

The empty promise of “integration”
Work and employment opportunities for asylum
(Arbeitsgelegenheiten Asyl (AGH-Asyl))

"A twenty-first-century left must seek to combat the centrality of work to contemporary life. In the end, our choice is between glorifying work and the working class or abolishing them both. [...] Yet the latter is the only true postcapitalist position."

(Nick Srnicek and Alex Williams, extracts from Inventing the Future: Postcapitalism and a World Without Work)

Introduction:

With this text we want to contribute to information about the precarious working and living conditions of asylum seekers. For now, our general critique of labour in the 21st century and the exploitation that comes with it, will remain in the background. The points of reference of our critique are the labour theory of value by Marx, biopolitical forms of governance, postcolonial approaches, and gender theory. With this text we want to point out the inner and outer contradictions of this “new law on integration” and the political field that implements this law. Our goal is to convince institutions that have already created such (AGH-Asyl) to end it. It seems even more important to inform affected persons about the political and legal background of these employment opportunities (AGH-Asyl) and to start a discussion together about resistance and self-organisation. Such a joined resistance should point at every turn to the general relation of exploitation and the disaster of neoliberalism. This is needed in order not to see struggles in isolation and letting resistance end up as a reform package. We are aware that there is a large gap between radical criticism and action. In the light of the current situation it would be the wrong decision to remain inactive.

Furthermore, we would like to suggest that you read a text written by the group Basisdemokratische Linke Göttingen (available only in German):

https://sozialgeschichteonline.files.wordpress.com/2017/03/sgo_20_2017_basisdemokratische-linke_integrationsgesetz.pdf

The text gives a wide overview and an analysis of the whole “new law on integration”. It also has a focus on the so-called Refugee Integration Measurements (FIM) - while we are just focussing on the AGH-Asyl. For the difference between the AGH-Asyl and FIM we would like to indicate on the first footnote of our text.

(all translations into English - including quotes and parts of legal texts - by us)

Prologue

On July 7th 2016 the “new law on integration” took effect. Since then, asylum seekers, in other words people who are officially undergoing the asylum procedure, are obligated to take on so called employment opportunities for asylum (AGH-Asyl).^{1 2} The concept of these job opportunities is nearly identical with the former one-euro job model established within the neoliberal reform package called Agenda 2010 and implemented under the name “Hartz-IV” measurements.³ Originally these forms of employment were created for long-term unemployed persons to improve their integration into the labour market – following the general tenor / argumentation of the apologists of the *Agenda 2010*. This economic argument was used to justify the willingness of people to sacrifice their labour for a salary of only 1 euro per hour.

The “new law on integration” now also intends to apply these measures that supposedly serve labour market integration on a national level, for refugees who are undergoing the asylum procedure. This includes cases where asylum has already been denied. The law aims at creating 100,000 work placements in the future.

In the federal state of Saxony, the overall time for this measure currently lies at 6 months. The monthly working hours are max. 100 hours and since September 1st 2016 they have reckoned at an allowance (Aufwandsentschädigung) of 80 cents per hour. At the end of the month a maximum of 80 euros is given out when you present a confirmation of the hours you have worked.

Work – in order to “integrate” into society – might sound lucrative from the perspective of a work oriented society (“Arbeitsgesellschaft”), but the reality is quite different. For many refugees, the promise of a long-term integration into the German labour market does not come to anything, and the key word “integration” becomes nothing but a pretext for structural exclusion. This neoliberal model brings new forms of precarity for refugees. If we take a detailed look at the law and compare it to real-life cases, all of the problems mentioned above

¹Besides the AGH-Asyl there are „Refugee Integration Measurements“ (FIM) as well. The basic difference between both measurements is the target group: While the AGH-Asyl is for every recipient of social benefits according to the German social welfare Law for asylum seekers and therefore rejected asylumseekers, the FIM is explicitly for people undergoing the asylum procedure. In other words: In some circumstances the AGH-Asyl is forced labour even if there is a clear rejection and no prospect of staying in Germany.
Quelle: http://www.bmas.de/SharedDocs/Downloads/DE/Thema-Arbeitsmarkt/faq-arbeitsmarktprogram-fim.pdf?__blob=publicationFile&v=5

²So far, no specific data on the number of participants of this measure has been published.

