



**Precarity in German Policy: The Vulnerabilities of Refugees and
Asylees from Discrimination to Human Trafficking**

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Abstract

To create a safer, more inclusive environment for refugees and asylees, it is incumbent upon Germany's federal government and community-based organizations to build effective, well-informed policy and strengthen Germany's community response to address the vulnerabilities refugees and asylees face daily. The current policies in place do not adequately address the underlying vulnerabilities that refugees and asylees face within Germany, such as access to formal job markets, safe housing, social acceptance, security, etc. This results in a heightened precarity of refugees and asylees, leaving them vulnerable to discrimination, violence, and human trafficking. Policy that is aimed at the underlying causes of precarity is crucial. Providing information to refugees and asylees about their rights within Germany will increase their ability to self-advocate. Federal actors can expand formal trainings for government officials to include understanding human trafficking in the context of a refugee's and asylee's situation, thus, encouraging an inclusive and accurate approach to combat human trafficking from a top down perspective. These federal and state actors can also create more space for a community response to human trafficking of refugees and asylees, by relaxing its control of nonprofits, community-based organizations, and community service organizations. By expanding the influence of community-based organizations through diversifying partnerships and funders, community-based organizations can work outside of the federal sphere, providing a bottom up approach to human trafficking. Implementing and building upon these policy recommendations allows Germany to begin to evaluate its border policies' role in creating precarity for refugees and asylees and collectively work towards a humanitarian approach to border control.

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Precarity in German Policy: The Vulnerabilities of Refugees and Asylees from Discrimination to Human Trafficking

Introduction

Grace, a young Nigerian woman, traveled to Germany with the promise of work, to help her family out of severe poverty. The work contract she agreed to stated that Grace would receive financial assistance for travel costs, as long as she repaid the debt once in Germany. With limited prospects in Nigeria, Grace accepted the offer despite not understanding German currency or how much she would owe. In Germany, Grace was told she had to repay 50,000 euros by working in her creditor's brothel as a prostitute (Equality Now). Grace was paid no money for her services and was forced to commit acts she did not wish to do (Equality Now). For seven long months, Grace was threatened, abused, and controlled. Grace's story is just one of many of the millions of refugees and asylees who are vulnerable to human trafficking. The United Nations High Commissioner for Refugees (UNHCR) estimates that there are 70.8 million forcibly displaced people worldwide, with the majority originating from Middle Eastern countries,¹ due to civil-war, persecution, and oppressive political regimes ("Global Trends" 2).

Forcibly displaced people, specifically refugees and asylees, are at a higher risk to be trafficked than someone residing in their home country (David, Bryant, and Larsen 10). This 70.8 million is the highest number of displaced people the world has ever seen to date, expounding the risk of human trafficking for millions (UNHCR, "Global Trends" 4). Of that

¹ The Middle East can be defined in several ways and can depend on an individual or group's perspective. The broadest definition is vaguely stated as "The region that includes the lands of southwest Asia and North Africa" (Oxford Islamic Studies Online). I am taking a broad definition of the Middle East based on religious, historical, and linguistic ties that includes the following countries: Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Cyprus, Djibouti, Egypt, Eritrea, Ethiopia, Georgia, Iraq, Islamic Republic of Iran, Israel, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libya, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, South Sudan, State of Palestine, Stateless, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkey, Turkmenistan, Turks and Caicos Islands, United Arab Emirates, Uzbekistan, Various, Western Sahara, and Yemen. The data from these countries and categories can be found at the United Nations Database.

70.8 million, 25.9 million are refugees and 3.5 million are asylees (UNHCR, “Refugee Statistics”). Countries such as Jordan, Lebanon, Turkey, Sudan, Uganda, Pakistan, and Egypt currently house millions of refugees and asylees² (UNHCR, “Global Trends” 17-18). More than half of all refugees currently come from Syria, Afghanistan, and South Sudan (UNHCR, “Global Trends” 14). In the face of these overwhelming numbers, I will focus specifically on the vulnerability of human trafficking of refugees and asylees fleeing from Middle Eastern countries, similar to Grace’s vulnerability to sex trafficking in Germany.

As the flow of refugees and asylees continue with an estimated 37,000 people a day fleeing their home countries, resources and space have become scarcer, and migrants have increasingly sought safety and acceptance in Europe (Hernandez and Rudolph 118). However, Europe has remained largely closed off to refugees and slow to embrace policies encouraging migrants to enter Europe (Juss 109). The fear of losing one’s national identity and safety has caused resistance to accepting refugees and asylees in many European countries (Juss 109). The international community’s system of borders “gives individual countries discretion over refugee decisions, which allows most countries to accept too few refugees and some to avoid accepting any” (Jones 22). Germany stands out as an exception.³ It is the only European country that the UNHCR has listed as one of the top refugee-hosting countries (UNHCR, “Global Trends” 17).

Since the refugee crisis of 2014-2016, Germany has often been praised for having an “open door” policy that welcomed refugees and asylees and was considered a positive example on which European countries to model their policies (Ilgit and Klotz 614). Germany did indeed accept a significant number of Middle Eastern refugees and asylees during the refugee crisis;

² On the other hand, “Middle Eastern countries such as Qatar, Saudi Arabia, and the United Arab Emirates have not accepted any Syrian refugees” (Jones 22).

³ It should be noted that Sweden remained quite open to refugees and asylees as well.

however, policies directed at protecting the rights of these populations remain inadequate.

Refugees and asylees from the Middle East slowly increased during the refugee crisis, with the flow of refugees and asylees continuing even today.⁴ By the end of 2018, the UNHCR estimated that 1.45 million people of concern⁵ currently reside in Germany, with more than half coming from Syria (“Global Trends” 18). Grappling with the sheer number of vulnerable refugees and asylees, Germany has struggled to adapt policies that protect and integrate refugees and asylees within German society. Human trafficking itself is an under-studied crime: “data on human trafficking is extremely scarce and there are only a few countries in the world that provide annual statistics on human trafficking over a length of time” (Cho 906). With limited data, it is difficult to design policies for a specific population, such as refugees and asylees.

Refugees and asylees fleeing from the Middle East and living within a host country face social, economic, cultural, and racial discrimination (Kislev 88-89). Within this thesis, I focus on the precarity of refugees’ and asylees’ experiences that increases vulnerability to human trafficking. The crime of human trafficking intersects with multiple issues that affect the safety and security of refugees and asylees, such as poverty, healthcare, integration, gender roles, interpersonal violence, etc. The Organization for Economic Cooperation and Development (OECD) lists seven tasks of integration as essential for the successful integration of refugees and asylees: housing, education, second language, job training, physical and mental health, access to services, and security (OECD 14-18). These tasks are interconnected with one another and it is crucial that they all be addressed collectively. In 2018, I worked at the German nonprofit Kiron Open Higher Education for Refugees, an organization that sought to address the OECD task of

⁴ See Appendices A and B for a breakdown of the top five origin countries of refugees and asylees that entered Germany during 2014-2016.

