Capitalising on Asylum – The Reconfiguration of Refugees’ Access to Local Fields of Labour in Germany

Benjamin Etzold

Abstract

Since 2014, several legal reforms in Germany have reduced bureaucratic barriers for refugees’ access to work. They were coupled with the introduction of more language classes and other skill-enhancing measures. This proclaimed aim of quickly integrating refugees in the labour market marks a remarkable discursive shift because in previous years numerous installed hurdles had hindered refugees from entering local labour markets. The article seeks to shed light on the structural relations and inconsistencies between the German asylum regime and local labour markets by employing Bourdieu’s theory of practice as a conceptual lens and by drawing from empirical observations from the city of Bonn. The author argues that the two fields – the “field of asylum” and the “field of labour” – were purposely kept separate from another in the past. Now their relations are reconfigured in complex ways, dominated by the largely restrictive logic of the field of asylum. Refugees’ overwhelming dependence on their status in the asylum process, their “legal capital”, limits rather than enhances their access to decent work. Moreover, refugees’ chances to position themselves successfully in fields of labour depend to a large extent on social networks and very specific local contexts.

Keywords: Field of Asylum, Field of Labour, Refugees, Access to Work, Labour Market Integration, Legal Capital, Bourdieu’s Theory of Practice, Locality.

Introduction

In Germany, refugees’ quick access to work and “functional integration” into the labour market are seen by politicians, academics and civil society alike as key to broader “societal integration.” Firms have also ‘discovered’ refugees and have started initiatives to ‘harvest’ their labour power, brain and skill pool. Since 2014, several legal reforms have reduced bureaucratic hurdles for refugees’ access to work. In addition, more language classes and skill-enhancing courses are offered to refugees, and new labour market incentives have been developed. The proclaimed aim of quickly integrating refugees into the labour market (which is portrayed to be good for ‘them’ and for ‘us’) has become commonplace in the public debate. This marks a remarkable discursive shift, for in previous years numerous hurdles had been erected that hindered refugees from entering local labour markets even though they had good qualifications and had lived in Germany for several years.

1 Dr. Benjamin Etzold is a social geographer and migration scholar. Since 2016, he works at the Bonn International Centre for Conversion – a think tank in the field of peace and conflict studies – where he is coordinating an interdisciplinary project on refugee and forced migration studies in Germany (“Flucht: Forschung und Transfer”). He studied at the Universities of Stuttgart, Adelaide and Bonn and previously worked in the University of Bonn’s Geography Department. He obtained his PhD in 2012 with his research on the livelihoods of street food vendors, urban food security and political contestations over the governance of public space in Dhaka, Bangladesh. In his current research he looks at fragmented trajectories of migrants and refugees to Europe, labour conditions of clandestine migrants in “gateway cities”, and refugee’s local integration, place-making and transnational lives.

Many research institutes in Germany study the employability of refugees and their access to the German labour market.¹ Think tanks close to the Federal Employment Agency and the Federal Office for Migration and Refugees, political foundations, trade unions, organisations involved in advocacy work and refugee protection, as well as scholars at universities contribute to an improved knowledge base on this topic with empirical research, statistical analyses, policy reports and reviews. It is not the purpose of this paper to give a comprehensive overview of the rapidly growing literature on the labour market integration of refugees in Germany.² Instead, this article seeks to shed light on the structural relations and inconsistencies between the German asylum regime and local labour markets by employing Bourdieu’s theory of practice as a conceptual lens. The reflections are supplemented by empirical observations from the city of Bonn.

From the perspective of Bourdieu’s theory, which underpins the argumentation of this paper, the German asylum regime and the German labour market can be seen as two quite distinct social fields, each having own central organising logics. The “field of asylum” centres on the logic of refugee protection, the provision of shelter, services and care to ‘those in need’ by a recipient state, and questions of security, control and national identity. In contrast, “fields of labour” are built around the principles of capital accumulation, labourers’ need to sustain their livelihoods and welfare states’ services that ought to reproduce labour. Both fields are highly contested and in both actors and institutions of nation states play a fundamental structuring role. The central question that guides this article is: How do these two fields currently relate to one another in Germany? To be more precise: How do the structures and specific categorisations in Germany’s “field of asylum” influence refugees’ chances to position themselves adequately in local “fields of labour”? Can refugees capitalise on their asylum status or is it a structural hindrance?

The working hypothesis of this article is that the two fields were purposely kept separate from another in the past, but that their relation is now reconfigured due to the sheer number of refugees who have arrived in recent years. This development is both due to the specific structural requirements of Germany’s labour market and to a paradigm shift in public opinion. Nonetheless, the restrictive logic of the field of asylum still prevails: refugees’ legal capital influences their access to work.

The article opens with a brief introduction of Bourdieu’s Theory of Practice as an analytical framework for the discussion of the “field of asylum” and the “field of labour” and for empirical studies of refugees’ access to work. The next section proceeds to show how the increase of asylum-seekers in Germany is reflected in relevant labour market statistics before addressing the recent paradigm shift and changing regulations on refugees’ access to work. Most importantly, it is argued that refugees’ differential access to labour

1 The database of the BMBF-funded project “Flucht: Forschung und Transfer” lists 122 research projects in the field of forced migration and refugee studies that address the issue of “labour” in Germany from various disciplinary perspectives: https://flucht-forschungtransfer.de/map?tab=&q=Deutschland&k=4606/1.200/9.000

markets is based on the stratification of refugees according to their asylum status. The last section explores in more detail the experience of refugees and how they are manoeuvring through legal frameworks and institutional landscapes to find adequate and meaningful employment. In doing so, the article draws on empirical examples from the city of Bonn. The case study also demonstrates that refugees do not enter one German labour market, but many highly differentiated and very localised “fields of labour”. The specific relation between the “field of asylum” and “fields of labour” thus not only depends on a person’s specific capabilities to position her/himself in both fields but also on the very specific local contexts.

