

# What Shapes the Integration Trajectory of Refugee Students? A Comparative Policy Analysis in Two German States

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## Article abstract

Enabling the successful integration of refugee students into the German schooling system poses a crucial challenge for the coming years. Drawing from the human rights framework of the Inter-agency Network for Education in Emergencies standards, we applied a rights-based approach to policy analysis on educational provisions for refugee students from 2012 to 2018. According to international and European law, Germany is obliged to grant similar access to education for nationals as well as refugee children and youth. In reality, the realization of educational rights varies from state to state. This will be highlighted and discussed in this article, using the example of two very different German states, Hamburg and Saxony. The sudden rise of numbers of refugees led only slowly to an increase in educational policy density and intensity on federal state and national levels in 2016 and 2017. We find that the differences in compulsory schooling, models of integration into schooling, and the asylum and settlement policies in both states shape the educational participation of refugee children and youths. Both states implemented parallel integration models that might bear risks of stigmatization and limit educational possibilities. However, transition and language support concepts in both contexts contain integrative phases offering language supports in the regular classrooms. Asylum policies and state-specific settlement policies have profound implications for the rights and access to education. Further, vocational education and training programs play a crucial role, especially in Saxony, to tackle demographic challenges.

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# What Shapes the Integration Trajectory of Refugee Students? A Comparative Policy Analysis in Two German States

ANNETTE KORNTHEUER AND ANN-CHRISTIN DAMM<sup>1</sup>

## Abstract

*Enabling the successful integration of refugee students into the German schooling system poses a crucial challenge for the coming years. Drawing from the human rights framework of the Inter-agency Network for Education in Emergencies standards, we applied a rights-based approach to policy analysis on educational provisions for refugee students from 2012 to 2018. According to international and European law, Germany is obliged to grant similar access to education for nationals as well as refugee children and youth. In reality, the realization of educational rights varies from state to state. This will be highlighted and discussed in this article, using the example of two very different German states, Hamburg and Saxony. The sudden rise of numbers of refugees led only slowly to an increase in educational policy density and intensity on federal state and national levels in 2016 and 2017. We find that the differences in compulsory schooling, models of integration into schooling, and the asylum and settlement policies in both states shape the*

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## Résumé

*Favoriser des trajectoires d'intégration réussies pour les étudiants réfugiés dans le système d'éducation allemand constitue un défi important pour les prochaines années. Nous appuyant sur le cadre des droits humains du Réseau Inter-agences pour l'Éducation en Situations d'Urgence, nous avons appliqué une approche axée sur les droits à l'analyse des politiques en matière d'offre éducative pour les*

1. We want to thank the project donor “The Spencer Foundation” for making this work possible.

*étudiants réfugiés de 2012 à 2018. En vertu de la loi nationale et européenne, l'Allemagne est dans l'obligation d'accorder aux enfants et aux jeunes réfugiés un accès à l'éducation comparable à celui de ses citoyens. Dans les faits, l'exercice du droit à l'éducation varie d'un État à l'autre. Cet article aborde cette question à travers les exemples de deux États allemands « très différents », soit Hambourg et la Saxe. La hausse soudaine du nombre de réfugiés n'a mené que très lentement à une densité et une intensité accrues des politiques éducatives au niveau des États fédéraux et au niveau national en 2016 et 2017. Nous constatons que les différences dans la scolarisation obligatoire, dans les modèles d'intégration au système scolaire et dans les politiques d'asile et d'établissement des deux États façonnent la participation éducative des enfants et des jeunes réfugiés. Les deux États mettent en œuvre des modèles d'intégration parallèles qui peuvent comporter des risques de stigmatisation et limiter les possibilités éducatives. Les approches en matière de transition et de soutien linguistique dans les deux contextes contiennent cependant des phases d'intégration où un soutien linguistique est offert dans les classes régulières. Les politiques d'asile et les politiques d'établissement propres à chaque État ont d'importantes conséquences en matière de droits et d'accès à l'éducation. De plus, les programmes de formation professionnelle jouent un rôle crucial, en particulier en Saxe, pour relever les défis démographiques.*

### Introduction

Germany has long been the primary destination country for asylum seekers in Europe, although their numbers have reached a historical high in recent years.<sup>2</sup> It was home to over 1.7 million refugees<sup>3</sup> in 2018 (Statistisches Bundesamt, 2019). The refugee population is extremely young: In 2017, 25.7% were under 18 years of age, compared to 17% of the peer group within the domestic population (Statistisches Bundesamt, 2018). Enabling the successful integration of these young people into the German

educational systems poses a crucial challenge for the coming years.

The educational participation of refugee children is a key element of integration, but it has received more attention only recently from the international academic community (Bunar, 2018a; Cerna, 2019; Crul et al., 2017).

The state of comparative research on *newly arrived migrant students*<sup>4</sup> shows the important and correlated influence of school structural and individual factors on unequal access to educational opportunities in Germany (Diehl et al., 2016).