⁵ The UNHCR defines “person of concern” as refugees, asylum-seekers, internally displaced persons, returned refugees, returned IDPs, stateless persons, and others of concern (“Persons of Concern”).

education. Through my work addressing a common vulnerability among refugees and asylees – a lack of education or lack of transferable educational experiences – I witnessed many other vulnerabilities interfere with their lives. Refugees and asylees in the organization would leave the program due to other stressors and vulnerabilities in their life, such as safety, insecurity, mental health, low socioeconomic status, etc. Simply addressing one vulnerability as an isolated entity proved to be extremely difficult and incomplete.

With this in mind, it can be daunting to address policy gaps specific to human trafficking of refugees and asylees. Germany has been slow to implement policies to protect refugees and asylees from crimes like human trafficking before, during, and after the refugee crisis. Indeed, Germany’s current policies focus on the integration of refugees and asylees that “creates unnecessary obstacles that prevent individuals from receiving those protections” (Kendzior 540). Germany has a complex system of immigration, integration, and social policies that “is designed to reward those to make efforts to integration into German society, affording those individuals an easier path to becoming permanent residents” (Kendzior 531). Refugees and asylees that are unable or unwilling to integrate into Germany society are left with fewer benefits and less support, increasing the precariousness of their situations (Kendzior 531-32).

To understand the vulnerabilities that refugees and asylees face – leaving them susceptible to human trafficking – it is important to take the time to understand the definition of the terms *refugee* and *asylee*. The UNHCR defines a refugee and an asylee as, “An individual who is forced to flee their country due to a well-founded fear of persecution, war, or violence for reasons of race, religion, nationality, public opinion, or membership in a particular social group” (“What is a Refugee?”). The difference between the two terms comes from the legal process in which an individual seeks to gain residence in a host country. A refugee makes contact with

three countries: 1) the country they are fleeing, 2) a second country where they seek refuge, and 3) a third country where they are resettled (UNHCR, “What is a Refugee?”). It should be noted that to receive refugee status one must be recognized as such by the second country and the international community⁶ (BAMF, “The stages” 3).

On the other hand, an asylee makes contact with two countries: 1) the country they are fleeing and 2) a second country where they seek refuge (BAMF, “The stages” 3). At the border of the second country, an asylee applies for “the right to be recognized as a refugee and receive legal protection and material assistance” (i.e. asylum) (UNHCR, “What is a Refugee?”). In an attempt to stem the flow of migrants into Europe, many countries, including Germany, strictly enforce this two-country rule with asylees. This is enforced through the EU’s Dublin regulations, which specifies that an individual seeking asylum cannot pass through any other countries in an attempt to apply for asylum at a destination country (Ilgit and Klotz 614). Germany is one of many European countries that will turn asylees away from their border if there is proof they have traveled through a second or third country previously (Ilgit and Klotz 614). This is problematic because those countries in close proximity to countries producing the most refugees and asylees are often over-crowded with limited resources and opportunities.⁷ Turkey alone hosts close to 4.1 million refugees (UNHCR, “Turkey”). Ali, a young Turkish migrant living in Germany, was exploited for labor by his uncle for well over two years. Ali was forced to work in his uncle’s snack bar for no payment, while he waited for his asylum application to process (Cyrus 39-40). Ali, who fled Turkey to Germany, managed to apply for asylum despite previously residing in

⁶ This entire process is dictated by and must be in accordance with the Geneva Refugee Convention (BAMF, “The stages 3”).

⁷ Overcrowded refugee camps can often be extremely dangerous due to a lack of privacy and resources. It can be especially dangerous for women and girls who encounter high levels of sexual assault, rape, and forced marriages (Freedman 20).

Hungary and Austria, due to legalities (Cyrus 39-40). There are ways around this regulation if there is limited proof.

Human trafficking can easily occur when people are placed in situations of precarity. Judith Butler defines precarity as the “politically induced condition in which certain populations suffer from failing social and economic networks of support and become differentially exposed to injury, violence, and death” (25). Refugees and asylees are among those certain populations. Force is used to “maximize precariousness for others while minimizing precariousness for the power in question” (Butler 25). In other words, Germany’s policies attempt to protect the assets and livelihoods of their citizens at the expense of leaving refugees and asylees in desperate situations, whether they are on the run, in a refugee camp, or living in a host country.

Germany has slowly begun to recognize the necessity of understanding human trafficking and building policy to protect those it harms. The international community recognized this crime in the year 2000 and defined it as “the recruitment, transportation, transfer, harbouring, or receipt of persons by improper means (such as force, abduction, fraud, or coercion) for an improper purpose including forced labour or sexual exploitation”⁸ (UNODC). Sixteen years later, at the end of the refugee crisis, Germany would reform its legal framework to match the international definition of human trafficking (BAMF, “Migration” 61; Global Slave Index). Germany’s Penal Code has since been updated to include definitions and policies surrounding human trafficking; however, putting these policies into action has proved difficult when the case includes refugees or asylees.

⁸ The full definition of Human Trafficking is defined in article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving and receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (UNODC).

German policies are addressing human trafficking; however, these underlying vulnerabilities continue to perpetuate trafficking situations in refugees and asylees (Brunovskis and Surtees 76). Current immigration and human trafficking policies in Germany do not adequately address the key vulnerabilities pertaining to refugees and asylees – specifically labor markets, poverty, education, discrimination, and trauma. Human trafficking is rarely easily identified; trafficking situations have been misidentified as domestic violence, prostitution, cheap labor, runaways, or drug abuse. A majority of traffickers are charged with these related offenses rather than human trafficking (Spohn 170-171). Furthermore, the unique legal situations that refugees and asylees find themselves in complicate the issue. For example, restrictive immigration policies that prevent refugees and asylees from accessing work permits bars them from the formal work market (Lewis, Dwyer, Hodkinson, and Waite 583). Refugees and asylees are fleeing from violent situations and experiencing dangerous journeys to arrive in Europe. Indeed, thousands of refugees and asylees die on their way to safety (UNHCR, “Desperate Journeys” 5). Those who arrive safely in Europe remain vulnerable to exploitation through their lack of legal status, job permit, education, language skills, and socioeconomic status.

