

The link between vulnerability and integration among Afghan Migrants in Germany

Constantin Hruschka

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- I. The data
- II. The notion of “vulnerability” in the CEAS instruments
- III. Results
 - I. Data
 - II. Legal analysis
- IV. Conclusions and recommendations

I. THE DATA

	Berlin	Hamburg	Munich	Total
Pop. (est.)	6,485	7,337	3,006	16,828
Sample	534	226	264	1,024

Source: Author's calculation from excerpt of the "Ausländerzentralregister" accessed on 31.07.2018

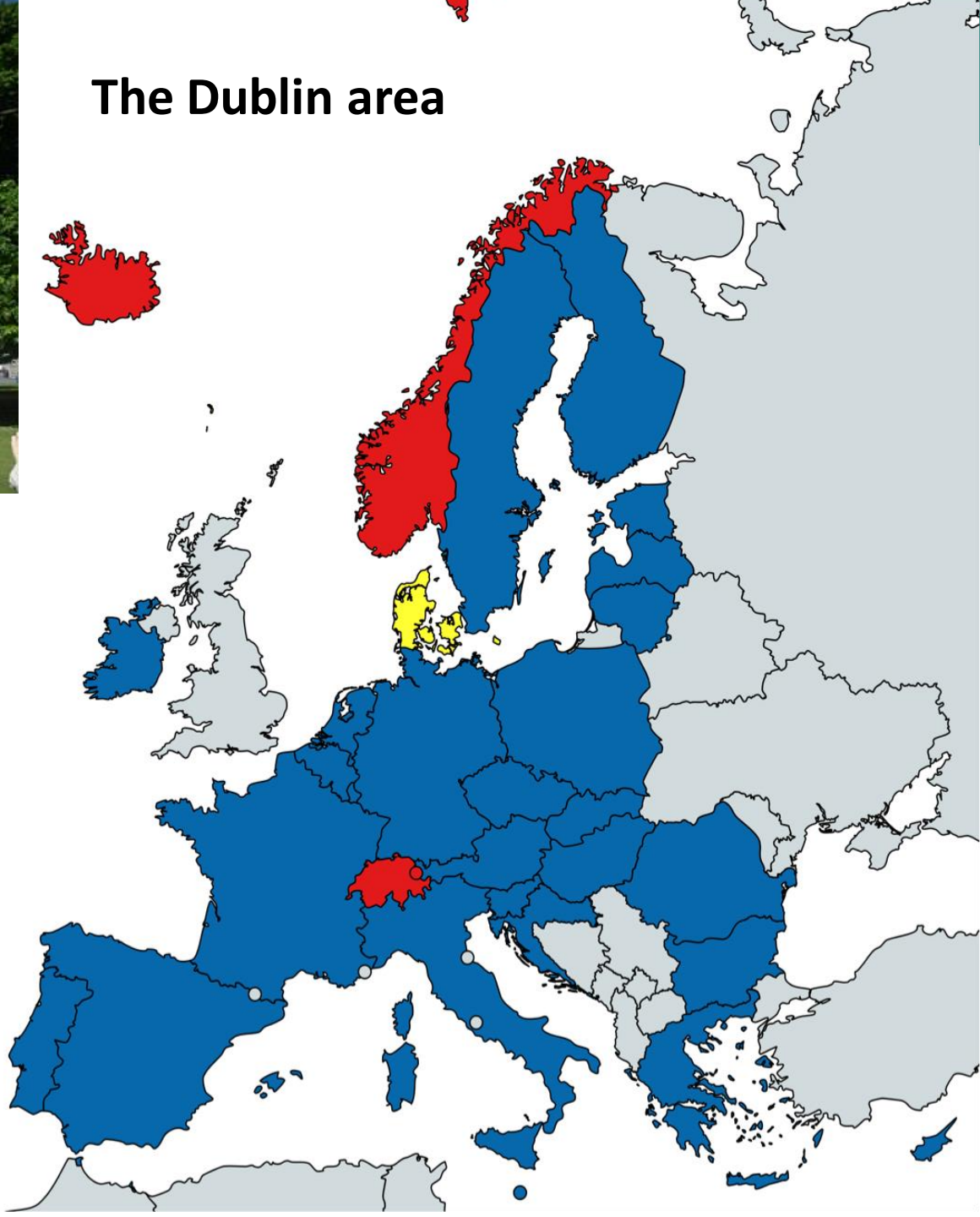
Table 1: Number of foreigners with initial entry from 2014 onwards from 18 years of age on selected immigration authorities - Sample size

Interviews conducted from 28/05/2019 until 31/08/2019 in Munich, from 19/09/2019 until 14/12/2019 in Berlin and Hamburg.