³Series of neoliberal reforms planned and executed by the German government, one of the aims being the reduction of unemployment

become clear. It also demonstrates, why this “new law of integration” should be a starting point for developing a radical critique of capitalist forms of labour.

1) The model of “one-euro jobs” has not proven to be successful

Despite the fact that the reform package of *Agenda 2010* has proven to be a guarantee for precarity, poverty and exploitation, the model of one-euro jobs will be extended to refugees – as a measure of “integration”.^{4 5} The processes of integration that were announced with the start of this neoliberal concept (for the labour market and the social welfare system) have never become a reality. Or to be more precise: the measure of one-euro jobs only insignificantly led to permanent employment. This conclusion can also be drawn from the integration report (Eingliederungsbericht) by the Federal Employment Agency (Bundesagentur für Arbeit) released in 2014, which explicitly refers to a “low integration quota by employment opportunities”. Furthermore the report shows that contrary to the official propaganda “an immediate integration into the labour market is not the primary target of this measure”. Instead, “the goal of employment opportunities [...] [is] rather the (re)creation and maintenance of employability of persons furthest removed from the labour market (arbeitsmarktfern).”⁶ So the reform package has not been able to fulfil the promise of “integration” into the labour market, and apparently did not even actively intend to do so. Although the positioning of “one-euro workers” between “employment opportunities” and “furthest from the labour market” is quite blurry, they are still included into the unemployment rate – but not in the category of unemployed, but as workers. This explains the declining unemployment rate and the rising employment rates. These statistics strategically deny the devastating effects of this reform package. *Agenda 2010* brought about a massively growing sector of low wages and temporary work. It also led to a higher poverty rate for recipients of benefits, while not causing any changes in the rate of long-term unemployed persons.^{7 8 9} *Agenda 2010* and its one-euro job measure have already proven to have failed. But now, despite all the failures, it is used as a promising model for integration.

⁴http://www.diw.de/documents/publikationen/73/diw_01.c.76990.de/07-50-1.pdf /

⁵<https://www.proasyl.de/news/geplantes-integrationsgesetz-ist-in-wahrheit-desintegrationsgesetz/>

⁶Report on integration by the Employment Agency, p.10:<https://statistik.arbeitsagentur.de/Statistischer-Content/Arbeitsmarktberichte/Aktive-Arbeitsmarktpolitik/generische-Publikationen/Eingliederungsbericht-2014.pdf>

⁷<http://www.spiegel.de/wirtschaft/soziales/zehn-jahre-hartz-iv-kampf-gegen-langzeitarbeitslosigkeit-a-1010945.html>

⁸<https://www.esanum.de/armutskongress-neue-hartz-iv-welt-schafft-mehr-krankheit/>

⁹http://www.diw.de/documents/publikationen/73/diw_01.c.76990.de/07-50-1.pdf

2) A (long-term) integration into the labour market contradicts the current asylum policies

The promise of “integration” that clings to one-euro jobs is quite a paradox in the context of the rigid European asylum policy. The majority of refugees that are already in “employment opportunities” or will be in the future simply don’t have the chance of securing permanent residence. In 2015, 33% of asylum applications were denied, and an additional 17% was formally denied (including cases falling under the “Dublin agreement”).¹⁰

In the first six months of 2016, 24.9 % of all applications were denied, 13.6 % of applications were “settled otherwise”, cases for the “Dublin agreement” or “dismissals because of withdrawal of application”.¹¹

At the same time, asylum laws are gradually tightened, Europe continues to strengthen its fortress - for example through the “deal” with Turkey and by declaring more and more countries as “safe countries of origin”. This means that for many people the chance of receiving asylum has become slim or impossible, and more and more dependent on their nationality. Reasons for rejecting applications like a lack of education or vocational training can be seen as politically motivated, because asylum seekers are categorized according to their economic utility. Furthermore, the label “safe country of origin” turns out to be nothing more than a legal basis for those considered “economic migrants”, a label pushed for by the public discourse fuel by the right. Keeping in mind the slim chances of asylum, it becomes obvious that getting permanent employment and completing the process of “integration” that allegedly goes with it is no realistic option for the majority of the temporary 80-cent workers at no given point during the measure.