In this thesis, I explore the policy changes necessary to address the vulnerabilities that leave refugees and asylees susceptible to human trafficking, such as the vulnerabilities Ali faced in the job market. To begin, Chapter One provides an analysis of the environment refugees and asylees face when entering Germany – what are the processes to receive refuge or asylum, how are refugees and asylees treated, what resources are allocated for this population? In Chapter Two, an analysis of the environment makes clear the vulnerabilities refugees and asylees in Germany face: the immigration system, access to education, language skills, discrimination, poverty, access to job markets, and a push for integration. To understand the social response to

refugees and asylees entering Germany, an analysis of how Germany has historically viewed refugees and asylees is presented. The acceptance or denial of refugees and asylees directly influences policies surrounding their protection. To assess Germany's response to the trafficking of refugees and asylees today, Chapter Three looks at the German policies implemented before, during, and after the 2014-2016 refugee crisis, specifically policies that address human trafficking and those that impact refugees and asylees. After a discussion of what obstacles prevent effective policy from being implemented in Chapter Four, Chapter Five concludes with policy recommendations that seeks to address the underlying vulnerabilities refugees and asylees face that lead them to be prime targets for human trafficking.

Chapter One: Welcome to Germany

Over a million refugees and asylees within Germany's borders face overwhelmed immigration systems coupled with poor policies creating situations of precarity that can easily lead to discrimination, exploitation, and human trafficking. Germany accepted a significant number of refugees and asylees during the refugee crisis of 2014-2016 (UNHCR, "Global Trends" 14). It is worth pointing out that refugees and asylees were entering Germany before this time frame and they continue to enter the country today. In 2018, Germany accepted 185,853 applications for protection ("Statistics") It is impossible to account for every single refugee and asylee entering Germany, which leaves us with a mere estimate of the severity of the situation. However, the UNHCR reports that "during [the refugee crisis of] 2015-2016, Germany admitted more than one million persons seeking protection making it a significant host country for refugees" ("Germany" 1). The number of asylum seekers in Germany has been decreasing since the end of the refugee crisis; however, "relative to other countries Germany is still among the nations receiving the most applications" (MacGregor). Despite the decrease, the number of migrants continue to grow as more arrive at the border each day (UNHCR, "Germany" 1).

With such a large number of refugees and asylees residing in Germany, resources are limited, as are immigration personnel. The process to become a legal resident in Germany can be a long affair with varying time-lengths. Under regular procedures, German law sets no time limit for an application to be processed (Kalkmann 14). The estimated average time for an application to process is around eight months;⁹ however, there are individual stories of people remaining in limbo for more than two years (AIDA, "Regular Procedure" 2). Interestingly, the average wait time for Syrian applications to be processed was four to five months, but Afghanis, Iranians, and

⁹ This average was for 2018.

Pakistanis had a much larger average wait time at fourteen to fifteen months (AIDA, “Regular Procedure” 2). The application for asylum-seekers and the resettlement process for refugees begins once the respective individual is identified. The applicants are left waiting for a decision to be made based on the information they have presented. For example, Ali waited for two long years to be granted asylum in Germany, while also being exploited. This process can easily become backed up. For example, at the end of 2016 (the end of the refugee crisis), the Pew Research Center estimated that half of asylum-seekers from 2015-2016 were still waiting for their applications to process (Connor 8). Unprocessed applications continue to pile on top of one another with each passing year.

The extensive waiting periods that refugees and asylees face leaves them vulnerable to exploitation and violence. A large part of that vulnerability is poverty that stems from a lack of work. While refugees and asylees wait for their application to process, they do not have access to a formal job market. Indeed, some do not even have access to any job market. They are allowed to reside in Germany through the application process, but they cannot work or freely travel (BAMF, “The stages” 13). Many are confined to a city.¹⁰ Today, a majority of refugees and asylees are placed in one of the twenty-two refugee accommodation centers throughout Germany (AIDA, “Types of Accommodation”) However, during the refugee crisis, Berlin alone housed two-thirds of its refugees and asylees in emergency refugee accommodation centers (Katz, Noring, and Garrelts). Refugee accommodation centers compound the precarity of refugees’ and asylees’ situations. Human rights abuses, such as human trafficking, flourish in spaces where vulnerable populations reside (Reichert 77-78).

¹⁰ While this situation is preferable to a refugee camp, in many ways it is still very limiting. For example, a refugee or asylee must get permission to travel outside of the city where they have been placed. Family members may be placed in different cities and are barred from visiting each other because they cannot leave their respective cities without the explicit permission of an immigration authority.

Germany shies away from using the term “refugee camp” and, like much of Europe, uses terms such as refugee accommodation centers, refugee welcome centers, or refugee group facilities (BAMF, “The Stages” 13). Refugees and asylees are housed in multiple centers throughout Germany (Manns and Hecht 11). Prior to 2017, the emergence of the refugee crisis caused Germany to open emergency mass shelters for refugees and asylees. “Thousands of persons continue to live in emergency centres in Berlin even though the number of arrivals has decreased largely as a result of the closure of the Balkan route, the UE-Turkey Refugee Deal, and a general closing of the European borders” (Dahdah and Dippel 79). There are remnants of these mass shelters across Germany, but now the country allocates how many refugees and asylees each federal state will house based on tax revenues and population to alleviate the stress on larger cities (Dahdah and Dippel 79).

A prime example of emergency shelter during the refugee crisis is the Tempelhof airport. A deeper discussion around this space sheds light on the dichotomy of German acceptance of refugees and asylees and the vulnerabilities that exist in emergency shelters and refugee accommodation centers. Both of these factors contribute to the precarity refugees and asylees experience. Tempelhof is a large airport that was built between 1936 and 1941 by Nazi-led Germany. It remained active until 2008, and then was utilized for large-scale public events (Fard and Mehan 192). In 2014, the German public overwhelmingly pushed for the airport to be preserved as a monument of the past, and officials complied by leaving the site unchanged (Fard and Mehan 192). The giant airfield was converted into a public park, and the airport a museum. The space was converted into a “refugee shelter” in 2015 at the height of the refugee crisis (Fard and Mehan 193). There was an outcry among certain groups in Germany that bemoan the loss of a relic of history and the debasement of the park (Parsloe 35). One is forced with the

uncomfortable fact that there are groups defending a Nazi-built structure from refugees and asylees fleeing from violence¹¹ (Parsloe 35).