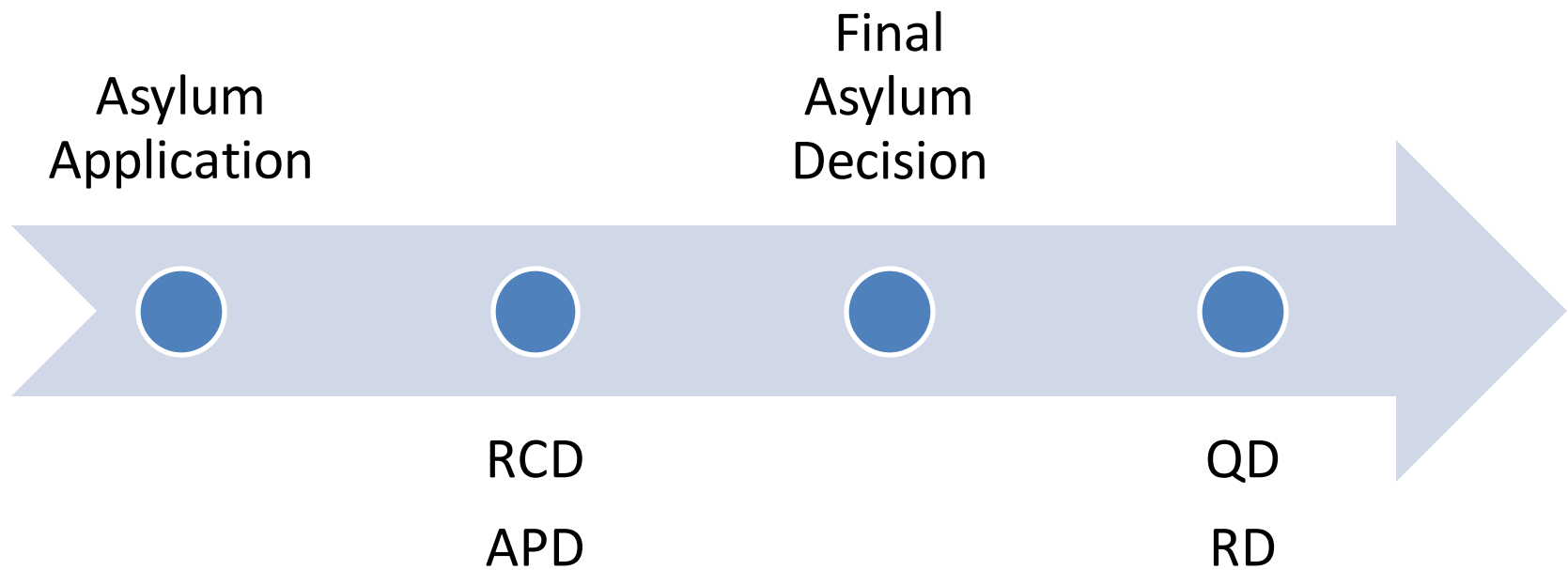
II. THE NOTION OF “VULNERABILITY” IN THE CEAS INSTRUMENTS



The Dublin area



Who is «vulnerable»?



1. Who is «vulnerable»?

- During the Asylum Procedure:
 - Article 21 ff. RCD («special reception needs»)
 - Articles 24 and 25 APD («special procedural needs»)
 - Special rules governing Dublin procedures?
 - During Dublin transfers (Article 29 Dublin III Regulation)

- After the Final Asylum Decision:
 - Article 20 (3) and (4) QD
 - Articles 14(1)(d) and 10 RD
 - Rules governing National Protection Schemes?

Who is «vulnerable»?

RCD Art. 21

Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation, in the national law implementing this Directive.