Structural factors are reflected mostly in policies, which shape the integration trajectories of all students. The manner in which transition systems are implemented, the quality of the education provided, and the provision of additional support, such as language classes, can have a tremendous impact on social and structural integration (OECD, 2015; Cerna, 2019). This article presents findings from a larger, comparative longitudinal study on refugee education provisions (policies, programs, and practices) in Australia, Germany, Lebanon, and Turkey. The larger study examines the development of refugee students enrolled in formal schools in middle and secondary levels from 2018 until 2023.

This article critically analyzes some of our findings on Germany. As education in Germany is the responsibility of the 16 federal states, educational provisions for refugee children also differ widely among them. These differences will be highlighted and discussed in this article, using the example of two very different German states: Hamburg and Saxony. Saxony is a territorial, more rural state of the former East Germany with a population of 4.1 million, while Hamburg is a densely populated independent city state in the former West Germany with about 1.8 million inhabitants in 2018. In contrast to Saxony, it has comparatively liberal educational policies and a long experience with migration. Both states offer a two-track school system for secondary schools, like the majority of German states, including all states of the former East: one aimed at students wanting to go to university, the other at students planning to go into vocational training.<sup>5</sup> Both states experienced a sharp increase in school-age

2. In 2016, 59% of all asylum applicants recorded in the EU member states were registered in Germany. In 2018, the number decreased to 28.5% (Eurostat, 2019).

3. Including asylum seekers, refugees with legal status, and people whose applications have been rejected.

4. We refer to *refugee children* as children with a refugee status according to §25 (1) AufenthG with §16a GG; Geneva Convention on Refugees; subsidiary protection and national non-refoulement (§25 [3] and §60 [5 and 7] AufenthG). We refer to *refugee students* as school-age (ages 6–17) refugee children enrolled in formal education. The term *migrant students* refers to students with a migration background, which includes refugee children. According to the official category of the German Federal Statistical Office, individuals have a migration background if they or at least one of their parents did not acquire German citizenship at birth (Will, 2019).

5. The main difference in secondary education is that in Hamburg, students in both schools (*Gymnasium* and district school) can obtain university entrance qualifications, while in Saxony this is possible only at the highest level of secondary school, the *Gymnasium*.

refugee children. In 2018, Saxony was home to 10,392 school-age refugee children, which represents a four-fold increase since 2012. The number of school-age refugee children in Hamburg nearly doubled during the same period to 8,173 (Statistisches Bundesamt, 2019). Comparing these two states provides the possibility of analyzing two highly affected but very distinct contexts and their relative responses.

This article is anchored in the Inter-Agency Network for Education in Emergencies (INEE) standards of education. They define how education, as a fundamental human right,<sup>6</sup> can (and should) be provided in emergencies and beyond (INEE, 2010). Consistently throughout the article, we apply a rights-based approach to our policy analysis (Gatenio Gabel, 2016). In particular, we focus on the structural dimensions of government policies, presenting and explaining educational provisions at the primary and secondary levels, as well as the vocational education and training (VET) system<sup>7</sup> in the two states, on the basis of a content analysis of policy documents from 2012 to 2018. Furthermore, we concentrate on the impact of these provisions on one specific group of newly arrived migrant students: refugee children and youths. This article defines refugees as asylum seekers, accepted asylum applicants, beneficiaries of subsidiary protection, and people with a certificate of suspension of deportation and rejected asylum seekers (Statistisches Bundesamt, 2019; also see Table 1).

The analysis aims to address four questions: (1) How have the education policies and related immigration and resettlement policies in Saxony and Hamburg changed since 2012? (2) What is the current state of educational policies and educational provisions in the two federal states regarding refugee children? (3) How are settlement and asylum policies affecting the educational participation of refugee children and youths? (4) How do these educational and refugee settlement policies affect the realization of education as a human right?

First, the article provides an overview of the existing knowledge on educational participation of refugee children in Germany and the two federal states in focus. As a next step, the theoretical framework, data collection process, sample, and analysis strategy are described. We find that the differences in compulsory schooling, models of integration

into schooling, and the asylum and settlement policies in both states shape the educational participation of refugee children and youths. Further, curricula have been adapted mostly years after the high influx of refugee students, and language support systems and VET programs play a crucial role in both states.

### ***Educational Participation of Refugee Students in Germany***

Education in Germany is highly federalized. Besides common features like a stratification of the school system and equivalent and nationally recognized school qualifications, there are also substantial differences, mainly in secondary education (Vogel & Stock, 2017). These include the different lengths of primary schooling, different comprehensive school systems, and two- to five-track school systems. Since there is a wide variety of educational provisions in the different federal states, this article uses the term “German educational systems.”