Despite the protests, refugees and asylees did occupy Tempelhof. This is a small win. The conditions in Tempelhof were less than ideal. It displayed many of the hallmarks of a refugee camp, while also harboring a sordid history that still darkens the present. In 2016, residents at Tempelhof resided in a large container city that had been set up inside the airport as emergency shelter (Dalal, Darweesh, Misselwitz, and Steigemann 72). The airfield was available for their use, but they were not encouraged nor allowed to travel outside of the grounds without explicit permission (BAMF, “The stages” 13). In the same year that Tempelhof began to host refugees and asylees, Germany implemented the “obligation of residence” that requires refugees and asylees to reside within their allocated federal state until their asylum procedure is complete (Dahdah and Dippel 80). Once refugees and asylees do receive a residence permit, individuals are faced with ever increasing rents along with “discrimination based on foreign sounding names or family status (particularly Turk and Arab sounding names and single men), the language barrier, and landlords’ reservations concerning public administration for rent reimbursement” (Dahdah and Dippel 84). These factors along with poverty cause many refugees and asylees to stay within their allocated vicinity.

The container cities within Tempelhof lacked rooftops, and doors were prohibited due to a fire hazard potential. Curtains served as poor substitutes. Overcrowding and a lack of privacy caused many female refugees and asylees a well-founded fear of sexual exploitation, sexual harassment, rape, etc (Obradovic). As Wilson points out, “Levels of sexual violence in refugee

¹¹ Arguments often stem from suspicion of the German government using refugees and asylees as a way to overturn legislation that protected the airport as public space. While this argument has its merits, many fail to see refugees and asylees as simply caught in the middle and tend to see them as the problem. This adds another layer of complexity to challenging racist and unaccepting attitudes aimed at refugees and asylees (Parsloe 35).

camps are often high, and many refugees live in situations where arms smuggling, drug smuggling, trafficking in women and children ... are a daily reality” (5). To add to the issue, the airport lacks showers, working cooking facilities, and restrooms – refugees and asylees make do with outdoor restrooms (Le Blond). Basic supplies, such as food, clothing, and toiletries are provided through volunteers and donations (Le Blond). Refugees and asylees “often only receive social benefits in kind (daily meals are catered)” (Dahdah and Dippel 81). Without being allowed to leave the premises, refugees and asylees lack access to formal job markets. Without a job or any steady income, it can be difficult for there to be a sense of stability or self-worth.

Refugees and asylees are living in cramped conditions with very little supplies and a lack of services that are oftentimes desperately needed. Even if some services like healthcare are provided, residents will often deny any health-related issues because of the fear that it will hurt their chances of receiving a positive refugee or asylee status (Mandic 33). These unmet needs allow illicit activities such as labor recruitment, prostitution, trafficking, drug dealing, sexual abuse, etc to exist (Szczepanikova 135). Refugees and asylees encounter “barriers to legitimate economic activity... that can result in their turning to unauthorized or illegal means to secure resources” (Wilson 7). Not only are refugees and asylees already at greater risk for labor trafficking because of their life circumstances, but “their unauthorized status puts them in greater contact with criminal actors” as well (Wilson 7). First-hand accounts from refugees and asylees depict a cycle of crime, understaffing, overcrowding, and vulnerability (Szczepanikova 134-35). Human trafficking (also referred to as people smuggling in some sources) is also reported. Another Turkish migrant, Tamer,¹² openly spoke about his experience with the labor market: “Normally they don’t pay because they know very well that you are illegal. And they let you

¹² All names are changed to protect the identity of the individuals. In the case of this individual, he remained completely anonymous, so a name has been assigned to him at random.

work. And you slave away the whole time, 10, 11 hours daily and then they don't pay" (Cyrus 35).

A common misconception is that trafficked victims are trafficked by strangers; however, refugees and asylees may also be trafficked by people who they trust or someone who shares their background (Dahdah and Dippel 90). With promises of housing and help applying for asylum, refugees and asylees can find themselves being exploited for labor and sex, just as Ali found himself being exploited by his uncle for labor (Dahdah and Dippel 90). Ali knew his uncle well, and his uncle used this to his advantage by telling Ali he owed him money. Under the pretense of debt that kept accruing while Ali waited for legal status, Ali's uncle was able to traffick Ali for labor for two years (Cyrus 39-40).

Another issue surrounding refugee accommodation centers is the attempt to keep refugees and asylees from similar backgrounds apart. Dahdah and Dippel argue that mitigating the space the refugee or asylee is allowed to live in allows Germany to ease the financial burden on certain federal states while simultaneously avoiding "situations of refugee or ethnic groupings in major urban spaces" (80). While in accommodation centers, refugees and asylees are not only not given the proper mental health resources to cope with their current situations, but they are accruing more trauma through overcrowding, poverty, lack of community, violence, and crime. Bakker, Dagevos, and Engbersen found that the average length of time spent in a refugee accommodation center negatively impacts refugees' and asylees' mental health, which then directly impacts the success of their socioeconomic integration well into their life (445). This contributes to a refugee's or asylee's vulnerability to human trafficking.

Some camps have taken steps to address this vulnerability, such as *Fluchtlingsunterkunft Borbecker Stase Camp* in Dusseldorf. The refugee accommodation center on *Borbecker Strase*

was previously used as a school (Bergmann). Now improvements have been slowly creating living spaces for refugees and asylees, specifically in shelter from the elements and increasing privacy. What used to be a tent city is now covered by lightweight structures resembling halls (Bergmann). Classrooms have been divided to provide more privacy for families and individuals, and kitchens have been built (Bergmann). The German Red Cross remains active on the site to provide healthcare and support. Another positive aspect of this camp is that it is located within a city, rather than on the outskirts, giving refugees and asylees more access to resources and opportunities (Bergmann).

Additionally, some camps that have tried to address vulnerability have been met with social backlash. For example, the Camp Schwerte-Ost located as an outpost of the Buchenwald Concentration Camp has been the subject of controversy. The only remaining building of the camp had been used as a kindergarten and various artist studios. There was national outcry when it was decided to house twenty-one refugees in 2015 (Bleiker). The criticism largely comes from the historical significance of the location; however, the city of Schwerte makes a strong rebuttal. Space is limited and cities are constantly faced with finding more space to accommodate an ever-growing number of refugees and asylees. Some have been forced to create living spaces in gymnasiums, mass shelters, and container cities (Bleiker). Refugees and asylees who manage to receive their own homes face protests and violence from local residents or extremists. The camp has remained open, and the city stands by its decision.

Wherever a refugee's or asylee's location, they are left with the crushing anxiety of waiting. As refugees and asylees wait for their fate to be decided by immigration authorities, it is often a matter of life or death. The most coveted statuses are refugee and asylee status, which provide a three-year residence permit and a three-year work permit that is renewable (BAMF,

“The stages” 22). Other statuses are less ideal; the subsidiary protection and national ban on deportation status each provide a residence permit for at least a year, and there are other elements that are omitted or more difficult to obtain (BAMF, “Issuing residence”). For example, subsidiary protection does not allow family reunification, and the national ban on deportation requires specific permission from an immigration authority to enter the work force (BAMF, “The stages” 24).