3. When implementing this Chapter, Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

QD Art. 20

APD Recital 29

(29) Certain applicants may be in need of special procedural guarantees due, inter alia, to their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or as a consequence of torture, rape or

9. 'vulnerable persons' means minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

RD Art. 3

Who is «vulnerable»?

	RCD	APD	QD	RD
Unaccompanied minors	<i>Article 21</i>	<i>Article 25</i>	<i>Article 20 (3)</i>	<i>Article 3(9)</i>
Single parents with minor children	<i>Article 21</i>	-	<i>Article 20 (3)</i>	<i>Article 3(9)</i>
Minors (“age”)	<i>Article 21</i>	<i>Recital 29</i>	<i>Article 20 (3)</i>	<i>Article 3(9)</i>
Pregnant women	<i>Article 21</i>	-	<i>Article 20 (3)</i>	<i>Article 3(9)</i>
Persons with serious illnesses	<i>Article 21</i>	<i>Recital 29</i>	-	-
Persons with mental disorders	<i>Article 21</i>	<i>Recital 29</i>	<i>Article 20 (3)</i>	-
Victims of trafficking	<i>Article 21</i>	-	<i>Article 20 (3)</i>	-
Victims of torture or rape	<i>Article 21</i>	<i>Article 24(3)</i>	<i>Article 20 (3)</i>	<i>Article 3(9)</i>
Victims of other serious forms of violence	<i>Article 21</i>	<i>Article 24(3)</i>	<i>Article 20 (3)</i>	<i>Article 3(9)</i>
Disabled persons	<i>Article 21</i>	<i>Recital 29</i>	<i>Article 20 (3)</i>	<i>Article 3(9)</i>
Elderly persons (“age”)	<i>Article 21</i>	<i>Recital 29</i>	<i>Article 20 (3)</i>	<i>Article 3(9)</i>
Gender, sexual orientation and gender identity	-	<i>Recital 29</i>	-	-
Stateless Persons	-	-	-	-

- No uniform definition of “vulnerability” throughout the Directives
- “vulnerability” ≠ “special (reception/procedural) needs
- “vulnerability” thus only serves as an auxiliary construct to determine whether someone is likely to have special needs

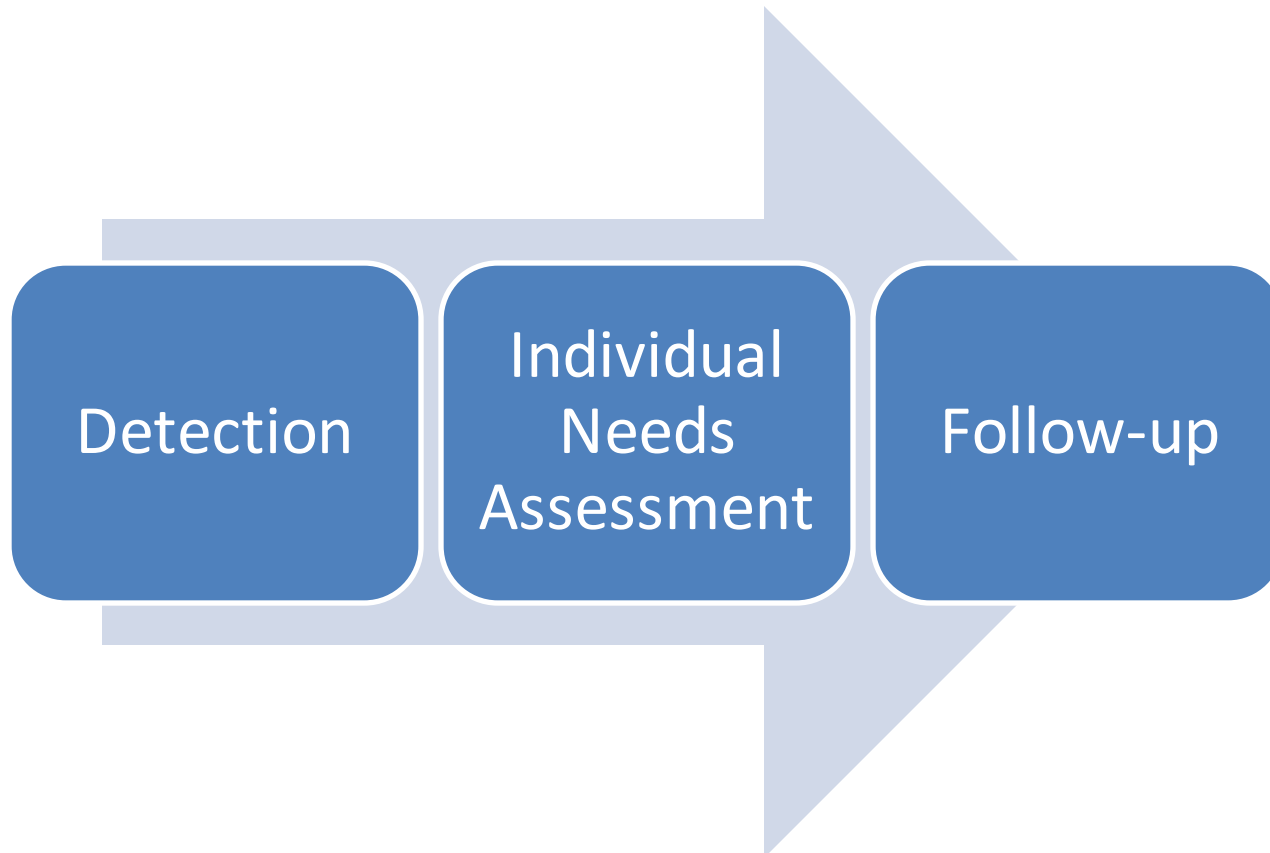
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A side glance at the European Anti-Trafficking Framework (CoE Convention, Art. 4 ECHR, Directive 2011/36):