“Fields of Asylum” and “Fields of Labour” – a Bourdieuan Approach

Pierre Bourdieu’s theory of practice\(^7\) provides a suitable basis for relational and scale-encompassing studies of migration and labour regimes.\(^8\) It is thus also suitable for a critical analysis of the “field of asylum” and refugees’ access to and their positioning in “fields of labour”. According to Bourdieu, a society consists of multiple hierarchically structured spaces, “social fields”, in which people take on relative social positions in the sense of ranks in a social order. Bourdieu often uses the analogy of a game to explain his theory.\(^9\) In different fields there are different players (agents) involved, the resources (capital) that are brought in by the players have different values, there are different aims of the game, and there are specific norms, immanent rules or regulative principles that structure the game. Each field thus has its own logic that is imperative for the players engaged in it. On the basis of their endowment with different types of “capital”, namely economic, cultural, social, symbolic and – for this case particularly important – legal capital, players take on specific positions in a field.\(^10\) Within a field, agents play with and against each other. They compete and struggle over the distribution of resources and their own positions. The logic of a field also structures – not determines – agents’ habitus, i.e. their long-lasting dispositions of “being, seeing, acting and thinking”\(^11\), and thus their strategies and practices. The relative position of a specific field always needs to be assessed in relation to other fields, in particular with regard to the “field of power”, which is the space within which agents struggle for power over the state and the state’s capacity to shape the structure of other fields.\(^12\)

Refugees, bureaucrats making asylum decisions, social workers in shelters, activists and volunteers supporting refugees, representatives of organisations providing legal advice and politicians developing asylum laws are some of the key agents who take on positions in the “field of asylum”. This field has three core logics. First, the field centres on the logic of protection: A recipient state provides shelter, services and care to those who have been subject to persecution, violations of political and civil rights and/or war in their respective

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\(^11\) Capital can be conceived of as “social energy” or power that can be accumulated, inherited and transferred, and thus, utilized. See Bourdieu and Wacquant “Reflexive Sociology”, 118.
country of origin and who are in need of protection and have thus applied for asylum.¹⁶ Second, the field of asylum is structured by (national) concerns with security, control and national identity. The arrival of almost three million asylum seekers in the European Union within three years (2014 to 2016) has not only been framed as a ‘crisis’ and ‘security challenge’ but refugees themselves have become “border figures”¹² who encapsulate ‘threats to the public order’ and ‘fears of estrangement’. Many states thus seem to be compelled to reject rather than welcome refugees and to restrict rather than widen their protection. Despite recognition of fundamental principles laid out in the Geneva Convention, the European Convention for the Protection of Human Rights and fundamental Freedoms as well as EU directives and in national constitutions, the organisational and legal set up of the field of asylum is decided upon by politicians and ministries through laws at the federal and “Länder”-level. Asylum policy and practices – such as those described below – are changed on the basis of proclaimed national security interests and the atmosphere within the public discourse, and not in consideration of refugees’ needs. State actors assign positions within the field of asylum to refugees due to their respective country of origin, the need of protection, and other key characteristics (such as age, gender, disability). Their asylum and residential status – their ‘legal capital’ – becomes imperative for access to shelters, financial capital, social services, health benefits, and work; to name only a few key areas. Based on the residency law and diverse asylum laws, the state and its bureaucratic actors restrict the personal freedoms of asylum-seeking individuals so deeply and interfere so decisively in many spheres of their lives, that Achammer and Herbst have described the German asylum system – in line with Goffmann’s term – as a “total institution”.¹³ Third, although the distinction between a refugee and a labour migrant is often only possible in theory – as motives and trajectories of mobile people overlap in complex ways – separating the field of asylum from the “field of labour migrants” is crucial. Upon their respective endowment with capital, refugees navigate the field of asylum and enter and ‘play’ in other social fields as well. Yet, their practical agency is always restricted by their legal status and by the social marker of ‘being a refugee’. The “field of labour” underlies a different organisational logic than the “field of asylum”. Conventionally, labour can be understood as an input factor in companies’ practices of production and capital accumulation and as a means to make a living through paid or self-employment. A neoclassical understanding of labour markets, in which access to work, wages and working conditions are largely shaped by the supply and demand of labour, is insufficient as labour is also a fundamental aspect of identity and belonging and a key indicator for a person’s socio-economic position.¹⁴ From the perspective of Bourdieu, positions within a society are largely distributed on the basis of professions, and people develop certain milieu-specific practices, lifestyles, attitudes and identities.¹⁵ Instead of one unified “field of labour” it is thus more appropriate to speak of distinct “fields of labour”, each having specific characteristics. Workers and non-workers, employers and investors, bureaucrats and politicians, trade unions and many other actors position themselves

within these respective fields. They each have specific interests and capacities to act. Fundamentally, capital — and consequently power — are unequally distributed within the field. How a specific field of labour functions and which institutions organise the field, regulate access to it as well as wages and working conditions within it, is always dependent on the respective historical and cultural contexts and on the state-of-play of the power struggle between capital, labour and the state. In European welfare states, labourers can rely on substantial welfare services such as unemployment benefits and pension schemes, as well as public health services and educational systems that are also designed to reproduce labour. Through the educational system, individuals acquire knowledge and skills (incorporated cultural capital) as well as certificates and academic qualifications (institutionalised cultural capital) that qualify them for specific fields of labour. Generally speaking, it is in the interest of labourers to find and carry out work that is adequate for their respective knowledge and skills as to maximise earnings, social recognition and future options and to secure their position in the longer run. As labour markets are normally framed in the territorial logic of nation-states, transnational labour migration as well as refugee movements pose a challenge to the existing order, institutions and other actors in fields of labour.¹⁶

If the logics of two different fields overlap significantly, then they are heteronomous fields; they are closely intertwined, and one is dependent on or even governed by the other. If in turn, two fields differ significantly in their operational logic and function independently according to their own rules, then they are autonomous.¹⁷ One could argue that due to their different logic the field of asylum and the field of labour are, in principle, autonomous fields. It is, however, the author’s working hypothesis that these two fields are closely intertwined for refugees: their position in the field of asylum has become imperative for their chances to acquire an adequate position in the field of labour.

Refugees in Germany’s Labour Market – a brief statistical overview

Germany’s field of asylum has undergone fundamental structural transformations in recent years, both due to increasing numbers of arriving refugees and due to policy reforms that followed the long “summer of migration”¹⁸ and its digestion by the media and the public. Since 2008, the number of asylum applications has increased drastically until it reached 746,000 in 2016 (Figure 1). Overall, in the past ten years (2007-2016), 1.8 million people applied for asylum in Germany and 1.4 million asylum decisions were taken by the Federal Office for Migration and Refugees. During these ten years, 484,000 people were granted a refugee status (34 percent of all decisions), 177,000 people received subsidiary protection, as they had fled from violent conflicts and cannot return (12 percent of all decisions), and 58,000 applicants were not accepted as refugees but only temporarily tolerated (4 percent of all decisions). The applications of 452,000 people were rejected (32 percent of all decisions), while 270,000 applications were formally withdrawn or transferred to other countries as Dublin-cases (19 percent of all decisions).¹⁹ These legal categories matter crucially for refugees as they are assigned certain positions in the “field of asylum” on this basis: they are granted or denied access to state benefits, health and social services, language courses and integration classes and, most importantly, a residence permit. Their legal position also largely defines whether they are entitled to work in Germany.