### ***General Figures and Numbers on Refugee Students in Germany***

Numbers on refugee children and youths and their educational attainment are scarce, since their legal status is not yet included in the educational statistics of the federal states (Juran & Broer, 2017). The numbers on the school-age refugee population can only serve as a proxy, since attendance rates vary across different educational stages and institutions. Current studies indicate that the transition of refugee children and youths into schools in Germany seems to be rather successful: 95% of the 10- to 17-year-old refugees attend schools (Pavia Lareiro, 2019). However, attendance rates for preschool education and for secondary schools that lead to university entrance qualifications are significantly lower, as compared to the overall student population in Germany (Pavia Lareiro, 2019; Will et al., 2018).

There are nearly half a million refugee minors (ages 0–17) in Germany, and over two-thirds of them were school-age children in 2018 (Statistisches Bundesamt, 2019). The asylum seekers are even younger than the total refugee population. In 2018, 48.3% of the asylum seekers (first application) were

6. The INEE Standards are derived from human rights and underpinned among others by several international legal instruments: Universal Declaration of Human Rights, Convention Relating to the Status of Refugees, and Convention on the Right of the Child INEE (2010).

7. The article focuses on the primary and secondary level of the national education and training system. This comprises the compulsory school system (primary level 1 and secondary level 1) as well as the upper-secondary level. The upper-secondary level includes the senior classes of the *Gymnasium* as the precondition for university entrance, as well as the VET system. On average, young people in Germany take up VET between the ages of 16 and 18 (BIBB, 2017). For a policy analysis of refugees in the German higher educational systems, see Unangst (2019).

**Table 1. Refugee Population in Germany, 2018**

	Germany	Hamburg	Saxony
<b>Population</b>	83,019,213	1,841,179	4,077,937
<b>Refugees*</b> (percentage of total population)	1,781,750 (2.1%)	52,730 (2.9%)	60,775 (1.5%)
<b>Refugees with legal status*</b> (percentage of refugee population)	1,283,225 (72%)	39,965 (76%)	37,295 (61%)
<b>... within asylum process</b> (percentage of refugee population)	306,095 (17.1%)	7,690 (14.5%)	12,860 (21%)
<b>... with toleration status**</b> (percentage of refugee population)	155,235 (8.7%)	4,100 (7.8%)	8,965 (14.7%)
<b>Minors (age 0-17)</b>	465,036 (26.1%)	12,549 (23.8%)	16,287 (26.8%)
<b>School-age refugee population (age 6–17)</b> (percentage of refugee population)	297,552 (16.7%)	8,173 (15.5%)	10,392 (17.1%)

Source: Statistisches Bundesamt (2019), own calculations.

\*Refugees according to §25 (1) AufenthG with §16a GG; Geneva Convention on Refugees; subsidiary protection and national non-refoulement (§25 [3] and §60 [5 and 7] AufenthG).

\*\*Refugees with a toleration status are among the group of refugees with a rejected legal status.

under 18 years old, and 63.5% were under 25 years of age (Bundesamt für Migration und Flüchtlinge, 2019, p. 19).

In 2018, 30% (16,287) of the refugee population in Saxony were minors, of which 10,392 were school-age refugee children. The refugee population in Hamburg is slightly older, as nearly 24% of the refugee population were minors and 8,173 of them school-age refugee children (Statistisches Bundesamt, 2019).

#### *Educational Rights and Provisions for Refugee Children and Youths in Germany*

According to international and European law, such as the Universal Declaration of Human Rights (Article 26), the UN Convention on the Rights of the Child, and the EU Reception Directive, Germany is obliged to grant similar access to education for refugee children and its nationals. In reality, regulations on compulsory schooling differ among all federal states. They range from access to compulsory schooling at the very start of their stay, as in Hamburg, to 3 or 6 months after arrival, or, in Saxony, whenever the child is transferred from the first reception centre to the municipality (Vogel & Stock, 2017). Youths have legal access to preparatory classes

in vocational school until the age of 18 in most federal states, including Hamburg. Some states extended the age range for access to VET to 21 years and, in exceptional cases, to 27 years, including Saxony (Robert Bosch Expertenkommission, 2015).

For the organization of school integration, Massumi et al. (2015, p. 44) identified four models:

1. Immersion without any specific extra support
2. Integrative within regular classrooms and supplementary German classes
3. Partly integrative with a mix of parallel German classes and regular class attendance
4. Parallel classes, either given temporarily as a step towards integration into a regular class or until receiving a school leaving certificate without integration into a regular class

While some German states incorporate refugee children within regular classes, other states set up so-called welcome classes or international preparatory classes, which are designed for migrant children only. Recent studies show that at least one-third of all refugee students in Germany are still attending preparatory classes (Pavia Lareiro, 2019; Will et al., 2018).



## **Methodology**

Comparative policy analysis is designed to compare policy outputs, explain outcomes, and understand the dynamics within a particular area of activity or policy field (Peters et al., 2018). Policies describe the content of politics and the results of a political decision-making process; they comprise laws, regulations, and political programs.

