundation in 1953, it has been committed to improving the living conditions of children and young people, parents and families in Hamburg. 450 members, 89 full-time employees and 450 qualified volunteers are active for the "Hamburger Kinderschutzbund". It is one of the 16 regional associations in the Federal Association of the German Child Protection Agency. With a total of over 50,000 members, the federal association represents the largest

lobby for children in Germany. The joint umbrella organisation is the welfare association "Der Paritätische." (see Der Kinderschutzbund Landesverband Hamburg, 2020a).

Especially for unaccompanied minors, the DKSB Hamburg has been running two projects for several years now:

Mentoring- training of volunteer mentors who provide long-term and binding assistance to unaccompanied minors and are available as contact persons. This can be support in everyday life, career orientation, learning German or support in integration/arrival in Hamburg. Having fun together and having a good time with each other naturally also plays a major role (see Der Kinderschutzbund Landesverband Hamburg, 2020b)

Legal guardians – training of citizens of Hamburg to become voluntary guardians who will represent children or underage refugee minors until they reach the age of majority and accompany them in everyday life. This way they always have a permanent contact person at their side. These guardians get involved based on personal conviction, i.e. not for professional reasons and without receiving a salary. Together with specialists of the youth welfare service, guardians help to put living conditions in order. Like parents do for their children, they support and represent them in school, health and legal matters and have the right of residence for the children and young people concerned. The Child Protection Association is the supervising body of the guardians. They prepare them intensively for their task and are available for questions during the entire period of guardianship (see Der Kinderschutzbund Landesverband Hamburg, 2020c).

1.4 Findings and conclusions

The integration - arriving, participating and feeling comfortable in a new society - of unaccompanied minors depends on many factors that are all interwoven and cannot stand alone. The *status*, the *certainty to be able to stay in a country*, to be able to stay in a place where it is *quiet and where one feels safe, adequate housing, access to language courses and education, access to health care and counselling and educational support* are the most visible factors. To feel *accepted and respected, not having to fear* (making mistakes or wrong decisions, not getting everything right, needing several attempts), to be allowed *to make decisions on your own* (for example where and how to live or which school degree or education you should aim for), to have the *time to find out who and how you actually are* and what you have *experienced* are the factors that are not visible at first glance.

Although the system provides housing for refugee minors in the youth welfare system and thus guarantees integration, giving them the same opportunities as young people who are unable to live with their parents in Germany, the same legislator also specifies that these minors receive separate provision. They are not free to find their way through the system like a teenager and to use the adolescence phase to find out who they are and what they want.

Although the primacy of the youth welfare service exists - i.e. the priorities of the youth welfare service - the residence and asylum law is nevertheless one of the most important factors in the course of the life of an unaccompanied minor, as it shapes the further possibilities and the further course (access options). Based on the status there is access to the system, there are opportunities and participation possibilities but also barriers. A status also determines whether it is possible for minors to be able to be reunited with their families. As long as they are minors, they are protected from the direct consequences of certain decisions about their residency (e.g. deportation) with rights resulting from the primacy of youth welfare (compulsory schooling, accommodation, care). However, due to the legal stipulations all of this is 'on the verge of collapse' or even vanishes when they reach the age of 18. Coming of age is a thought that is always in the back of the head, hanging over the minor like a sword of Damocles, putting them under pressure to perform. At the same time, however, unaccompanied minors are frequently forced to wait and in many cases are unable to make use of the opportunities to which they are supposedly entitled on account of their minority status, for example if there are not enough adequate places to live after the initial admission, if German language courses or school places are not available or, more fundamentally, if the asylum application is not processed promptly but deadlines (e.g. for family reunification and the reunification of siblings) are linked to this and pass by. Hence a complex and to many parts also contrary (contrary working) picture emerges of the context in which these young people have to act.

It can be argued that the system for unaccompanied minors basically works. As described above, there are rights and mechanisms that provide protection, reception and access. As a result of laws, particularly in the field of asylum and residence law though, many opportunities for young people and young adults in Germany to build up a perspective have been restricted and have deteriorated. The demands/barriers that are now being placed on young people with so-called 'poor prospects of staying' (and their caretakers), for example, in order to do a vocational training, are high. Good counselling centres and opportunities for exchange are needed and demanded not only in this area.

Not only, but especially now in the light of the Covid-19 rescue parachutes and the presumed overstretch of public budgets that this entails, the question arises as to how far refugee social work, which is not included in compulsory expenditure, offers of counselling, support, sport and fun - i.e. offers that help young people participate in society - important advocacy and lobby work - can and will continue to be financed in the coming years. Through budget reductions and discontinuation of services there is the further concern that competence and expertise will be lost.