¹⁶ Bauder, Labor Movement; Brickel and Datta, “Translocal Geographies”; Lusis and Bauder, “Migration and labour markets”.
The refugees arrived at a time when Germany was enjoying remarkable economic growth and a job boom: In July 2016, 31.3 million people were regularly employed, 3.4 million more than in July 2010. Simultaneously, the number of unemployed people had substantially fallen from 3.2 million to 2.7 million in the same time span (BA 2017a). The refugees arriving in Germany are not responsible for this job boom, but they may benefit from it. Their arrival in the field of labour is visible in the relevant labour market statistics.

Figure 2 clearly shows the increase in the number of migrants in Germany’s field of labour from the eight countries outside of Europe from which most refugees came in recent years: Syria, Afghanistan, Iraq, Iran, Eritrea, Pakistan, Nigeria and Somalia. The number of registered employable persons from these eight countries who are of working age and who can potentially work grew from 102,000 in January 2011 to 573,000 in November 2016. The most fundamental challenges for refugees falling into this group are to gain adequate qualifications and language skills to become ‘employable’ and to be legally granted access to work. The number of migrants from these eight countries who are of working age but who were currently unemployed increased from 41,000 in January 2010 to 175,000 in December 2016; their unemployment rate stood at 50 percent in December.
Refugees who are listed in this group are legally entitled to work, yet face challenges finding adequate employment that matches their skills. Refugees who are still taking part in German language classes or other skill-enhancing courses are not considered as unemployed. The number of regularly employed migrants from these eight countries rose from 52,000 in January 2010 to 131,000 in December 2016; their employment ratio stood at 17 percent in December 2016. Refugees who have found regular employment face different day-to-day challenges. For them, staying employed, adequate payment, and working conditions as well as accumulating working experience are central motives.

Figure 2: The potential labour force, employed and unemployed persons among asylum seekers in Germany from the eight major countries of origin outside of Europe

Paradigm shifts and changing regulations on refugees’ access to work

Many politicians, entrepreneurs, social workers and refugee activists have long noted that work can serve as an efficient and, most importantly, sustainable way of integration into society if only access to labour was organised adequately. Before 2014, the barriers that refugees faced when trying to enter local fields of labour were however quite high, in particular for those who had not been granted refugee status or subsidiary protection but lived with only a temporary toleration (Duldung). In general, in the first nine months after their asylum claim, asylum seekers were not allowed to work. After this time, recognised refugees were allowed to work without further formal hindrances. Refugees under subsidiary protection or a temporary toleration could apply for a work permit in the immigration office, but only if they presented a job offer from an employer. Yet, even when both the employer and the local bureaucrat agreed, the employment agency first had to check whether no unemployed German or EU-citizens were available for that job. This priority check often led to situations in which refugees found work, but were de facto not allowed to work. In an interview, a fifty-year-old refugee from Iran, who had lived in Cologne for 14 years with a temporary toleration, described his situation as follows:


25 BA, Migrations-Monitor Arbeitsmarkt; BA, Fluchtmigration, 8.
26 BA, Migrations-Monitor Arbeitsmarkt
27 Kühne, Flüchtlinge und der deutsche Arbeitsmarkt; Thränhardt, Arbeitsintegration von Flüchtlingen; Knuth, Arbeitsmarktinintegration von Flüchtlingen.
“Often, I have tried to find work. I have had the opportunity to work as a cleaner for a cleaning company and as a kitchen hand in a restaurant. To work, I need the paper from the ‘Ausländeramt’. But every time, I went to the ‘Ausländeramt’ to get the working permit, they turned me down. [...] I do not need money from the ‘Sozialamt’. I only need work. Other people need ‘Sozialhilfe’, but I do not. [...] I need a work permit, work, and a residence title with a work permit. [...] Like this, I stay at home. And there are too many problems and stress, because I have been staying at home and did nothing for 14 years.”

This brief statement already highlights that before 2014, it was not so much the refugees’ willingness or ability that shaped their access to employment, but their legal status, i.e. their position in the field of asylum. The regulations on refugees’ access to work were highly exclusionary and limited their right to sustain their living by themselves. Such rules were also costly for Germany: Refugees who are not working have to rely solely on social welfare.

In 2013 and 2014, pleas by civil society and firm and trade union representatives for legal reforms to allow refugees easier access to work became louder. These political demands fell on increasingly fertile ground as the image of the refugee slowly seemed to change in the public discourse from a passive recipient of social services who is either not able or not willing to contribute to the economy, to a more active labourer who has skills and qualifications and who can thereby contribute significantly to the national economy.

This changing perception of refugees went hand in hand with the public debate about an ageing German labour force and a projected shortage of well-qualified workers in the future. Despite an ever increasing share of employment in services, the demand for skilled workers in manufacturing is likely to continue to rise as the national economy is still based on the production of machinery and consumer goods. In the years to come, positive net-migration – in particular from third countries outside of the EU – will be necessary to prevent Germany’s labour force from shrinking. The currently high numbers of arriving refugees might thus play a major role in Germany’s labour market in the future. In particular, those young male refugees who quickly learn German and have technical skills are now offered apprenticeships in firms and factories. They are seen as a remedy for the structural imbalances in the national labour market. They have arrived as refugees but

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33 For more details on refugees’ access to work from 1980 to 2014 see Kühne, Flüchtlinge und der deutsche Arbeitsmarkt; Thränhardt, Arbeitsintegration von Flüchtlingen.
34 Thränhardt, Arbeitsintegration von Flüchtlingen, 28.
37 Johann Fuchs, Alexander Kubis and Lutz Schneider, “Replacement migration from a labour market perspective. Germany’s long-term potential labour force and immigration from non-EU member countries”. IAB-Discussion-Paper 4 (Nürnberg: Institut für Arbeitsmarkt- und Berufsforschung, 2016).
38 For more details on refugees’ access to apprenticeships and vocational training see Franziska Schreyer and Angela Bauer, „Regional ungeleiche Teilhabe – Geduldete Fluchtmigranten und duale Ausbildung in Deutschland“, in Sozialer Fortschritt, 63 (2014): 285-292.
should stay on as workers and professionals. This paradigm shift in public opinion has contributed significantly to recent policy changes.