¹⁰<http://www.bamf.de/shareddocs/anlagen/de/publikationen/broschueren/bundesamt-in-zahlen-2015-asyl>

¹¹<http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/07/asylantraege-juni-2016.html>

3) 80 cents instead of 1,05 Euros

For a one-euro job you don't receive a salary, but a so-called allowance (Aufwandsentschädigung) that amounts to 1,05 € for German nationals and can amount up to 2 € in exceptional cases. Asylum seekers only receive 80 cents. The law states that the reason for paying people less is because of their nationality or their legal status. It states that the "jobs" are mainly created to "maintain and operate the reception centers" and should therefore take place there. The "needed instruments, for example work clothes or tools" should be provided by the entity financing the facility, while "travel expenses and costs for extra food" can be avoided.¹² The guidelines for the creation of these employment opportunities (AGH-Asyl) contradict what is mentioned above and state that 75% of all created "jobs" shall be outside of centers and camps.¹³ This not only contradicts the law, but also makes the reasoning behind the different allowances obsolete. But instead of directly removing these differences, it is only possible to appeal this shortage through individual case assessments and the involvement of the "job" provider.

This means that 100,000 employment opportunities would lead to 75,000 individual case assessments. This big bureaucratic burden seems hard to manage and also relies on refugees taking the initiative. Taking such a step is simply unrealistic for many of the affected persons. They often lack knowledge about their rights and their scope of action is very restricted because of the fear of potential repercussions for their legal status, and also due to the racist atmosphere in society that labels every form of resistance as inappropriate or ungrateful. We also don't expect the different "job" providers to take care of topping-up the allowance.

¹²Legislative draft by the German government for a law of integration, p. 40
http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Meldungen/2016/entwurf-integrationsgesetz.pdf?__blob=publicationFile&v=4

¹³<http://www.sueddeutsche.de/wirtschaft/fluechtlinge-ein-euro-jobs-fuer-fluechtlinge-sind-nur-cent-jobs-1.3027433>

4) A one-euro job is not “real work”

According to legislation, “integration measures” are not considered ‘real’ work. It is rather categorised as “additional”¹⁴ activity, which is only “provided, if the expected labour would not, or not to this extent or not at this point in time, be completed otherwise.”¹⁵

According to the law and the requirements for funding, they have to be organised in a way that does not compete with the German labour market.¹⁶ Therefore the work cannot equal ‘ordinary’ work, cannot produce economic profit and cannot ‘take away’ the jobs of workers who are ‘already integrated’.

This categorisation of one-euro jobs as “non-work” but as a second class job included in the law also awards the new (non)workers a second class status. It remains questionable if this status can be warranted with the parameters “furthest from the labour market” and “absent economic profit“, and whether it excludes economic exploitation.^{17 18}

Where does the border between economic profit and the labour market lie exactly? What about asylum seekers maintaining and cleaning¹⁹ institutions or grounds of a municipality, and therefore replacing the work of a janitor? What is the reasoning behind “employment opportunities” for the cleaning of forests and reforestation, if they are carrying out the work of a ranger that would earn at least 8.50 € per hour? And how is it possible that companies like the Sächsische Fortbildungs- und Umschulungswerk (SUFW), a provider of educational and vocational training, can profit from coordinating and creating these measures?²⁰

5) Exploitation turned into a law

¹⁴for example, for the “maintenance and operation of reception centers “, compare *ibidem.*, paragraph (1)

¹⁵*ibidem.*, paragraph (1).