Refugees and asylees are also at risk of their applications being rejected and being asked to leave the country. There is an appeal process which an individual can undertake; however, it leads to even more waiting (BAMF, “The stages” 29). Depending on the type of denial, there may be an extremely limited time to appeal the case. If an asylum-seeker is rejected, there are two different types of denials. “Outright rejection” gives the applicant thirty days to leave the country or appeal the verdict. Whereas, a “manifestly unfounded” rejection only gives the applicant seven days to leave the country or appeal the verdict (BAMF, “The stages”29). Such an extremely limited time to understand the various options for appealing the rejection creates an overwhelming, stressful situation. If the applicant fails to leave the country or appeal the decision within the appointed time, the state will remove them forcibly, or as Germany’s Federal Office for Migration and Refugees puts it, “If the individual does not voluntarily comply with their obligation to leave the country, this can also take place coercively” (BAMF, “The stages” 30). Regardless of the situation while the appeal processes, refugees and asylees are left without a job or permanent housing, while struggling with minimal resources, and a well-founded fear that they could be rejected yet again.

Much of the literature on refugees and asylees focuses on the process of entering the country and the dangers that litter the journey as they flee from their home country. Germany’s

national concern also lies in this space. The array of dangers, vulnerabilities, and disadvantages refugees and asylees confront while living in Germany are overwhelming, and not enough attention is being paid to this fact. When specifically looking at refugees and asylees affected by human trafficking, the conversation is further complicated by heightened vulnerability and migration trajectories (Brunovskis and Surtees 74).

Germany is one of the few countries to keep detailed statistics on human trafficking within its borders. This is a fairly new development by the Federal Criminal Police Office of Germany (BKA) that began in 2002, so it is slowly expanding and addressing the current gaps of information (“Trafficking...2002”). However, refugees and asylees are not included. There is no distinction in the statuses of the people who fall victim to this crime.¹³ The most that exists is the categories of different nationalities and German-born (BKA, “Trafficking...2014” 5). According to data from the BKA, German-born victims are shown to be the majority in human trafficking from 2014 to 2018, and Middle Eastern victims are not represented.¹⁴ On face value, this statistic seems to show that human trafficking does not appear to be a significant problem for refugees and asylees. However, on a deeper look, one discovers a myriad of reasons why German-born victims represent a majority of cases handled by police officers.

It is important to draw a connection between these police statistics and the variables that make it more likely for a German citizen to come forward as a victim of human trafficking. Language is the biggest variable. Refugees and asylees may not speak German well enough to express what is happening to them. During my time at Kiron, language classes were a huge need, with a high level of German proficiency required to engage with German academics. Without a firm grasp of the German language it is incredibly challenging to explain traumatizing situations

¹³ All information regarding BKA statistics are pulled from the years 2014-2018.

¹⁴ There is a category for African victims that has grown steadily over the years.

to federal institutions. Of course, they may not even be aware that there is a term for the situation they are in. Human trafficking is a term that is just now becoming widespread. German-born citizens are also more aware of their rights. Growing up in Germany, they may feel more comfortable engaging with police officers. They may also feel they are entitled to protection in their own country. A refugee or an asylee on the other hand may have had negative experiences with federal structures and federal agents (Mandic 31). They often do not know their rights, and some may believe that they have little to no rights. Others, like Ali, believe they will be prosecuted for working without an official work permit, and their trafficker will be protected.

German-born citizens are also more likely to have a community or network within German society that is somewhat connected with the police or a broader federal (or local) system. The segregation of ethnicities in German society allows people of different populations to be isolated and disconnected from German society as a whole, especially in West Germany (Dill and Jirjahn 3332). This segregation creates a cycle of police officers focusing their attention on certain communities and spaces where they have been taught to look for exploitation. The legalization of prostitution in some parts of Germany is a huge factor in distracting police from other areas of society where human trafficking is taking place (BKA, "Trafficking...2014" 7). Police officers are often looking for sex trafficking victims in areas where prostitution takes place, leading to a majority of victims being women. According to BKA trafficking reports from 2014-2018, the highest category of victims that police find are women of Eastern European descent.

The classic stereotype of a victim of human trafficking is a blonde, blue-eyed woman from Eastern Europe who has been trafficked into Germany for sex¹⁵ (Lobasz 342-43).

¹⁵ This stereotype began in the 1990s when the world began to notice white Slavic women being trafficked. It was even given the name "Natasha Trade" (Lobasz 342-43).

Unfortunately, this stereotype is still clung to in much of the Western world (Lobasz 343). It is true that women from Eastern Europe are trafficked; however, the very nature of a stereotype is that it presents an incomplete picture, and refugees and asylees are forgotten, as evidenced by their lack of presence in the BKA's data. Young, white females trafficked for sex gains more traction in media sources and garners sympathy from society (Lobasz 342-43). Brown or black males and females are excluded from the stereotype, thus, perpetuating the idea that they do not experience human trafficking (Lobasz 342-43). Germany has begun to expand its understanding of trafficking, but the process has been slow. Unpacking each element of this stereotype provides a deeper understanding of this crime. Human trafficking is mistakenly taken to mean a crime against a woman, often a young girl. While women and girls are victims of this crime, that is one small piece of the picture. Men and boys are also trafficked. When trafficking is connected to men and boys, the assumption is that they are being trafficked for labor (Schrijver, Beken, Krahe, and Keygnaert 9). They are absolutely trafficked for labor – as we have seen with Ali and Tamer – but it is imperative to understand that men and boys are also trafficked for sex; however, they are severely underrepresented in government statistics (BKA, “Trafficking...2017” 9). Just as women and girls are also trafficked for labor as well as sex.

The second part of this stereotype is that trafficking victims are from Eastern Europe (Lobasz 342-43). The idea that victims of human trafficking only come from one region of the world is stereotypical. Traffickers do not discriminate. They will exploit anyone who is vulnerable and able to be manipulated. That being said, if police are looking for this specific profile in human trafficking, they will find it. However, if their perspective is broadened and they begin to look in other spaces and for other profiles, they will also find it. At the moment, sex trafficking victims and cases far outnumber labor trafficking cases, and they have done so in

every single report realized by the BKA (Global Slavery Index). Cases of trafficked refugees and asylees, like Ali's and Tamer's, are underrepresented in the current data.