In November 2014, the federal state implemented reforms in employment laws, which should allow refugees easier access to Germany’s fields of labour. These regulations were supplemented in October 2015 by the “Asylum Procedure Acceleration Act” and in August 2016 by the “Integration Act”.

In principle, the new regulations have reduced the bureaucratic hurdles for refugees’ access to work. Yet, they have also further enhanced the stratification of refugees within the field of asylum. In consequence, the existing rules have led to a highly unequal access to fields of labour:

- **People with recognised refugee status** and those under subsidiary protection face no formal restrictions on their access to work. They are also allowed to start their own business, work as self-employed, do an internship, or begin an apprenticeship / vocational training. An application for a work permit is not necessary. There are no priority checks. They are also entitled to participate in language classes, integration courses, skill-enhancing programmes and to the support of the local job centres in finding employment.

- Those refugees who had entered Germany through resettlement programmes of the national state or a humanitarian reception programme of one of its federal states, face no labour market restrictions; they also have access to integration classes and job centres’ skill-enhancing programmes. In the case of the latter programme, refugees who arrive with the support of family members who had settled in Germany before are not entitled to social welfare benefits for the first five years after arrival; similar to the private sponsorship programme in Canada, their families have to bear the cost of their living expenses.

- **Asylum seekers**, i.e. people who have entered the asylum process and are awaiting a decision and tolerated persons – and thus all refugees with only a temporary residency status – are not allowed to work in the first three months after arrival. In general, only asylum seekers from countries with high recognition rates (such as Syria, Eritrea, Iraq and Iran) are allowed to start integration courses and have access to support by the Employment Agency. Moreover, special ‘low-threshold’ work opportunities that should mobilise the labour market potential of asylum seekers are also not accessible for persons from ‘safe countries of origin’. After the initial working ban of three months, all asylum seekers and tolerated persons can apply for a work permit with the local immigration office. The instrument of the priority check is however not fully

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6 Refuges’ access to work is addressed in §§47, 59-61 of the asylum law (Asylgesetz), in §5 of the asylum services law (Asylbewerberleistungsgesetz), in §§ 39, 40, 60a and 61 of the residence law (Aufenthaltsrecht), and in §§ 26 and 32 of the employment regulation (Beschäftigungsverordnung). For an overview see: http://www.bamf.de/EN/Infothek/FragenAntworten/ZugangArbeitFluechtlinge/zugang-arbeit-fluechtlinge-node.html


8 The facilitation of an easier access to work was a central motif for the German government in the adoption of the Integration Act. See Lisa Caspari, „Integrationsgesetz: Besser arbeiten, schneller scheitern“, Die Zeit, 24.06.2016. http://www.zeit.de/politik/deutschland/2016-05/integrationsgesetz-fluechtlinge-wohnsitz-parlament-meseberg

9 According to the Federal Office for Migration and Refugees, Germany currently considers the following countries to be safe countries of origin: all Member States of the European Union, Albania, Bosnia and Herzegovina, Ghana, Kosovo, Macedonia, former Yugoslav Republic of Montenegro, Senegal, and Serbia. See http://www.bamf.de/EN/Fluechtlingsschutz/Sonderverfahren/SichereHerkunftsstaaten/sichere-herkunftsstaaten-node.html
abolished. In regions with a high unemployment rate, it can still be applied so that Germans, EU-citizens and refugees with a more secure legal status are privileged in their access to work, in particular over persons from ‘safe countries of origin’. All over Germany, four years after the first arrival, there are no further restrictions on the labour market access of asylum seekers and tolerated persons. Moreover, a 3+2 rule has been established for these two groups. Refugees who have started an apprenticeship have the chance to receive a temporary residence status for three years (the normal duration of an apprenticeship), which can be prolonged for another two years if they are taken on by their employer.

- All refugees with academic titles or a recognised professional title in one of the economic fields in which there is a shortage of labourers in Germany – according to a ‘white list’ of professions⁴⁰ – are immediately allowed to work in the respective field. No priority checks are undertaken. Their legal status is not considered.

- Refugees whose application are rejected or is withdrawn have to leave Germany voluntarily or are deported. Of course, this implies that they are also blocked from entering Germany’s labour market – at least formally. Many of those who do not leave the country but go into hiding become part of a growing informal labour force in large cities.

The legal framework that should ease refugees’ entry into fields of labour is not only difficult to comprehend; it is also full of contradictions. Labour market entry should become quicker with skill-enhancing courses and work programmes, but not for all groups of refugees. More integration classes are provided, but not everybody has access to them. The priority check is not abolished but only temporary postponed for three years, and not all over Germany. Among the key structural parameters that are particularly decisive for refugees’ access to work, the legal status in the asylum process and the perspective to gain a residence status (Bleiberecht) – both largely depend on the country of origin and not on a refugee’s individual trajectory – have become the two most fundamental factors.⁴¹ Many refugees navigating these institutional landscapes experience the existing regulations that limit their access to work as arbitrary, unjust and coercive.⁴² Potential employers also find it hard to find their way through the bureaucratic jungle of legal statuses, residency titles, priority checks, white lists and employment-enhancing measures for refugees. Most importantly they express concern regarding the complex regulation of refugees’ access to the field of labour for its inconsistencies and a lack of planning reliability.⁴³

**Confronting hopes with the reality – Challenges of gaining access to work**

Representatives of municipalities, local employment offices, chambers of commerce, charity organisations and refugee activists are well aware of the multiple hurdles that refugees still face when trying to find work, despite the legal reforms that should have made access to employment easier. In October 2015, *weltoffen Bonn*, a group of local refugee activists, organised a workshop for volunteers and members of charity organisations who are supporting refugees in their pursuit of employment. Representatives from the local employment office (Agentur für Arbeit, Bonn) and from three organisations that support refugees in Bonn (*Flüchtlingsrat Köln, ASA – Ausbildung statt Abschiebung, LerNet*) discussed common problems faced by job-seeking refugees as well as possible solutions with the