¹⁶compare [§ 16d Abs. 1 SGB II](#) Persons entitled to benefits can be appointed to employment opportunities, „if the work to be done is additional, serves public interest and is neutral from the point of view of competition.“

¹⁷<https://aktuelle-sozialpolitik.blogspot.nl/2016/06/134.html>

¹⁸<https://www.jungewelt.de/loginFailed.php?ref=/2016/06-04/002.php>

¹⁹This explicitly includes other forms of so-called reproductive work.

²⁰We don't pose these questions to reinforce prejudice like “foreigners take away our jobs”, we want to shed light on the economic interests of the ruling class and the ongoing exploitation.

Starting with the implementation of the new law of integration, one-euro jobs are no longer ‘voluntary’ work. Now, “persons entitled to benefits who are fit for work and unemployed, that are not of ‘compulsory school age’ [...] are obliged to attend an employment opportunity provided for them.”²¹. This kind of work, although it would only lead to permanent residence and ‘better’ work for a very small number of refugees, is now not only obligatory by law, but is at the same time a strategic exploitation of persons who offer their labour-power for a mere 80 cents per hour in the hope of receiving asylum.²² The social services offices of the municipalities are responsible for administering one-euro jobs and can decide on sanctions for people who refuse to take part in these measures, like cutting their benefits. In Dresden, this has already been the case, as reported by the staff of *Ausländerrat Dresden e.V.*²³ Furthermore, asylum seekers are increasingly informing us about being affected by benefit sanctions. In many cases the affected persons are not aware of the reason behind the sanctions.

6) Exclusion that integrates – ‘integration’ that excludes

Operating under the cloak of ‘integration’ the new law on integration aggravates the practice of utilising labour as a technique of exclusion and exploitation of refugees. They are strategically pushed into precarious employment conditions by being threatened with obligatory measures without any perspective to the right to abode, to work, or to achieve the omnipresent ‘integration’. These government tactics are especially controversial in Germany, a society that defines itself through work, and has done at least since the 20th century. Work is not primarily carried out for financial reasons, but is an important requirement to become part of society. Within this context it is particularly treacherous to use a strategy that lures refugees with a job that is not recognised as such on the labour market and therefore isn’t a real job after all. While trying to ‘integrate’ into the German work-centered society, refugees are not only exploited, but also marginalised in this double second-class system. First, they are separated from the ‘proper workers’ that are part of the labour market, and secondly through the different allowances in comparison to one-euro workers administrated by the Jobcenter.²⁴

²¹Compare Asylum Seeker Benefits Act (Asylbewerberleistungsgesetz (AsylbLG)), § employment opportunities, paragraph (4) https://www.gesetze-im-internet.de/asylblg/_5.html
²²ibidem., paragraph (2).

²³<http://www.auslaenderrat.de>

²⁴This affects persons with German passports as well as persons with asylum status.

They work to avoid exclusion, but at the same time cannot manage to ‘integrate’ themselves, thus remaining in their marginalised position. This takes place, although they are willing to do what German politics are most interested in: sacrifice their (economic) labour for minimum pay. A detailed look at the new “law on integration” shows that “one-euro jobs” neither allow for a quick integration into the labour market nor into society. Quite the contrary, the legal and content-related discrepancies spread doubt about whether the ‘integration’ of refugees is even supposed to be part of these measures. Still, the Federal Ministry of Labour and Social Affairs continues to press for the creation of 100,000 employment opportunities with the aim of labour market integration. The ministry points out that “the law of integration (...) (requires) the people who have come to us (...) to accept these offers for the sake of speedy integration into the labour market.”²⁵ Apparently it is not of interest that this “speedy integration into the labour market” is not even possible, legally questionable and politically undesirable. It doesn’t come as a surprise that asylum seekers are willing to take on any kind of employment when thinking of the low amount of benefits, determined without a comparative needs assessment that persons receive while undergoing the asylum procedure.²⁶ ²⁷ An example from 2016 shows that as a side effect, more exploitation appears: the staff of asylum-residences refer refugees to undeclared jobs under the worst conditions while charging a commission for their service.²⁸ ²⁹

The government’s approach to accept exploitative working conditions for refugees to achieve the so-called integration measures puts them in the ideological vicinity of the demands of the New Right. Therefore, the suddenly pressing introduction of the law can be seen as a reaction to the success of the right-wing party *Alternative für Deutschland* (AfD) and the general right-wing shift in society. In line with the idea that those who want asylum have to work – whatever “the price they pay” – there is a tendency in parliamentary politics as well as broad parts of society to degrade refugees to (non)workers of second class and to deny them the status of “subjects”/members of society.