There are several primary purposes for an analysis of policy processes: understanding processes through which policies are developed and implemented and assessing the extent to which policies fulfill their aims. Policy change is measurable by focusing on the “policy density” (quantity of policies in a policy field) and “policy intensity” (level of regulation, e.g., amount of transfer payments or coverage/scope of policy) (Knill & Tosun, 2015). This article focuses on new developments in legislation and policies, political and governance context (national legislation on refugees), key policy issues and their relation to refugee education (increasing number of refugees), outputs, outcomes, and impacts.

For data collection and sampling, documents from a range of government and non-government stakeholders have been included in the policy analysis (see Table 2). One expert interview in each context (Saxony and Hamburg) was also conducted, mainly to assist with identification of relevant policy documents and not for analysis. While this can be considered a limitation, the sample size was not chosen to reach saturation, but merely for explorative reasons. Documents were also identified through literature review, research in relevant databases, and from websites of the related governmental bodies at the federal and state levels. Reports from government departments and offices, such as the Ministry for Migration and Refugees (BAMF), the Federal Office of Statistics, and the educational authorities of the two federal states, have been included. As the impacts and long-term effects of a policy cannot be assessed by analyzing policies alone, evaluations and monitoring also have to be taken into account (Knill & Tosun, 2015). Therefore, another important source of data is policy reviews, government-funded studies, and parliamentary enquiries. The last constitute the largest number of policy documents, followed by regulations, frameworks, and education plans.

These documents were analyzed using the methodology of qualitative content analysis (Mayring, 2010), which is based on a system of formal categories (close to a coding scheme) that structures the coding. Subsequently, sub-codes were inductively formed, with analysis proceeding by comparing and contrasting in and between data sources. This allowed for a comparative analysis. More importantly, the coding scheme used referenced the INEE standards, which allowed us to compare the policies in the two states with standards outlined in the INEE. The coding scheme formed the basis

for the comparative longitudinal study of all four countries in our larger study.

As researchers and practitioners in the field of social work and integration studies we understand social justice and human rights as normative frameworks of our (research) practice. In accordance with the guidelines of Gatenio Gabel (2016), we apply a rights-based and not a needs-based approach to our policy analysis throughout.

While needs-based approaches align their action with benevolence and evidence of need, defined by experts and political elites, in a rights-based approach right-holders are entitled to the fulfillment of their claims by duty-bearers. International and national obligations assumed by the state are emphasized. Regarding Vázquez and Delaplace, “The first step to take in applying a human rights perspective to public policy is to unpack the right question” (2011, p. 37), contrasting policy (outcomes) with cross-cutting human rights principles. We refer to human rights principles of accountability, non-discrimination, and equity. In the analysis, we operationalized these principles according to the guidelines of Gatenio Gabel (2016, p. 11). We defined education as a human and national right of refugee children and youths and explored the complexity of the rights and policies within the two German states. Finally, we used Gatenio Gabel’s analytical questions on the progression of human rights principles for each developed result category (p. 14).

## **Results**

In our comparative analysis, we identified three main themes in both federal states: (1) exclusion and inclusion of refugee students through policies on compulsory schooling and through influences of asylum and settlement policies, (2) variations in models of integration, and (3) VET programs as the priority in educational planning for refugee children and youths.

### *Differences in Compulsory Schooling and Influences of Asylum and Settlement Policies*

Germany is legally obliged to grant refugee children access to education similar to that for its nationals (Vogel & Stock, 2017; INEE, 2010). Nevertheless, restrictive asylum policies can interfere with their education rights.

### **Compulsory Schooling Until Age 18 in Both States with an Exception**

The educational mission of all Hamburg schools stems from §§1–3 and §12 of the Hamburg Schools Act (HmbSG). Education is compulsory for children aged 6–18 or for those with less than 11 years of schooling (§37 [3] HmbSG). For the school-age refugee population up to age 18, school attendance is compulsory from the very beginning of their stay in

**Table 2. Sample of Policy Documents**

		2000–14	2015	2016	2017	2018	Total
Saxony	Benchmarking analysis/reports	1	1		1		3
	Parliamentary enquiries	8	5	9	9	6	37
	Regulations/frameworks/ educational plans	3	1	3	4	8	19
	Laws	1	1			2	4
	Statistical data		1		1	1	3
	Leaflets/information material			2	2		4
Hamburg	Benchmarking analysis/reports				1	2	3
	Parliamentary enquiries	1	2	2	3	14	22
	Regulations/frameworks/ educational plans	11			2	4	17
	Laws	1				1	2
	Statistical data			1		2	3
	Leaflets/information material	2		2			4
<b>National/International/Others</b>							
	Educational and Policy Reports		3	8	7	3	21
	Statistical data			2	1	1	4
<b>Total</b>		<b>28</b>	<b>14</b>	<b>29</b>	<b>31</b>	<b>44</b>	<b>146</b>

Source: Authors' calculations.