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⁴² Knuth, *Arbeitsmarktintegration von Flüchtlingen*, 10

workshop participants. They identified seven key challenges in the moderated group discussions, which are listed below. How job-seeking refugees living in Bonn are dealing with these challenges is explained on the basis of interviews that were held in August and September 2015.44

**Challenge 1: Early assessment of skills, qualifications and ambitions**

An assessment of a refugee’s knowledge, skills, qualifications and professional ambitions – or, in Bourdieu’s words, his/her ‘incorporated cultural capital’45 – is not part of a refugee’s registration and not considered in the asylum process. Even though extensive surveys have now assessed the qualification levels of refugees who arrived in Germany in 2014 and 2015,46 no data on the labour market suitability of refugees is available at the local level. In general, after their arrival, refugees need to be informed as early as possible about contact persons who can support their job search and the formal procedures that they have to follow to be able to work. The motivation to work and use their previously acquired qualifications productively became quite clear in our interviews. Mousa M., for instance, worked for fourteen years in an uncle’s butchery in Syria. He has significant practical skills in this field, but never obtained a professional qualification. He wanted to work again as a butcher as soon as possible, but was also willing to do jobs in other sectors. Ahmed D., also from Syria, has a Masters’ degree in education and worked at a Syrian university before becoming a refugee. He now plans to learn German first, and then get a part time job or a scholarship, which would enable him to pursue a PhD in Germany. Daniel T. completed an apprenticeship as a medical assistant (nurse) and had worked in this field in Eritrea for twenty years before he had to flee. He also wants to work, but only after acquiring sufficient German language skills.

In all interviews, it transpired that entering the labour market was considered a priority, but the crucial question was “how”. As part of its project “early intervention”47, which aims at supporting refugees’ labour market access at a very early stage, the local employment office uses a standardised registration form to assess refugees’ skills and qualifications so that appropriate steps such as job-specific language courses or professional training can be organised. Since January 2016, crucial services of the municipal immigration office, the social services bureau, the employment agency and some refugee support organisations have been brought together under one roof in so-called “integration points”. It remains to be seen whether this concept of one contact point for refugees, which is not only pursued in Bonn but has been introduced in 80 cities all over North Rhine-Westphalia,48 will contribute to a quicker assessment of refugees’ skills and better recognition of their professional ambitions.

44 All Interviews were conducted by Kim Kosiol for her B.Sc. Thesis „Wie finden Flüchtlinge Zugang zu Arbeit? Eine empirische Untersuchung in Bonn“, (Bonn: Geography Department, University of Bonn, 2015).
46 Herbert Brücker, Paul Schewe and Steffen Sirries, Eine vorläufige Bilanz der Fluchtmigration nach Deutschland (Nürnberg: Institut für Arbeitsmarkt- und Berufsforschung (IAB), 2016).
47 For an evaluation of the initial stages of the Federal Agency for Labour’s „Early Intervention“ programme see Volker Daumann et al., Early Intervention - Modellprojekt zur frühzeitigen Arbeitsmarktintegration von Asylbewerberinnen und Asylbewerbern. IAB-Forschungsbericht, 03/2015 (Nürnberg: Institut für Arbeitsmarkt- und Berufsforschung (IAB), 2015).
Challenge 2: Formal recognition of previously acquired qualifications

“Getting the documents right” is crucial for refugees and other groups of migrants who seek entrance to the highly formalised German field of labour in which ‘institutionalised cultural capital’ often counts more than practical skills. Previously acquired qualifications (school graduates, academic titles, professional certificates, etc.), however, often do not match German standards or are not recognised. The rate of recognition of professional certificates and academic titles is not only lower for refugees than it is for other groups of migrants, but it also varies according to different countries of origin. For example, in the years 2012 to 2014, 77% of the applications by Syrian nationals for full recognition of their professional qualifications were accepted, but only 51% of applications of Afghan nationals. Because of a devaluation of their previously acquired institutionalised cultural capital, many highly-qualified refugees experience ruptures in their working biographies.

The recognition of foreign qualifications is especially relevant for publicly regulated professions, such as nursing or teaching. Refugees certainly need more information about these strongly state-regulated segments of the labour market and the specific qualifications they require and then guidance through the procedure of getting their titles recognised by state agencies. In Bonn, just like in other German cities, specialised advisors provide support to refugees in this process. For Daniel T. from Eritrea this means that he will first have to get an official translation of his professional certificate as a medical assistant and send this to the federal state agency in Düsseldorf. If his title is officially acknowledged, he will immediately be able to start a job in this field, because medical personnel is on the ‘white list’ of professions in which there is a shortage of skilled labour in Germany. If his title is not acknowledged, he will have to take part in training courses, complete an examination, and thereby acquire the proper professional certificate allowing him to work. The loss or destruction of diplomas on the journey is a common issue among refugees. In some of those cases, it is possible to provide evidence of one’s competencies by way of a qualification analysis to gain recognition. It is, however, only possible to get official degrees recognised. Autodidactic competencies cannot easily be transferred into a title. The Syrian butcher Mousa M., who acquired all his skills in his family’s business and thus has no professional certification, would have to start an apprenticeship at a German butchery to receive formal proof of his professional skills. He can, however, also prove his practical skills in an internship to a potential employer. If that employer recognises his workplace skills, no further formal procedures will be necessary before he can start a job, as access to this profession is not regulated by the state. In most segments of the German labour market, recognised qualifications in the form of professional certificates and academic titles are of fundamental importance for finding adequately paid work. The official statistics show that the rate of unemployment is highest for workers with no or lower professional qualifications and thus for all people who do not possess institutionalised cultural capital.

bonn.de/region/Unn%C3%B6tiges-Pendeln-zwischen-den-Beh%C3%B6rden-soll-ein-Ende-haben-article1787224.html


49 OECD, Working together, 90.

50 Johansson et al., Was wir über Flüchtlinge (nicht) wissen, 21.

51 In each federal state, there are centralized agencies for the recognition of school certificates and other professional titles: https://www.anerkennung-in-deutschland.de/html/de/. Organisations in the IQ-network (“Integration durch Qualifizierung”) funded by the German Ministry for Labour and Social Affairs and the EU’s Social Fund provide information and support to refugees in this process: http://www.iq-netzwerk-nrw.de