Instead of helping them to gain a (political) scope of action, they are strategically stripped of their right by measures imposed by the “new law on integration”. Only their bodies are of

25 <http://www.bmas.de/DE/Presse/Meldungen/2016/integrationsgesetz.html>

26 <http://www.buzer.de/s1.htm?g=asylblg+16.3.2016&a=3>

27 [http://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&jumpTo=bgbl115s1793.pdf#_bgbl_%2F%2F*\[%40attr_id%3D%27bgbl115s1793.pdf%27\]_1472772341300](http://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&jumpTo=bgbl115s1793.pdf#_bgbl_%2F%2F*[%40attr_id%3D%27bgbl115s1793.pdf%27]_1472772341300)

28 <https://www.neues-deutschland.de/artikel/1023758.gefluechtete-muessen-zu-dumpingloehnen-schuften.html>

29 <https://www.ndr.de/nachrichten/Fluechtlinge-arbeiten-schwarz-fuer-Dumpingloehne,schwarzarbeit156.html>

interest, each and every chance for emancipation and therefore also subjectivation is inhibited. With this, all intents to ‘integrate’ seem to be in vain. This also begs the question as to what ‘integration’ exactly means for the German government and the society that agrees with these policies.

7) Are one-euro jobs constitutional? Is this a first chance for resistance?

Apart from the political critique, this issue also begs the question as to whether or not this new law and its effects on the Basic Law (Grundgesetz) are in line with the constitution. Some time ago constitutional complaints have been filed against the sanctions against Hartz-IV recipients.³⁰ A first complaint failed in August 2016 solely because of formal reasons.³¹ The complaints aim at abolishing these sanctions violating the Basic Law through a favourable ruling by the Federal Constitutional Court. Could the same be done for the sanctions against recipients according to the Asylum Seekers Benefits Act (Asylbewerberleistungsgesetz)? The benefits for asylum seekers are lower than those compared to Hartz IV standard payments anyways. Ferdinand Kirchhof, vicepresident of the Federal Constitutional Court called it an “eye-catching discrepancy”.³²

In a ruling of the Federal Constitutional Court from July 18th 2012 it is stated that “keeping the benefits for asylum seekers and refugees low because of migration policy – to avoid potential incentives for migration because of high standards compared to other countries – cannot justify a priori lowering the subsistence level, the physical and sociocultural bread line”. Because article 1 paragraph 1 of the Basic Law “guarantees human dignity which cannot be relativized by migration policy”.³³ It would be unconstitutional, if the payments were cut to be below a subsistence minimum because somebody refuses to take part in an employment opportunity (AGH-Asyl). Other cuts that affect asylum seekers are criticised for violating the Constitution.³⁴ Additionally, these benefits include all instruments to “secure the possibility of maintaining social relationships and a minimum of participation in social,

30 <https://aktuelle-sozialpolitik.blogspot.it/2016/08/173.html>

31 <http://www.welt.de/regionales/thueringen/article157477643/Verfassungsgericht-erneut-angerufen.html>

32 <http://www.augsburger-allgemeine.de/politik/Urteil-Asylbewerber-muessen-mehr-Geld-bekommen-id21082536.html>

33 https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2012/07/Is20120718_1bvI001010.html

34 http://www.fluechtlingsinfo-berlin.de/fr/asylblg/Classen_AsyblLG_2014_AS-Ausschuss.pdf

cultural and political life, because humans rely on social interaction”.³⁵ The possible violation of articles 1 (human dignity) and 20 (social welfare) are reasons for concern. Beyond constitutionality it is even more important to explore the potential for a collective fight by asylum seekers and Hartz IV recipients.

³⁵https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2010/02/Is20100209_1bvl000109.html