Hamburg, regardless of their legal status (Behörde für Schule und Berufsbildung, 2018a). Youths over the age of 18 who are not pursuing vocational training or further qualification are not subject to compulsory education and generally have no right to attend school.<sup>8</sup>

In consequence, for newly arrived asylum seekers, education is provided in so-called study groups in first reception centres in Hamburg. Parliamentary enquiries show that in April 2015, 29 study groups were implemented in first reception centres in Hamburg. The number of students there reached more than 1,000 by February 2016. Parallel to the number of refugee arrivals in Germany, the number of refugee students in study groups dropped to 267 by the end of 2017. The city-state integration concept states that at the latest after relocation to a city refugee shelter, refugee children and youths must receive access to basic or international preparatory classes (Freie Hansestadt Hamburg, 2017).

There are important differences in the enrolment conditions and access criteria for education in Hamburg and Saxony. In Saxony, compulsory schooling for asylum seekers starts only when the refugee child is transferred from the first reception centre to the municipality. As their transfer usually takes longer than 3 months, children in first reception centres are at risk of being excluded from formal school education. In August 2018, 260 children (age 6–18) in first reception centres were excluded from formal education, of which 102 were excluded for more than 3 months (Sächsischer Landtag, 2018). Studies stress that due to pre-, trans-, and post-flight situations, most refugee students have interrupted school careers to some degree (Lechner & Huber, 2015; UNESCO, 2018; Will et al., 2018). Our analysis and further studies show that this situation continues for children in Saxony after their arrival in first reception centres, and that asylum policies are negatively affecting educational rights (Toth, 2018, p. 2).<sup>9</sup>

8. Nevertheless, policies have been implemented for this non-traditional target group (Bürgerschaft der freien und Hansestadt Hamburg, 2018).

9. See EU-AufnRL, which obliges states to grant refugee children access to education that is similar to that for nationals after a maximum of 3 months.

### **Interferences between Refugee Education and Asylum and Settlement Policies**

The educational participation of refugee children and youths is shaped not only through education policies but also through provisions in the asylum and immigration law of Germany. Interferences and overlaps between both policy fields can be shown in four main areas: (1) emotional instability and mental health risks throughout the asylum process, (2) inadequate learning environments due to housing in shelters and reception centres and residence/living obligations, (3) limited access to work permits and study permits for vocational training, and (4) limited access to health services, such as psychological support systems (Vogel & Stock, 2017; Robert Bosch Expertenkommission, 2015).

Since 2015, several legal changes have been introduced in federal asylum and settlement policies; some have improved the situation for refugees, while others have created obstacles to their integration and participation in daily life (SVR, 2019, p. 67f.). For example in 2018, a new reception model, the *reception, decision, distribution, and return facilities model*, was developed on a national scale. While Saxony has put the concept into practice, Hamburg has not implemented it and discussions remain controversial. Asylum seekers, regardless of their countries of origin and prospects of staying in Germany, can be obliged to stay in these centres until the final decision of their refugee claim (a maximum of 18 months, or 9 months for families with children) (Bundesamt für Migration und Flüchtlinge, 2018, p. 6). Lack of privacy in shared kitchen and sanitary facilities as well as forced cohabitation of asylum seekers suffering from trauma and psychosocial stress in mass accommodation result in extremely problematic living situations. These have long been criticized as the main barrier for the educational participation of refugee children and youths. Besides threats of violence and harassment for refugee children, there is a lack of opportunities for them to play and have some physical activity as well as the lack of an adequate learning environment within the facilities (Schmid & Kück, 2017). The UNESCO world education report states that regulations on asylum can have a negative impact on the educational access of refugee children and youths (UNESCO, 2018). The new reception model in Saxony can increase the violation of human rights principles of non-discrimination and equality that demand protection of the most vulnerable segments of the population (Gatenio Gabel, 2016, p. 12). Complex and restrictive asylum policies might also be perceived as discrimination on an individual level and add to mental health risks as a result of traumatic experiences in the pre-, trans-, and post-flight process (Korntheuer, 2019; Lechner & Huber, 2015).

### **Models of Integration into Schooling in Saxony and Hamburg**

The enrolment and actual schooling conditions of refugee children and youths are diverse and differ between states as well as within states. Referring to Massumi (2015), different models of educational integration are applied in Hamburg and Saxony and between educational stages, depending on the individual school or centre.