Challenge 3: Acquiring language skills

A good command of German – also a form of incorporated cultural capital – is a crucial prerequisite for entering local fields of labour. Access to language classes is, however, still problematic. Since October 2015, all recognised refugees and asylum seekers from countries with a high recognition rate have the right to participate in integration courses which combine German classes and civic orientation. The number of these courses at public training institutes and private language schools has been expanded significantly in the last two years. Still, there are simply not enough places in free classes that are funded by the state. Asylum seekers from Syria, Iraq, Iran and Eritrea are given priority, while those from other nations, in particular from ‘safe countries of origin’, often fail to get a spot. The same exclusionary principle applies to job-oriented German language courses offered by local employment offices in which refugees can not only learn German but also the specialised vocabulary of different professional fields. In many German cities, charity organisations and refugee activists try to compensate for this structural discrimination, but cannot reach all asylum seekers who might need a place either. Many refugees also use their own financial resources to enhance their German skills in intensive language courses offered by private companies, but a significant share would never be able to afford these. As such, tens of thousands of asylum seekers are waiting in limbo all over Germany – both for decisions in their asylum process and for access to German language courses. A lack of financial and legal capital is a very significant barrier to enhancing their own cultural capital.

In general, learning German is easier for children than it is for adults, and it is easier for those who went to high school or studied in their home countries than for others who are illiterate. Of course, learning a language at a level that enables communication at the workplace requires one’s own dedication, time and concentration as well as social contacts with native speakers. Many initiatives are active in Bonn and establish such contacts between refugees and Germans. For refugees, these networks are not only valuable resources for enhancing their language proficiency but also for finding work later on.

Challenge 4: Overcoming legal barriers and acquiring a work permit

The status in the asylum process and thereby also the duration of the residence permit – refugees’ legal capital – still is the most significant barrier to job-seeking refugees. The long duration of the asylum process means a long wait and personal insecurity, during which time access to work is difficult for personal and practical reasons, but also due to common bureaucratic practices. Likewise, access to Germany’s field of labour is not merely based on labourers’ qualifications or skills, but also on a territorial logic. For instance, the instrument of the priority check privileges Germans, EU-citizens and job candidates with secure refugee status (who are likely to come from certain countries) over people with only temporary residency status. The 2016 Integration Act did not fully abolish this principle as its suspension is only tested for three years. What counts more is that municipalities with a large number of refugees and a high unemployment rate can decide to uphold it to ‘protect’ their native working population. In fact, Dortmund and Duisburg decided to do

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54 Knuth, Arbeitsmarktintegration von Flüchtlingen, 8; OECD, Working together, 28.
56 In 2016, the average duration of asylum processes was 7.1 months (two more than in 2015), but this varies significantly between groups. Applications of people from ‘safe countries of origin’ and from Syria, Iraq, Iran and Eritrea are given priority. Refugees from Syria receive their decision already after 3.8 months, for those from Somalia it takes around 8.9 months and those from Somalia can expect a decision not earlier than in 17.3 months. http://www.bpb.de/politik/innenpolitik/flucht/243582/migrationspolitik-februar-2017 (accessed 14.03.2017).
so. What are the consequences? In 2016, 11 percent of the applications of foreigners from third countries outside the European Union for a work permit were rejected after a priority check. Since the adoption of the Integration Act, the chances of asylum seekers and tolerated persons to receive a work permit have however improved. Still, the bureaucracy involved in this process takes time and is a great nuisance for employers too. For simply pragmatic reason of a quick and easy selection process, employers might refrain from offering a job to an asylum seeker when there are other suitable candidates for the job.

Likewise, many employers simply do not want to employ a worker for too short a period. Again, all asylum seekers who are still awaiting their decision and those with toleration are hence disadvantaged. The same applies to apprenticeships. Despite the newly introduced 3+2 rule, many firms do not want to offer apprenticeship positions to persons who are at risk of being deported during the three years of vocational training. Self-evidently, firms only want to ‘invest’ in human capital that they can retain for beyond the apprenticeship. The integration effects of such structural barriers are significant. Not only are the chances of already well-qualified persons and young talents to successfully enter the German fields of labour diminished, but young people – and in particular men – are also excluded from long-term livelihood opportunities. This might pave the way for their societal marginalisation, and sometimes even lead to a turn to illicit activities.

Bureaucrats in the Federal Office for Migration and Refugees, in the local immigration office or the local employment agency can greatly influence the trajectory of a refugee’s life. They not only decide whether a person has the right to stay in Germany, but also over his/her access to or exclusion from fields of labour. The example of Bikila B. from Ethiopia illustrates this well: He came to Germany 11 years ago, applied for asylum but only received toleration. Every six months, he had to renew his residence permit. Several times, he was told by potential employers that he could not start to work there due to his short-term legal status. When he found a job as a kitchen hand in a restaurant, the employer demanded that he present a residence permit of at least one year. Bikila B. applied for such an extension at the immigration office. To his surprise, he received a two-year residence permit and a work permit and was able to start that job then. He had several other jobs since and later received a permanent residence permit. At the time of the interview, he was considering applying for German citizenship. As illustrated, it was the decision of the person in the immigration office that paved the way for his labour market integration and his long-term perspective in Germany.

Challenge 5: Navigating through local fields of labour

 Refugees are allocated to municipalities according to the logic of the field of asylum and not based on their skills or the requirements of the local labour markets, which can be quite specific. This often leads to the fact that refugees end up in places where they cannot utilise their skills optimally or where they are even structurally marginalised. For many of the 3,000 refugees who have been allocated to the city of Bonn, this might be the case. 91 percent of Bonn’s employees are in the service sectors, mainly in private services, science, public administration, commerce, information and communication services. Only 8.5 percent of employees are working in the secondary sector – in industries and