- Identification, protection, support
- Victim protection as a process:
 - **“reasonable grounds”** threshold for recovery and reflection period, support, physical protection and the opening of an identification procedure according to the CoE Convention.
 - **conclusive identification** as a precondition for residence permit, extended support as well as safe and dignified return.

- There is a need to distinguish between detection and identification
- Detection has lower standards of proof (“reasonable grounds”) than identification (“conclusive grounds”)
- Detection can (and must) be performed by any person who is in contact with possible members of the concerned group
- Identification can only be performed by specialized personnel
- Identification is only necessary if specific legal obligations are tied to the characteristic of being member of a certain group

Transposition to the CEAS framework:



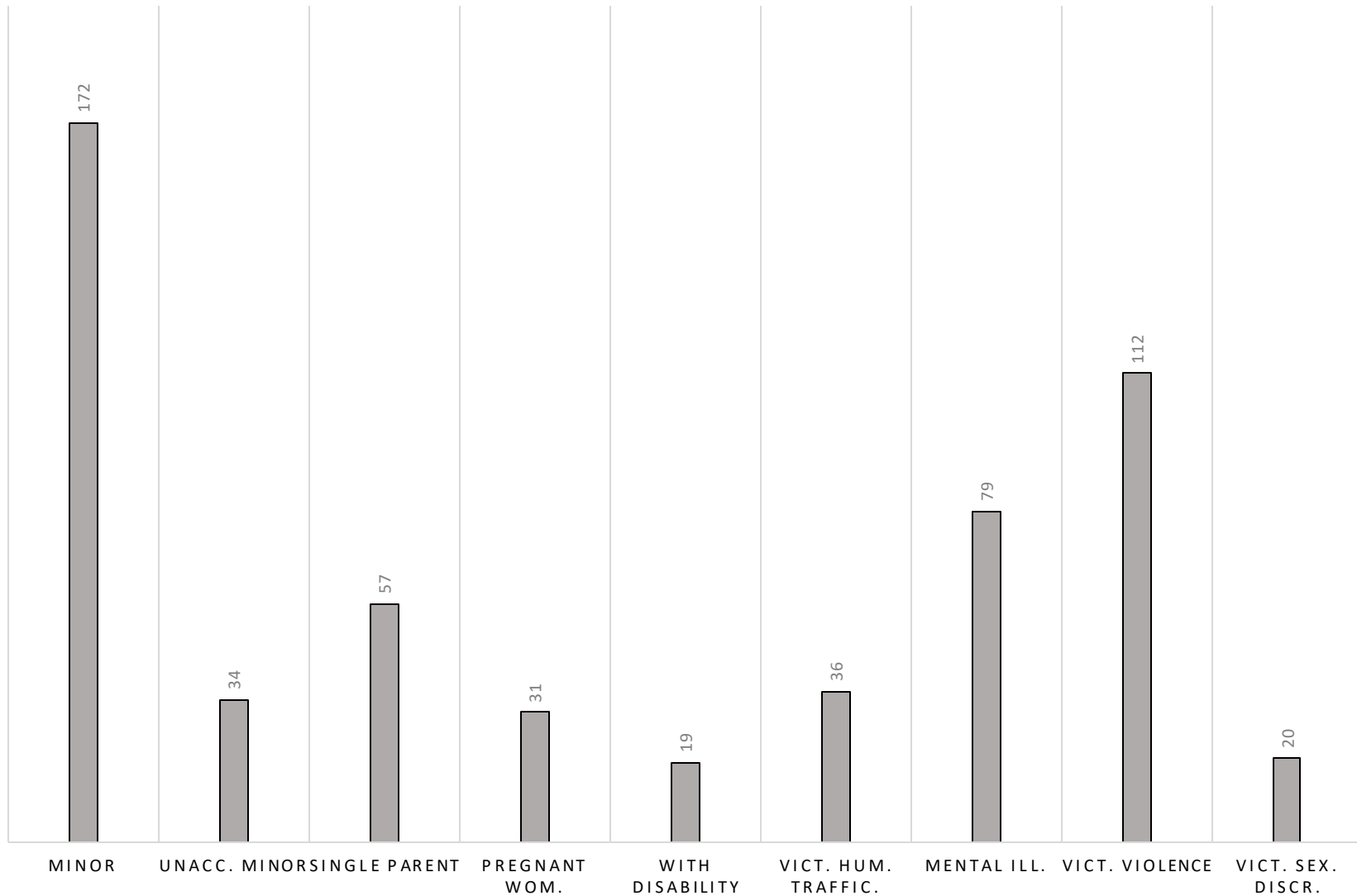
Who is „vulnerable“?

Q1. Some of the following questions can be very personal. We realize it is not easy to talk about them, but one aim of our study is to understand whether migrants who have lived through difficult situations, receive any support. Remember that the survey is completely anonymous, and we appreciate your participation. Just let me know at any time if you want to skip to the next part. At your arrival in Germany, did you fall under any one of these categories? You can tell me the numbers of the categories that apply, if you like:

- 1. Minor*
- 2. Unaccompanied minor*
- 3. Single parent with minor children*
- 4. Pregnant woman*
- 5. Person with a disability*
- 6. Victim of human trafficking*
- 7. Person with a mental illness*
- 8. Person who have been subjected to a form of physical, psychological or sexual violence (e.g. torture, rape, ...)*

III. RESULTS

Reported occurrence by category (450 persons)