#### *Sophisticated Transition System for Primary and Secondary Schools in Hamburg*

The city state of Hamburg provides a differentiated and sophisticated intake system for newly arrived refugee and migrant students into primary and secondary schooling until the age of 16. Enrolment progresses through five steps:

1. Arrival at the initial reception facility: immediate access to study groups (organized according to age groups)
2. Consecutive accommodation in a city refugee shelter/flat: assessment at the school information centre and referral to home school; decision if a student can directly enter an international preparatory class (for one year) or is first to attend a basic class
3. Schooling in a basic class (for illiterate students, or students with significant gaps in schooling or without knowledge of the Latin alphabet) for up to 12 months
4. Schooling in an international preparatory class for up to 12 months
5. Additional language support in the regular classroom for up to 12 months (Behörde für Schule und Berufsbildung, 2018a)

Hamburg published a framework for the transition of newly arrived students into the mainstream schooling system in 2012. This document has been republished in an enlarged edition in 2018 and was supplemented by two more frameworks on the proceedings during the transition and on supplementary language support in the regular system. The current version mentions students with forced migration experience as one target group (Behörde für Schule und Berufsbildung, 2018a). The document specifies the curriculum and framework of the 10 different versions of basic and international preparatory classes. A legislative change of the Hamburg School Act (HmbSG §28b) was passed by the City Senate in September 2016, giving school authorities the right to designate the distribution of refugee students among the schools in order to avoid their concentration at individual locations in the immediate vicinity of refugee accommodations.



### *Three-Phase Approach for Integrating Students into the Regular System in Saxony*

In Saxony, the integration of students with insufficient knowledge of German is based on the Saxonian concept of the integration of migrants (Sächsisches Staatsministerium für Kultus, 2000). This also applies to newly arrived refugee children already transferred to the municipalities. The transition into regular schooling is organized in three phases, in which students first attend parallel German classes and are then gradually integrated into regular classes. A legislative change of the Saxonian School Act in 2017 entitles the school authority to decide the type and location of the school for students who need to attend preparatory classes (§25 [6] SächsSchulG). This can help prevent concentration in the immediate vicinity of refugee accommodations, as not every school offers classes in German as a second language. The actual procedure is organized in three phases:

1. Students with inadequate German skills attend *parallel preparatory classes* with a basic language course.
2. The second phase is *partly integrative*, as students still attend preparatory classes, while some subjects are taught in regular classes (this phase starts mostly with less language-intensive courses such as sports; interview, Saxony, 2018, position 10-22). In order to ensure a secondary education certificate or a transition into the *Gymnasium*,<sup>10</sup> the period of 12 months can be exceeded.
3. The third phase follows up with an *integrative approach* within regular classrooms and additional and systematic language support in classes for German as a second language. There is no specific time period for the third phase.

Since 2016, Saxony has implemented a special format with a broadened second phase that runs for an extra year for students with little prior school experience (interview, Saxony, 2018, position 10-22). In Saxony, access to the *Gymnasium* is more restrictive. Only four schools offered preparatory classes in 2018 and are located at the highest level of secondary education, while Hamburg offers almost one-third of the preparatory secondary classes located at the *Gymnasium*. Only a few federal states implemented preparatory classes at the *Gymnasium* when the number of refugee children first started to sharply increase in 2015 (Massumi

et al., 2015; Robert Bosch Expertenkommission, 2015). In Saxony there is no age limit for attending preparatory classes at the secondary level. Nevertheless, most refugee children over 15 years old are advised to enrol in VET schools, where they can receive the secondary general school-leaving certificate (interview Saxony, 2018, position 32f). So even though a transition is possible during the second phase, refugee children rarely attend *Gymnasium*.<sup>11</sup> The strongly stratified German school system, in combination with early selection, limits educational attainment in academic tracks for refugee youths in Saxony.

### *Rising Numbers in the Transition System and Delayed Policy Reaction*

Both states experienced a sharp rise in student numbers in preparatory classes.<sup>12</sup> Both implemented or extended counselling and assessment as a starting point for students entering the regular school system and specified policies and frameworks for the integration of newly arrived students.

The numbers of refugee students had already begun to rise considerably in 2013, while an increase of policy density and intensity became clear at the federal state and national levels only in 2016 and 2017. The main policies for the transition of newly arrived students into the mainstream schooling system were introduced and implemented before the increased influx of refugee students in 2012 for Hamburg, and already in 2000 for Saxony (Sächsisches Staatsministerium für Kultus, 2000). Adaptations and supplementary frameworks and curricula for preparatory classes then followed in Hamburg in 2017 and 2018 (Behörde für Schule und Berufsbildung, 2017, 2018b).

### *Language Support Systems and Curriculum Adaptations*

Language support is an important element in the educational systems in both Hamburg and Saxony. Hamburg has a long history of offering supplementary support for literacy development and language acquisition. One of the first official policy documents on the topic is the language support concept from 2006 that is still in effect (Landesinstitut für Lehrerbildung und Schulentwicklung, 2006). In 2018, in response to the increasing numbers of refugee students, a

10. For secondary education (starting at age 10) most federal states differentiate between the *Gymnasium* (in the British system, grammar school) as the academic track leading to a higher education entrance certificate, and a comprehensive school or a school with two educational programs which leads to different school-leaving certificates (Vogel & Stock, 2017).