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9 Knuth, Arbeitsmarktintegration von Flüchtlingen, 7; OECD, Working together, 44.
9 According to the Federal Employment Agency, 215,000 foreigners from third countries received a work permit after a priority check in 2016, whilst 27,000 were rejected. Work permits were granted to 94 percent of all asylum seekers and tolerated persons since adoption of the Integration Act in August 2016; before the rate stood at only 60 percent. „27.000 Ausländern wurde der Job verwehrt“, Bonner Generalanzeiger, 03.03.2017.
9 In February 2017, 2,800 asylum seekers and recognised refugees from forty countries lived in reception centres, hotels and private accommodation under the auspices of the city of Bonn. Recognised refugees who live in private apartments and not in one of the shelters run by the city are not included in these figures. The actual number of refugees living in Bonn is thus far higher. http://www.integration-in-bonn.de/aktuell-fluechtlinge-in-bonn.html (28.02.2017)
Accordingly, the city’s labour market mostly attracts highly qualified professionals with academic degrees. The share of employees who work in ‘expert positions’ is far above the national average, while the share of ‘skilled workers’ and ‘helping hands’ is far below the national level. Because there are comparatively few available jobs for workers with lower qualifications, they also face fiercer competition in Bonn than in other German cities and are more often affected by unemployment. A spokesperson for the local employment agency said that (on average) 22 unemployed people would compete for a single position as a ‘helping hand’. In specific sectors, the quota is even worse: an open position as a cleaner would draw around seventy-four applicants and 152 people would compete for a salesman position. This structure of the local field of labour might negatively affect the employment prospects of refugees in Bonn, in particular disadvantaging refugees who do not have professional qualifications or whose academic titles are not recognised.

In general, there is a welcoming attitude towards refugees and labour migrants in Bonn’s local economy. In November 2015, more than 140 employers in the city and the wider Rhein-Sieg district signalled their willingness to provide jobs, apprenticeship positions or work experience to refugees. Nonetheless, there often seems to be a mismatch between refugees’ priorities and expectations and the available jobs. Notwithstanding their specific qualifications or potential, refugees are often rather offered jobs in technical fields, industry or in the care sector than in consumer services, in which a high command of German is required. Many men from Syria would, however, like to work as a salesman or in office positions. Moreover, for a woman from a Syrian middle-class family, a job as a cleaner in private households or a cleaning company can be considered as downward social mobility, rather than an adequate entrance into a new labour market. In turn, potential employers might have a certain image of ‘a refugee’ and see her/him as a person in need of help and special treatment, and only secondarily as a person with skills and professional ambitions. This might lead to positive discrimination and further misunderstandings. Fields of labour cannot be reduced to a mere supply of and demand for labour power and skills. Social, cultural and gender-specific aspects need also to be considered when the positioning of persons in new fields of labour is investigated.

Challenge 6: Finding work (with the help of social networks)

Many refugees are not familiar with effective methods of searching for a job, or with the application standards in Germany. In this regard, social capital becomes a valuable resource: Those refugees with close contacts to people from the same country of origin, or relatives who have been living in Bonn for a longer period of time, and those who have access to networks of volunteers and refugee activists find it much easier to get an overview of the local labour market and learn about open positions. Many refugees are accompanied by locals to the employment agency. Local friends also indicate suitable job offers and help with compiling application documents. Bikila B. from Ethiopia got his first job as a helper in a restaurant through a friend who pointed out the open position. Later, he found

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61 In Bonn, 37 percent of all employees work in ‘expert’ positions that require an academic title, compared to 13 percent at the national level. 53 percent of employees in Bonn are ‘specialists’ and ‘skilled workers’ (national average: 73 percent), and 10 percent ‘helping hands’ (national average: 13 percent). 74 Bewerber für eine Putzstelle”, Bonner Generalanzeiger, 02.02.2016.
64 Statement by a representative of the local employment office at a coordination round between the city of Bonn, charity organisations and refugee activists in Bonn, 02.11.2015.
employment with a postal service. A social worker from the Red Cross had helped him with writing his CV and preparing the application. In some cases, German friends established direct contacts with potential employers or accompanied refugees to job interviews, in which the presence of the German contact person seems to have a positive effect. Enam S., an asylum seeker from Egypt, asked for work in a large Italian restaurant. He indicated that he was offered a position as kitchen help because he was aided in his job research by a female German student. The Syrian butcher Mousa M. also managed to find work in a local butchery. A volunteer had established contacts to the employer and had also assisted him with his application documents. The employer specifically asked that a person who knows the candidate well should accompany him to the job interview. The application was also successful because the employer had good past experience with employing a Syrian Kurd before. He then also profited from his own intercultural competence, which is not self-evident in Germany.

In all the interviews with refugees, it showed that refugees' social capital improved their access to work significantly. This coincides with the findings of more comprehensive studies. In a large migration survey in 2013, more than half (53 percent) of the people who had arrived in Germany as refugees stated that they had found their first job through informal channels, that is via friends and relatives. In contrast, 43 percent found their first job via formal channels: 12 percent via newspaper ads, 11 percent through the employment agency and 11 percent through commercial employment agents. The study also showed that informal channels speed up refugees' access to work: Out of those refugees who could draw from social capital, 75% found employment within three years of their arrival. In contrast, only 50% of all refugee who could not draw on social capital, but relied on formal channels of job search, managed to find employment in the first three years.\(^{65}\) However profiting from social capital also has its limitations, in particular when legal conditions restrict access to lawful employment.

**Challenge 7: Finding ‘decent’ work instead of entering informal fields of labour**

The field of labour is stratified into multiple subfields. Access to work, therefore, does not necessarily mean access to ‘decent work’. As indicated above, many refugees now compete with other migrant workers over jobs at the bottom of the employment ladder which are not adequately paid, highly insecure, and in which workers might be subject to exploitation. Hasan B., an asylum seeker from Bangladesh who is still awaiting a decision on his asylum claim, explained that a significant informal labour market exists for refugees in Bonn:

> "I know a lot of refugees here in Bonn who are working illegally. Almost all of them are working in restaurants. I mean, we want to work, but the immigration office does not let us. But we need money. Most of us, we are often the only ones from our families who can support them with money. Our parents et cetera are dependent on us. [...] I need to work! I’m trying legally, but you know, we’re caught in the middle and so I will probably also start to work illegally.\(^{66}\)"

People who are formally not (yet) allowed to work, but who are nonetheless obliged to earn an income because they only have limited access to social services and/or because they have to support family members elsewhere, are structurally forced to enter this ‘black market’. Access to informal jobs in restaurants, cleaning companies or the construction

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\(^{65}\) Phillip Eisnecker and Diana Schacht, „Die Hälfte der Geflüchteten in Deutschland fand ihre erste Stelle über soziale Kontakte“, in *DIW Wochenbericht* 35 (Berlin: Deutsches Institut für Wirtschaftsforschung, 2016), 759,762.