Furthermore, it becomes clear that especially the group of former minor refugees who have come of age or will come of age make up a considerable part of the target group 'unaccompanied minor refugees' but are still disadvantaged by the system. One of the biggest challenges - and here the interviewees largely agree - will be to provide opportunities for young

adults in order not to jeopardise the 'beginning integration' or the already performed 'integration achievement'. Therefore, it will be necessary to create structures and offers that will continue to provide young people beyond the age of 18 with low-threshold access to services (residence, housing, accompaniment / support, health, language, school).

Since 2014/2015, Germany, the people in Germany, as well as the structures in Germany have been transformed and adapted. A lot of knowledge has been built up and deepened, structures have been implemented and one has seen what can be achieved. Yet this is now being accompanied by a more conservative and regulatory policy, especially after the decline in numbers. Approaches are becoming increasingly strict and restrictive, and it remains to be seen how opportunities and possibilities for the integration of unaccompanied minors in Germany will develop in the future.

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2 ANNEX

2.1 Consent Form for Participants

METAdrasi- Action for Migration and Development (Greece) the Co-ordinator, Fundació Privada Idea per a la millora social d'infantsifamílies (Spain), APOSTOLI (Greece), Centre for European Constitutional Law (Greece), Plan International Deutschland EV (Germany), Athens Lifelong Learning Institute (Greece) and Stichting Nidos (Netherlands), implement the project entitled 'Promoting Supported Independent Living as an alternative care practice for unaccompanied minors' (AMIF-2018-AG-INTE-4), which is co-funded by the Asylum, Migration and Integration Fund of the European Commission. The project consists of a number of activities that ultimately aim at promoting supported independent living (SIL) as an alternative care practice for unaccompanied minors, focused on minors aged 15-18 in four European countries. Specifically, knowledge and good practices regarding SIL will be collected, exchanged, and disseminated. In addition, the project will develop methodologies in order to improve the living standards of unaccompanied minors aged 15- 18 years old.

In this interview we are going to ask your opinion based on your knowledge, expertise and experience about the analysis and assessment of the integration context.

For your participation in the discussion, you should be informed that:

- All appropriate rules of ethical research will be followed during the data collection and analysis.
- Discussion is anticipated to last approximately 50-60 minutes and for practical reasons minutes will be taken. The file will be accessed only by the researchers present today and then will be erased.
- Excerpts from the discussion may be integrated to the final report, but under no circumstances will your name or any identifying characteristics be included in the research findings.
- Opinions expressed during the discussion will not be discussed further with third persons.
- Your participation is entirely voluntary, and does not imply any individual benefit for the participants (financial or other).
- You are free to refuse to answer any question and to withdraw at any time.

Should you have any question, please do not hesitate to ask us.

Having knowledge of the above-mentioned conditions, you are free to decide whether you will take part or not.

Would you like to participate in the discussion?

1. Yes

2. No

Participant's Name

Researcher's Name

Date

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2.2 Questionnaire for the interviews with National and Local Authorities

A. Basic information about the Interviewee

1. name, capacity, organization
2. What is the field of work of your organisation/institution?
3. What is your role in the organisation? And if not clear, justify your relation with the group of unaccompanied minors.
4. Are you collaborating with other services related to minors and their integration? Elaborate in public authorities, educational providers, NGOs)

B. Questions for authorities/NGOs

Analysis of the integration context

1. Please provide us with information on the activities that your organization undertakes for unaccompanied migrants. Please refer to the expected results, cooperating bodies and other stakeholders, problems and issues identified and mitigation measures.
2. What do you think of the integration context for unaccompanied minors? Has it changed since 2015, and if yes in what respect?
3. What legal or policy changes since January 2015 in the area of the integration context for unaccompanied minors have had a major impact on integration and in which area of life of the target group? Does this further depend on other factors such as reasons for leaving the country of origin?

Probe:

- a. impact on possibilities concerning employment, education, language acquisition, social assistance or access to healthcare,
- b. integration efforts and results in the above areas
4. Could you please elaborate on the current legal framework regarding the integration of unaccompanied minors?
5. What are the main and important features when exploring the situation of the unaccompanied minors?
6. What have been positive recent changes facilitating integration of unaccompanied minors in need of international protection?
7. What about the national integration strategies? Are there any? What are they expected to have as a result of their implementation? (integration praxis, results, approaches)

8. What type of facilities have been used at the location for the first reception, during the asylum procedure and after status is granted?
9. Are you aware of any good practices regarding the integration of unaccompanied minors?
10. What could you recommend as the next step regarding the integration services for unaccompanied minors?