11. Leipzig was the first district to establish preparatory classes at the *Gymnasium* in 2015 because there was a lack of capacity in other schools (Sächsischer Landtag, 2016).

12. As the legal status of students is not included in the educational statistics of the federal states, Table 3 states only the number of students within the transition systems of both states. Whereas in Saxony, data on the nationality is collected, this does not give an indication of the legal status.

**Table 3. Student Numbers in the Transition System in Hamburg and Saxony**

Year	State	Total	Elementary school	District school/ Oberschule	VET preparation	Gymnasium/ evening school and college**
2012/13	Saxony	1,201	560	396	215	30
	Hamburg	1,684	182	611	840	51
2013/14	Saxony	1,468	651	520	264	33
	Hamburg	1,991	206	710	1,018	57
2014/15	Saxony	2,593	1,073	947	528	45
	Hamburg	2,378	284	878	1,120	96
2015/16	Saxony	4,954	1,989	1,728	1,183	54
	Hamburg	3,834	520	1,145	1,907	262
2016/17	Saxony	2,112	*	*	2,112	*
	Hamburg	5,990	1,157	1,492	2,712	629

Sources: Sächsischer Landtag (2017) and Institut für Bildungsmonitoring und Qualitätsentwicklung (2018).

\*No data available: Since 2016/17, the numbers of students in preparatory classes at secondary schools are gathered in the respective normal school class.

\*\*Data for evening school and college apply only to Saxony.

new framework for language support in the regular classroom and in the transition from preparatory classes to the regular system was published (Behörde für Schule und Berufsbildung, 2018b). Especially in preparatory classes, language support is key. In Hamburg, for example, international preparatory classes offer intensive instruction in German as a second language for at least 18 hours a week. All forms are preferably combined with an all-day school program offering schooling from 8 a.m. to 4 p.m. All crucial policy instruments are connected to each other, as measures and funding of the policy instruments are meant to be combined and coordinated (Behörde für Schule und Berufsbildung, 2018a, p. 6). Compared to those in Hamburg, policies on language acquisition in Saxony are rarely coordinated and lead to a fragmented policy field. The state of Saxony already tried to improve its coordination. The concept of immigration and integration from 2018 states its aim to improve the steering and governing of the supply and the coordination of language courses by several actors on different state levels (Sächsisches Staatsministerium für Soziales und Verbraucherschutz, 2018, p. 3).

Several publications discuss school structural factors such as early ability tracking and segregation as reasons for unequal educational opportunities for migrant students in Germany (Dewitz et al., 2018; OECD, 2015, p. 9). A study conducted by the expert council of German foundations on integration and migration (SVR, 2018) shows that newly

arrived refugee students in Germany are not only placed in “foreigners only” classes but also that these classes are often located at already segregated schools with a high percentage of migrant students and students with low socio-economic status. Saxony and Hamburg both underwent legislative changes to become more flexible in the allocation of refugee students. However, it remains unclear whether this flexibility is used to avoid the segregation of refugee students in certain schools or whether it is used to allocate refugees at schools with transition classes in place. Gomolla and Radtke (2009) criticized the location of transition classes at lower levels of secondary schools in Germany as institutional discrimination and stressed the unintended discriminatory effects of such support systems. Our analysis shows that 10 years after Gomolla and Radtke’s influential study, these mechanisms still affect refugee students, undermining their rights to educational equality. Both states implement parallel integration models that might bear risks of stigmatization and limit educational possibilities (Bunar, 2018b, p. 6; Gomolla & Radtke, 2009). Transition and language support concepts in both contexts contain integrative phases offering language supports in the regular classrooms as well. Regarding INEE standards, the enhancement of flexible and interlinked support systems can benefit realization of the educational rights. For Saxony, the fragmented field of language acquisition policies can result in a lack of clear and accessible information and therefore lead to a limited policy accountability.

### *VET Programs as a Priority in Educational Planning for Refugee Students*

Vocational training is crucial for the educational integration of refugee youths in both federal states. Hamburg has a sophisticated VET system (Behörde für Schule und Berufsbildung, 2017), while Saxony is expanding its vocational training measures for newly arrived migrant and refugee youths. The number of VET preparatory classes in both states increased steadily between 2012 and 2017 (see Table 3). Nevertheless, the numbers of students in VET preparatory courses in Hamburg have always been higher than those in Saxony. They could be explained by the long-standing tradition of migration to the city state of Hamburg. Thus, the state was able to adapt VET programs that had been introduced long before the increased influx of refugees.

Further, a correlation between the focus on VET for refugees and employment needs of the federal states are visible in policy documents of both states. Policy documents show a strong link between structural deficits, such as demographic change, lack of skilled workers, and the increased number of young refugees. Hamburg contradicts its sophisticated VET system by limiting access to the preparatory VET program to individuals under the age of 18. A Germany-wide study indicates a possible trend that, especially for older refugees, integration into a VET school is difficult to realize: 33% of the 17-year-olds in a recent survey are not a part of a school anymore (Pavia Lareiro, 2019).