More attention is being directed towards tracking and understanding labor trafficking, but currently, data is extremely scarce. The fact that it is scarce for German-born citizens foreshadows the long journey ahead before refugees and asylees are identified as victims of labor trafficking. This is devastating as refugees and asylees are more likely to be trafficked for labor, as Ali's story can attest (Schrijver, Beken, Krahe, and Keygnaert 11). The long time-frame of waiting for their applications to process while having no access to a formal job market, increases the precarity of refugees and asylees. (It is important to point out that not all people in the informal job market are being exploited or trafficked, but it is a vulnerability). Efforts are being made to address labor trafficking more effectively. Industry hotspots have been identified within German society where labor trafficking is heavily present, such as meat-packing plants, agriculture, hospitality services, building trade, transportation services, and domestic servitude (BKA, "Trafficking...Labour exploitation" 6). Despite this progress, the underlying vulnerabilities refugees and asylees face continue to be understated and unaddressed when it comes to human trafficking. Adequately addressing human trafficking of refugees and asylees will only be successful if the underlying vulnerabilities of this population are confronted.

Chapter Two: Vulnerabilities and Views of Migrants in Germany

Precarity permeates much of a refugee's and asylee's life. The lack of a strong policy response adds to this precarity leaving refugees and asylees vulnerable to human trafficking. In addition, public opinion and views of migrants directly impacts policies that can lessen or worsen that vulnerability. As one can imagine, refugees and asylees are often living in precarious positions and face innumerable vulnerabilities that leave them exposed to exploitation. One of the most striking vulnerabilities refugees and asylees face are the refugee camps. It is worth emphasizing here, however, because these camps are often the first interaction refugees and asylees have with Germany. A lack of resources, space, welcoming attitudes, privacy, basic needs, and jobs breeds desperation. This combination can also prove to be dangerous. Overcrowding in refugee camps increases the chance of violence, specifically against women (Obradovic). Women and children are the most vulnerable in refugee camps (especially if they are unaccompanied by a male figure). Sexual violence flourishes in overcrowded, open spaces where privacy is minimal (Freedman 22-23).

Men are not free from violence in these situations either. It's easy to understand men as perpetrators of violence and therefore not victims of violence. This just simply is not true. The men within these camps also face violence and oppression, which leaves them vulnerable to human trafficking as well. With no job prospects and minimum resources, an individual is more likely to make risky choices, be that accepting an illegitimate job or engaging in illegal activities. The strain of leaving home and starting completely over in a new environment is physically and emotionally taxing. There are layers of trauma present in every individual and putting them all together with inadequate living conditions simply adds another layer of trauma (Seddio 1044).

Refugees and asylees' prospects improve if they receive a status that allows them to live and work in Germany and move out of the refugee camps. There is the chance that they will find a sense of community with other refugees and asylees. Legitimate job options will likely increase, and resources will be more readily available. This unfortunately does not eliminate their vulnerability to human trafficking. Being foreign-born in Germany in 2020 is in and of itself a vulnerability. Positive or negative attitudes toward foreign-born individuals depend on an individual's country of origin and society's current perceptions of that country (Chapin 283). Germany's relationship with the individuals deemed "foreign" deserves much deliberation; therefore, I have devoted a later section to a historical overview of this topic.¹⁶

However, being foreign-born does not automatically indicate a vulnerability to trafficking. The attitudes of the surrounding society contribute to the level of vulnerability. At the present, Germany's overall acceptance of Middle Eastern refugees and asylees is split. Germany is praised for its acceptance of refugees and asylees, but at the same time, its internal structures and police force remain inadequate. This can be seen within social structures – education, job markets, segregation, etc. It starts from the very beginning with an uneven distribution of funds and support. Inevitably, "refugees disproportionately settled in large cities, where they have better job prospects and existing social connections" (Katz, Noring, and Garrelts 1). These communities ultimately are faced with the largest number of refugees and asylees. The German system of distributing refugees and asylees strives to be fair, but its failure to account for higher population densities and secondary migration patterns leads to underfunding of large cities hosting a majority of refugees and asylees (Katz, Noring, and

¹⁶ See the section titled "Historical Views of Migrants in Germany."

Garrelts 2). The larger refugee camps are also situated near larger cities, increasing the uneven financial strain.

Germany remains largely segregated, which restricts refugees and asylees to low-income housing. Subsequently, children are placed in low-performing schools making it difficult for them to learn German, which automatically bars them from advantageous positions in the labor market (Katz, Noring, and Garrelts 5). Low income housing and poverty also significantly contribute to school performance (Chen, Panter-Brick, Hadfield, Dajani, Hamoudi, and Sheridan 1857). This represents another example of how assumptions shape how policy makers view the situation of refugees and asylees. It was thought previously that the poor academic performance of refugees and asylees was related to the trauma of being uprooted and placed in a new environment. While this undoubtedly causes many challenges, it was not found to be the main factor in producing low academic scores (Chen, Panter-Brick, Hadfield, Dajani, Hamoudi, and Sheridan 1857). The culprit was poverty.

Poverty puts a huge burden on children in school. In a study of the impact poverty and trauma has on refugee and non-refugee students, it was discovered that refugee and asylee children struggled in school due to the stress of poverty – more so than the trauma of fleeing their home country (Chen, Panter-Brick, Hadfield, Dajani, Hamoudi, and Sheridan 1857). This is mirrored in most countries, where students with low socioeconomic statuses produce lower scores than their peers with a higher socioeconomic status (Chen, Panter-Brick, Hadfield, Dajani, Hamoudi, and Sheridan 1860). A lack of quality education and underdeveloped language skills leaves refugees and asylees qualified for low-income jobs and vulnerable to exploitation. This, of course, is only if refugees and asylees have access to education. It is easy to fall behind in school. Children who flee from their home country could remain out of school for several years.

It can be a huge challenge to reenter school and attempt to catch up. Challenging, but not impossible. However, depending on the time spent out of school, support, age, and poverty, some choose to bypass school and enter the work force.

A lack of education does not guarantee that someone will be trafficked. However, a lack of education coupled with limited German-speaking skills leaves refugees and asylees in the dark about their rights, decreases their confidence, makes it difficult to advocate for themselves, and forces them to blindly trust their employer when signing work contracts (or any contracts for that matter). The possibility of being taken advantage of and exploited dramatically increases.

All these factors, combined with negative experiences with authorities, can lead refugees and asylees to have little faith or trust in law enforcement. This is not limited to individuals who cross the border illegally. Through surveys and interviews, Danilo Mandic found that refugees and asylees have many stories of mistreatment from border guards, immigration authorities, and police officers (31). Within refugee and asylee communities, news of this mistreatment spreads rapidly. Real or perceived maltreatment from German authorities decreases the chances of a refugee or asylee coming forward to ask for help. Even if an individual did feel comfortable coming forward, he or she may not have the language or terms to explain what they are experiencing. Human trafficking is an old crime, but the movement to name and adequately address the crime is relatively new. Currently, Germany struggles to assist refugees and asylees affected by human trafficking because it is still grappling with divided views and opinions on refugees and asylees residing with its borders.