Assessing integration

Factors affecting integration

11. In what extent does inflows affect the effectiveness of the provide integration services for unaccompanied minors?
12. Does the waiting time affect the integration prospects of unaccompanied minors? In what extent concerning employment, education, language acquisition, social assistance or access to healthcare?
13. Do you use any integration indicators in your work to assess the integration of young asylum seekers or/and protection status holders? Which ones?

Specific categories

1. Education & VET

14. What happens to the target group (15-18-year-old) protection status holders and asylum seekers from countries of origin with a high probability of being granted a right to stay on arrival? How are they usually included in the education system? Elaborate for children having completed as well as not completed compulsory schooling in their home country; children who want to study as well as those who want to work.
15. What have been the main challenges of integrating the target group (15-18-year-old) in secondary, vocational and tertiary education, including e.g., long periods of not attending school, negative education experiences in transit countries? What could be promising practices?
16. What have been the main obstacles in recognising diplomas and previous school performance? Are there any good practices? Is there any evidence of the number of young refugees and asylum seekers who asked for recognition of a secondary or tertiary education diploma obtained abroad? And how many got it recognised?
17. Funding: Have additional resources been made available?
18. Do you use any indicators in your work to assess the integration of young asylum seekers or/and protection status holders in the education system, e.g., drop-out rates?

2. Employment

19. Are there any support programs provided so as to facilitate access in the labour market?
20. What are the main challenges minors face when it comes to employment?
21. Are you aware of any statistics related to minors employment?

22. Considering the links between housing and employment (e.g. employment being a requirement in practice for renting an apartment and having a permanent address being a requirement for getting employed), how have situations best been resolved in situations when migrants neither had employment nor a place to stay?
23. Are there any provisions for the unaccompanied minors turning 18? Are there any other promising practices for integration into the labour market upon graduation/completion of training? (SILs?)

3. Housing

24. What are the main housing related challenges for asylum seeking members of the target group (15-18-year-old protection status holders and asylum seekers from countries of origin with a high probability of being granted a right to stay)? And for protection status holders within the target group?
25. What happens to asylum seekers when they are granted international protection, do they move to other accommodations? Which ones? Have housing gaps arisen upon different steps in the course of asylum procedures (e.g. transition from asylum applicant to refugee or pending renewal of permits)?
26. How do the rules and practices for accommodating 15-18 members of the target group differ from those concerning adults? Are decisions concerning housing made by staff dealing exclusively with/specialised in children? Which factors are considered for choosing the type of accommodation arrangement?

Probe: different arrangements, e.g. sharing with other unaccompanied children, sharing with local population, other

Probe also: consideration of conflicts between countries of origin, consideration of reasons for leaving a country of origin

27. Are public child protection services involved when decisions on housing concerning 15-18-year olds are taken? How effectively has this worked in practice since January 2015? What have been the main difficulties in ensuring dignified living for asylum seekers, e.g., hygiene, privacy, overcrowding, isolation?
28. Which measures are in place supporting transition from (first) reception centre to individual housing solution, e.g. counselling and support by reception centre staff, social housing contingents?
29. Have there been cases of homelessness upon granting protection status? Have they increased since January 2015? If so, was this a result of a change in practice, e.g. withdrawal of support as status of asylum seeker ended?
30. What have been the main challenges and possibly good practices in relation to housing conditions for unaccompanied children (15-18-year olds) at first arrival, later on and when they are granted international protection?
31. Which housing solutions have worked best in terms of facilitating integration in general?
32. In which situations do members of the target group who are allowed to work most frequently need to resort to social assistance? For how long is it on average?

4. Health

33. What kind of health care and social assistance is available to the target group in case of illness or disability? How does this compare to the support available to nationals?
34. What kind of support is available to the target group in case of birth/children? Does this support depend on the type of permit? How does this compare to the support available to nationals?

5. Risk situations

35. Given the marginalised and precarious situation of some members of the target group, together with other factors, do you think that some of them are at risk of becoming radicalised? Have you any evidence of this happening and what do you think are the main causes? Are any members of the target group particularly at risk – such as young men or certain nationalities?
36. Do some of the risk factors, increase the chance of the research's target group becoming victims of crime (such as being vulnerable to theft, or being a victim of hate crime). For example, because of their precarious living arrangements or absence of a support network/family? Have you any evidence of this happening and what do you think are the main reasons for people being victimised? Are any members of the target group particularly affected – such as young women or certain nationalities?
37. Gender: Have female asylum seekers and protection status holders (15-18-year olds) tended to be particularly affected as victims by specific types of crime, including: trafficking in human beings for sexual/other exploitation, domestic violence, female genital mutilation, rape/sexual assault, etc.? What evidence do you have for this?