The integration of young refugees into vocational training and the job market seems to be a particular strategic objective of the Saxonian government. This could also explain why the age limits for access to VET schools are broader in Saxony than in Hamburg. In Saxony, migrants are increasingly seen as crucial elements to fulfill labour market needs. This is stated within the “Skilled Workers Strategy 2030” (Sächsisches Staatsministerium für Wirtschaft, Arbeit und Verkehr, 2018) drafted by the Saxonian Ministry of Economics, as well as in several documents from 2015 and 2016 by a “skilled workers alliance.”<sup>13</sup> The main objectives of the strategy as well as the joint public-private initiatives are to integrate refugees as soon as possible through language courses, recognition of certifications, counselling for job orientation, and vocational training (Sächsisches Staatsministerium für Wirtschaft, Arbeit und Verkehr, 2016a, 2016b).

A shortcoming of the focus on VET is the restricted access to tertiary education. The strongly stratified German school system, in combination with early selection, makes it much more difficult to pursue an academic track that prepares immigrant children for higher education (Diehl et al., 2016;

Unangst, 2019). This can be seen in Saxony, where the majority of refugee children attend preparatory and regular classes at the Oberschule, which is more focused on professional aspects than academic. There are important differences in enrolment conditions, such as the age limit for preparatory VET programs, which is 27 years in Saxony, as opposed to Hamburg’s age limit of 18. Access criteria, especially age limits, result in unequal opportunities in both states and can undermine educational equality. Furthermore, education for refugee youths cannot be limited to the acquisition of skills that are relevant for the labour market, but should refer to holistic and critical education concepts (Korntheuer, 2016, p. 367; Korntheuer, Gag, Anderson & Schroeder, 2017; Cerna, 2019).

### **Discussion and Conclusions**

Before 2015, education policies in both German states were implemented mostly for all students or for second-language learners, but not specifically for refugee students. The sudden rise of the number of refugee students since 2013 slowly led to a visible increased federal and national policy density and intensity in 2016 and 2017. Recent educational policies in both states include regulations, such as frameworks for transition systems, coordination and monitoring systems for German-as-a-second-language learners, and adaptation of the rules for distributing refugee students.

In line with Massumi’s (2015) models of educational integration, a range of models are being applied in Hamburg and Saxony. Further, the analysis showed that models of integration can differentiate not only between federal states but also between different educational stages within one federal state.

In line with other studies (Pavia Lareiro, 2019; Will et al., 2018), our analysis shows that preparatory classes are the main educational provision for refugee students. As Bunar observes in his comparison of school provisions for refugee students in four European countries, school systems tend to segregate newly arrived students for organizational purposes:

Instead of making every effort to include newly arrived children into the mainstream, schools prefer to segregate them in their own classes and groups, not because it is in the best interests of children, but because it is anticipated as an easier model for schools themselves. (2018b, p. 16)

Further research will be required to address the long-term effects of the different models of integration and enrolment conditions on educational outcomes of refugee children and youths.

13. Including public and private actors, several ministries, work agencies, several welfare organizations, district and city councils, union and industry representatives, and chambers of crafts.

Our analysis illustrates how the policies are structurally embedded within and influenced by state asylum and settlement policies. In accordance with other studies (Lechner & Huber, 2015; Vogel & Stock, 2017), we show that not only the legal status of refugee children and youths in Germany, but also state-specific settlement policies have profound implications for their rights and access to education. These results underpin the importance of a regional analysis.

Access to VET programs for refugee youths can be considered a priority of policies in both federal states. Especially in Saxony, refugee youths are seen as a potential solution for tackling demographic change and the lack of skilled workers. Hamburg, as a result of its migration history as an urban centre, was able to build more intensively on structures already available in VET. The focus on VET programs for youths and the provisions in lower secondary schools can have negative long-term impacts on the educational trajectories and labour market allocation of the refugee population (Pavia Lareiro, 2019).

Our analysis reveals important limits and restrictions on realization of education as a human right for refugee children and youths in Saxony and Hamburg. Non-discrimination and educational equality might be undermined through segregation, unintended effects of support systems, and a strong focus on labour market needs in VET. Complex and fragmented transition and support systems can result in limited transparency and accountability. A “human rights-based approach identifies right holders and their entitlements” (Gatenio Gabel, 2016, p. 10) and therefore directs our attention to the structural conditions necessary for successful education trajectories. For the many newly arrived refugee children and youths in Germany, it is essential to create policy frameworks that enhance their educational rights and foster their high educational aspirations and resilience (Korntheuer et al., 2018; Worbs & Bund, 2016) through structures of educational opportunity.

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