Grace, Ali, and Tamer are just a few of the thousands of refugees and asylees produced by oppression, civil-war, external conflicts, and violent regimes in the Middle East. As the surrounding countries no longer held the capacity to accept refugees and asylees, individuals

began to turn to Europe for a safe haven. The peak of immigration in the 1990s resulted in approximately 782,000 migrants (Hanewinkel and Oltmer). Migrant trends show a decrease in immigration well into the 2000s. In terms of statistical data, Germany saw more emigration rather than immigration during 2008 and 2009. This of course does not mean that migrants ceased to enter Germany; it simply refers to the net migration once emigrants and migrants are both considered (Hanewinkel and Oltmer).

In 2010, Germany saw an increase in migrants. A little over 100,000 migrants entered Germany in 2010, and the number rose steadily through to 2014. Germany experienced a historical number of migrants in 2015, and the number continues to rise (Hanewinkel and Oltmer). It is within this time frame that has become known as the “refugee crisis” that Germany saw the largest number of migrants it had ever seen. Middle Eastern refugees and asylees made up a large portion of these numbers due to the many struggles in the area. In 2014, Germany accepted 179,661 refugees, with Iraq as the most common origin country.¹⁷ In the subsequent years Syria easily surpassed all countries as the most common origin country. The number of refugees in total jumped from 279,349 in 2015 to 758,998 in 2016.¹⁸

Asylum applications followed a similar trend during 2014 to 2016, with 173,100 received in 2014, 362,153 in 2015, and 745,545 in 2016 respectively (UNHCR, “The Top 20” 10; AIDA, “Country Report...2015” 6; AIDA, “Country Report...2016” 8). Syria again firmly remained as the most common country of origin. Countries that also remained prominent are Afghanistan, Iraq, Turkey, Iran, and Eritrea (UNHCR, “The Top 20” 10). This trend shows a significant

¹⁷ All data found in this section is generated through UNHCR’s Population Statistics Database. All reports run are located in Appendices A and B.

¹⁸ It is important to reiterate that statistics can only take us so far. Large groups of people are difficult to accurately count. Large groups of people on the move are even harder. Refugee situations can also change frequently. Deportation, repatriation, and illegal border crossings are all potential obstacles to obtaining an accurate number of refugees residing in Germany at any given moment.

number of refugees and asylees that came from outside of the EU. About 40% of immigrants came from within the EU, while the remainder were non-EU states (Hanewinkel and Oltmer). These numbers contributed to the fears of non-EU, foreign migrants taking over Germany and threatening German identity, while also contributing to a refugee's and asylee's state of precarity.

The interesting juxtaposition here is Germany's internal and external attitudes about the refugee crisis and beyond. For the most part, Angela Merkel's party the Christian Democratic Union (CDU) along with the Christian Social Union (CSU) have dominated the Bundestag. Since the early 1950s, Germany's political environment has remained firmly left (Lees 295). This changed after the September 2017 Federal elections. Alternative for Germany¹⁹ (AfD), a right-wing populist party became the third largest group in the Bundestag, only five years after its initial inception (Lees 296).

The AfD's presence in the Bundestag has caused tensions and distractions to daily tasks of the parliament. With 94 of the 709 seats of the Bundestag, the AfD has become the main opposition party; this has been exacerbated by the surprise many politicians felt by AfD's success in the 2017 Federal elections (Lees 297). Charles Lees states a worrisome analysis of the party's success, "the AfD became the third largest party grouping in the Bundestag because and not despite of the party's increasing radicalism" (297). As Lees alludes, a specific group of German voters who were (or felt) underestimated, ignored, and diminished have found power and a voice for their right-wing, radical ideals (301). AfD's platform includes anti-immigration policies and the rise in its popularity adds another layer of precarity to refugees' and asylees' lives. Social tensions and the support of AfD's anti-immigration stances generates fear within

¹⁹ German: Alternative für Deutschland.

vulnerable refugees and asylees, especially when it comes to interacting with government systems. A refugee or asylee who is being trafficked or has been trafficked is less likely to ask for help within an unwelcoming social environment – or at the very least, a divided one.

Prior to 2017, AfD struggled to gain traction; however, through a few leadership changes, the party's ideology was shaped, and its voice became louder (Lees 305). In 2015, Frauke Petry became the leading spokesperson for the party. Right away, Petry “drove the AfD in an explicitly populist direction and took a strong position in opposition to Angela Merkel’s open-door policy to Syrian refugees in late 2015 and 2016” (Lees 305). Her harsh stance against refugees helped AfD gain more support and some success in elections. In 2017 Alexander Gauland was welcomed as one of AfD’s leading spokespeople.²⁰ Controversy surrounded him and his radical political stances. He had been previously criticized for allegedly making racist comments about a football player (Lees 305). These allegations along with the party’s anti-refugee policies caused concern that the party was cultivating a space for neo-Nazis, creating an environment hostile to refugees and asylees.

In an attempt to move away from this narrative, the party pushed its concerns for the public to engage more with the economy, labor markets, and social policies (Lees 306). These distraction tactics fail to mask other problematic statements previously made. Questionable, unclear stances on social policy and immigration makes it difficult to fully understand what AfD intends for Germany.²¹ On the other hand, the core beliefs that the party is built on do seem to be clear through their social media and communications material: a distaste for multi-culturalism,

²⁰ Alice Weidel also served as a leading spokesperson. She takes a more liberal stance, which seems to be at odds with Gauland (Lees 305).

²¹ AfD’s environmental policy is also troubling. The German Renewable Energy Act is depicted as disposable and unnecessary by the party (Lees 306).

same sex marriages, and “political correctness”²² (Lees 306). AfD’s immigration policy proposes to extend strict immigration policies not only to Germany but to the entire EU. Petry specifically pushed for closing the EU’s borders, stricter border checks, and the building of refugee camps in the Middle East away from Germany (Lees 306). Germany for Germans is emphasized, especially culturally and religiously. German society and German culture are meant to take precedence over other societies and cultures. Islam is singled out as being undesirable. The fact that Islam is often associated with Middle Eastern refugees and asylees is no mere coincidence. Islamophobia is very present with AfD, and by extension, German voters. AfD even went so far as to suggest banning minarets; a very clear sign that Muslims (and by extension refugees and asylees)²³ are not welcome in German society, adding to the vulnerabilities of refugees’ and asylee’s daily life and decreasing the likelihood that they will seek help or protection when needed from state actors (Lees 306).