\(^{66}\) Interview conducted by Kim Kosiol on 19.08.2015 in Bonn
sector is often established through personal contacts, too. Moreover, in many large German cities like Berlin, Hamburg, or Cologne ‘contact zones’ exist at specific street corners, where employers can find day labourers who are willing to work at minimal wages.\(^67\) Apparently, an increasing number of refugees contribute significantly to the “shadow economy” in Germany.\(^66\) The differentiated rights to work set by the prevailing asylum regime and the high entrance hurdles to formal employment contribute to a further segmentation of the regions’ labour markets into niches, in which informal rules rather than fair working standards prevail. Refugees, in particular those with insecure legal status, are hence highly vulnerable to low payment, exploitation and degrading working conditions.\(^59\)

Conclusions

The nexus between asylum and labour in Germany is full of contradictions. One of the central paradoxes lies in the fact that a person who arrives in Germany by ‘irregular means’, applies for asylum and is later formally recognised as a refugee nowadays has comparatively easy and quick access to the labour market and a long-term perspective to stay in Germany. In contrast, a person from a different country who also enters Germany by irregular means but has economic motives in mind and nonetheless applies for asylum (as no legal channels for labour migration are available) but cannot prove that she/he is a refugee, is barred from entering the German labour market.

Employing Bourdieu’s theory of practice and conceptualising the asylum regime as a “field of asylum” and labour markets as “fields of labour” can help to comprehend such paradoxes. Accordingly, a ‘good’ position in the field of asylum opens up opportunities in fields of labour, whereas a ‘bad’ position in the field of asylum also leads to exclusion from fields of labour. The stratification within the field of asylum is, in effect, based on the “legal capital” that is given to refugees by the state. The German parliament has, for instance, decided that refugees from countries with a high recognition rate such as Syria and Eritrea and thereby a ‘good perspective to stay’ are entitled to access integration courses and are allowed to work while those from countries with a low recognition rate such as Serbia and Bangladesh and thus ‘bad perspectives to stay’ in Germany are not. Decisively, legal capital shows in the formal recognition as a refugee, in a permanent residence status, and eventually in access to full citizenship. Political differentiations and asylum decisions thereby structure the forms of citizenship and in effect the future lives of people who arrive as refugees. An asylum seeker might be recognised as a refugee, receive subsidiary protection, be temporarily tolerated or about to be deported. This crucial decision regarding legal status is taken by bureaucrats in Germany’s field of asylum, and not only opens up or blocks asylum seekers’ perspectives to stay, but also their future life chances regarding education and work. Even though it is too early to comprehensively judge the


\(^{67}\) Ernst Schneider, an expert on the shadow economy in Germany, estimates that one quarter of refugees that came to Germany in 2015 might potentially enter the informal labour market. These 200.000 informal workers could add 1.5 billion EUR in value to the shadow economy. They would also enhance competition and could contribute to lower wages for unqualified workers in the construction sector, private households or restaurants. Annette Dowideit and Annelie Naumann, „Wie Flüchtlinge den „Arbeiterstrich“ aufmischen“, Die Welt, 25.01.2016, https://www.welt.de/politik/deutschland/article151420748/Wie-Fluechtlinge-den-Arbeiterstrich-aufmischen.html; for further information see Friedrich Schneider and Bernhard Bookmann. Die Größe der Schattenwirtschaft – Methodik und Berechnungen für das Jahr 2016. Tübingen / Linz: Institut für Angewandte Wirtschaftsforschung (IAW), Johannes Kepler Universität Linz, 2016.

legal reforms of the last two years in the field of asylum for all their labour market effects, they have clearly had one consequence: The field of asylum has been divided into further subfields, in which differently categorised groups of refugees are differentially positioned. This fragmentation of the field of asylum has ripple effects on refugees’ access to work. It has enhanced the chances for rapid labour market integration for some – they can capitalise on asylum – but radically reduced the chances for others.

Of course, the individual chances of establishing oneself in a new field of labour not only depend on the respective person’s legal capital, but also on other capitals that contribute to their positioning: their previous socio-economic position and financial means currently available to them, i.e. their economic capital; their professional skills and German language proficiency, i.e. their incorporated cultural capital; the formal recognition of their qualifications, i.e. their institutionalised cultural capital; and their networks of support in gathering information and finding employment, i.e. their social capital. Refugees seeking employment have to mobilise all the capitals available to them to overcome the multiple structural barriers that confront them. Moreover, the case study of Bonn also indicates that the structural set-up of the local fields of labour is a fundamental parameter for refugees’ access to work. In Bonn, a substantial number of refugees have already been successful and found jobs or apprenticeships. The small share of industrial employment and stark competition between less qualified labourers does, however, pose a great challenge for the labour market entry of those refugees for whom positions as ‘helping hands’ in services and industries might be the sole option. Achhammer and Herbst note that for refugees who still fall under the priority check and live in a region with disadvantageous structural economic conditions for lower qualified workers, the chances to successfully enter the legal labour market are next to nil. In consequence, pressing economic reasons, such as the urgent need to send remittances to family abroad or insufficient access to social services, are likely to lead those asylum applicants who are lacking rights of access to legal employment to start working illegally. If refugees are forced to work in the ‘shadow zones’ of the economy, they become subject to unsafe labour conditions and exploitation. Strict formal regulations in the asylum system thus also pave the way for informal conditions in the labour market.

At the beginning, it was argued that the field of asylum and the fields of labour are good examples for autonomous fields as they have different underlying logics. For refugees, this is not the case. The outlined policy developments and empirical examples indicate that the rules of the field of asylum, which is traditionally closer to the state’s field of power and which increasingly centres on questions of security and control and employs practices of containment and exclusion, overrule basic principles in local fields of labour. In conclusion, it therefore becomes clear that the two fields are not converging – in the sense that they merge, give up or alter some central principles in each field – but that they are heteronomous. For refugees, their position in the field of asylum opens up or closes positions in local fields of labour. This overwhelming dependence on legal capital limits rather than enhances refugees’ access to decent work. If those refugees who are purposely structurally disadvantaged want to establish themselves successfully in the field of labour, too, they first and foremost have to emancipate themselves from the field of asylum. In turn, it is pivotal that potential employers stop to see those persons who came to Germany and applied for asylum merely as refugees, but recognise them as labourers and professionals.

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20 Achhammer and Herbst, „Der (Asyl-)Prozeß“, 19.
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