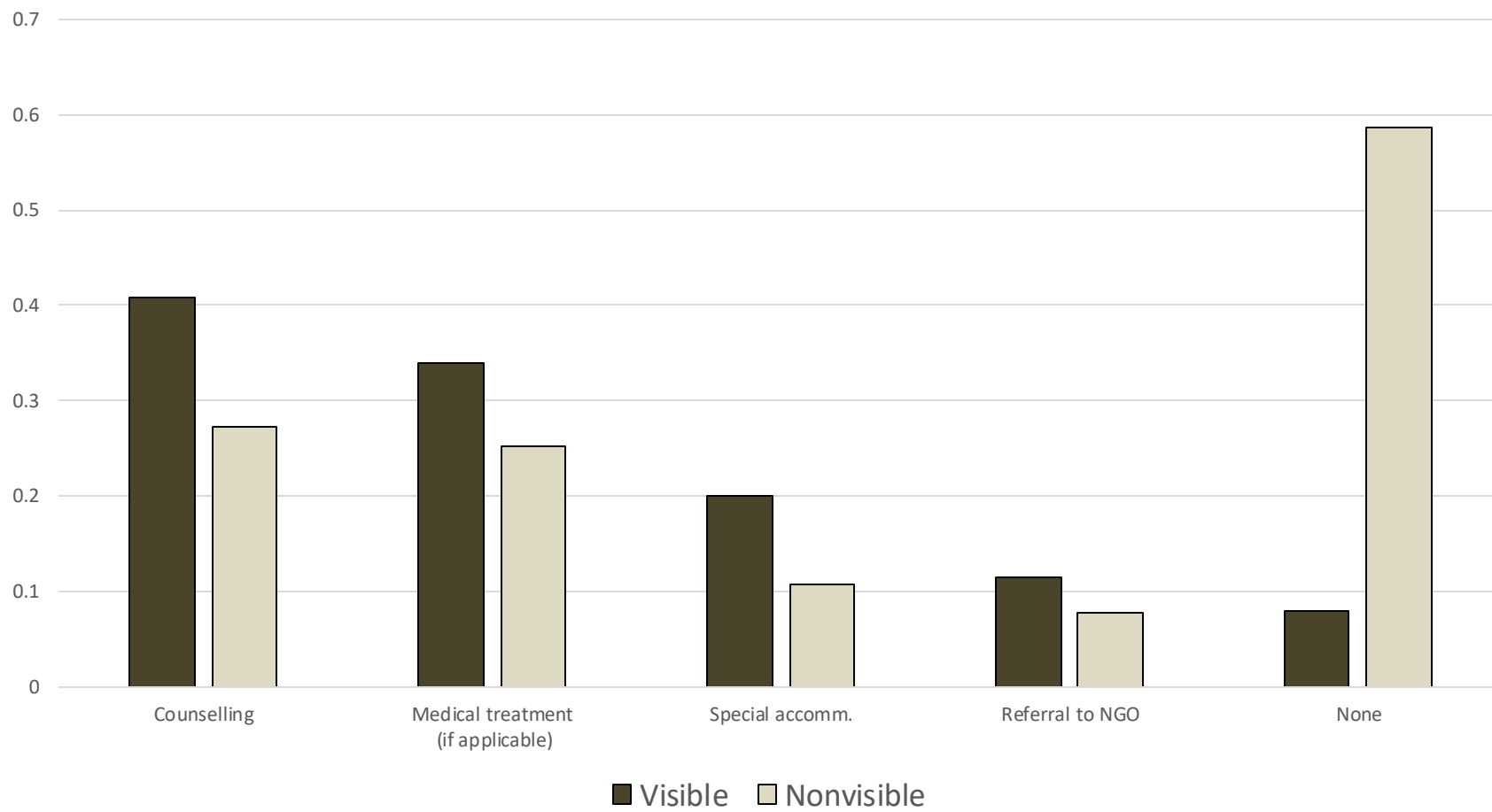
Reported occurrence by category (450 persons)

	Visible	Non-visible	Minor	Violence
Count	289	203	188	112
	29%	20%	19%	11%
Asked	238	112	157	60
	82%	55%	84%	54%
Not Asked but Tell	36	44	18	29
	12.5%	21.7%	9.6%	25.9%

Source: Author's calculation. Sample size: 1,006.

Table 3: Person reports at least one vulnerability item

Received assistance



Meango, Romuald and Khourshed, May and López-Falcón, Diana, From Asylum Seekers to Illegal Migrants: The Intention to Overstay of Afghan Asylum Seekers in Germany (December 3, 2020). MEA Discussion Paper No. 18-2020, Available at SSRN:

<https://ssrn.com/abstract=3745546> or

<http://dx.doi.org/10.2139/ssrn.3745546>

General

- „The intention to overstay“ is strong and largely dependent on individual pressures and preferences
- The threat of deportations is largely overestimated

Vulnerability

- Detection is underdeveloped especially for “non-visible” vulnerabilities
- Support is largely dependent on self-reporting
- Identification of two further „vulnerable groups“
 - Women with children
 - Men above 40
 - E.g. labour market, language skills and enrollment in language courses

IV. CONCLUSIONS AND RECOMMENDATIONS

- There is a need to enhance detection
 - Raising awareness
 - Training
- Detection almost never takes place before formal registration
- Identification can performed by specialized personnel is largely more effective
- Identification is **not** only necessary if specific legal obligations are tied to the characteristic of being member of a certain group
- Legal status matters much less than we initially thought for access to integration (specificity of the “group” of Afghans?)
- The impact of the design of the reception and asylum infrastructure in Germany

Thank you very much for your attention!