While AfD has tried to put distance between themselves and neo-Nazis, it is difficult to allow them that distance. The party’s stances align very closely with neo-Nazi stances, and the AfD has found an increase in voters that resonate with those messages. AfD is courting a dangerous position. Germany’s dark history with the Nazi party is not something that many Germans take lightly. German society does seem to be locked in an internal struggle to come to terms with its past. For example, monuments that are meant to honor the lives of those lost in the Holocaust are oftentimes unnoticeable or lack the proper identification. Consider the Holocaust Memorial, whose official title is “Memorial to the Murdered Jews of Europe.” This ambiguous

²² These stances are troubling for a variety reasons, and each one deserves space for further conversation that this thesis unfortunately cannot provide.

²³ Of course, refugees and asylees are not all Muslims. There are people from many different religious backgrounds fleeing dangerous situations. As Islam is being singled out here, it is safe to assume that the stereotype that Middle Eastern refugees and asylees are all Muslims is being used here.

title leaves a lot to be desired. The lack of specificity in the title leaves unanswered questions. Which murdered Jews? What time period? Where in Europe?

The inability to have a memorial that is explicitly tied to the historical events of the past is troublesome. History needs to be discussed, analyzed, and acknowledged if it is to be used as a lesson. The quiet condemnation of the Holocaust is so quiet that one forgets that it is there. This, among other factors, allows groups like neo-Nazis to flourish²⁴ and puts refugees and asylees at risk. The historical significance of Germany's place in World War II, the rise of AfD, and economic fears combine to leave refugees and asylees vulnerable to blame and hate. As more and more refugees and asylees enter into Germany, misinformation mixes with personal fear to create a more dangerous, hostile environment for people who have no choice but to flee their homes. The division within Germany's politics makes refugees' and asylees' futures uncertain; navigating and understanding a foreign country's system of politics while trying to find safety in German society adds to the vulnerability refugees and asylees experience. Refugees and asylees who experience human trafficking are at further risk. The focus of AfD's policies are to keep migrants out of Germany, not to help them out of their precarious situations. Trafficked refugees and asylees living in this negative, hostile environment are more likely to be mistrustful of legal systems and legal actors within a divided Germany, leaving them vulnerable to their traffickers. Germany's political and public opinion of refugees along with the current precarity of refugees' and asylees' situations leaves refugees and asylees with inadequate support and an increase in the precariousness of interacting with political and social structures that are meant to provide assistance, safety, resources, and security.

²⁴ An important note here is that while Nazi Germany has definitely left a residue in Germany through the formation of neo-Nazi groups and a rise in AfD popularity, many Germans remain firmly against anything to do with Nazism. It would also be unfair to single out Germany as the only country with neo-Nazis. Unfortunately, there are groups worldwide that cling to this ideology.

Chapter Three: Human Trafficking Policy Overview

Germany has policies geared towards the protection of refugees and asylees; however, they are littered with service and resource gaps that continue to ignore the underlying vulnerabilities that leave refugees and asylees vulnerable to human trafficking. Germany's policies surrounding refugees and asylees have been tumultuous over the past few years, and unfortunately Germany's human trafficking policies have followed suit. It is worth looking at Germany's human trafficking policies prior to the refugee crisis, during the crisis, and after the crisis. The refugee crisis significantly changed the landscape in Germany (as well as throughout much of Europe). Some policies were born out of the crisis that did, in fact, try to address human trafficking of refugees and asylees. However, as with any set of policies, there are effective policies, harmful policies, and gaps in the policies.

This section seeks to lay the groundwork for how Germany understands human trafficking of refugees and asylees and where the focus lies when creating policies. As mentioned earlier, Germany's Federal Police gathers statistics about human trafficking and releases national reports on the subject. The Federal Police also receives human trafficking training. These are positive steps, but the current policies do not adequately address the precarities refugees and asylees face. Police specifically focus on areas where prostitution is legal, overlooking communities comprised of refugees and asylees in the process. This is evidenced by the help Grace received at the brothel while Ali received no help from authorities (BKA, "Trafficking...2014" 7; Global Slavery Index). The human trafficking trainings do not include a trauma-informed approach to addressing refugees and asylees. There is also less emphasis on information and training regarding labor trafficking and the trafficking of men and boys (for labor and sex). However, the understanding of human trafficking is slowly beginning to

expand, and sex trafficking is beginning to be viewed as one of the ways someone is trafficked instead of the only way someone is trafficked.

Currently, Germany's legal definition of human trafficking matches the United Nations' definition. Section 232 of the German Criminal Code is solely dedicated to human trafficking. Refugees and asylees are alluded to in the definition: "Whoever recruits, transports, transfers, harbours or receives another person by taking advantage of that person's personal or financial predicament or *helplessness on account of being a foreign country...*" [emphasis added] (StGB § 232, ¶ 1, sentence 1). Many situations fit into this definition of human trafficking; the key commonality is that force, deceit, or coercion must be present for the situation to be considered human trafficking. Human trafficking presents itself in several areas of life, and unfortunately, it is always expanding its reach. The precarity of refugees and asylees makes it especially easy for human trafficking to occur within these communities. Force, deceit, and coercion is at the heart of labor and sex trafficking. Someone is being manipulated, threatened, or physically forced into a situation or action that they do not wish to be in or do. The broad definition of human trafficking lends itself to be comprehensive, which is excellent; however, it can be confusing for some who may think of human trafficking in a limited sense.

For example, the rise of the internet has opened up many opportunities for different ways of trafficking someone. With the rise of the internet, young people looking for companionship, love, and friendship online are more vulnerable to predators. Catfishing and coercive tactics can easily spiral into dangerous, manipulative blackmail. Unfortunately, this concern has been slow to appear in German policies (nor does it appear in many other countries' policies). Internet regulation is a complex subject and is beyond the scope of this thesis; nevertheless, it is important to mention as the internet's role in human trafficking steadily increases.

Once it is clear that force, deceit, or coercion is present, a situation is considered human trafficking.²⁵ The sentence for a trafficker spans from six months up to ten years (StGB § 232). The penalty for human trafficking becomes harsher if the victim is under 18 years of age “at the time of the commission of the offence” (StGB § 232, ¶ 3, sentence 1). Paragraph two of Section 232 also includes serious physical harm, the risk of serious harm, or the danger of death under a harsher punishment regardless of the victim’s age (StGB § 232, ¶ 2). Grace, Ali, and Tamer all fit into the definition of human trafficking. Grace was repeatedly threatened with physical harm to herself and her family members (Equality Now). Section 232 is further divided into section 232a Forced Prostitution and section 232b Forced Labour (StGB § 232-232b).

Exploitation of Labour is included under Chapter 18 Offences against personal liberty but is placed in its own section. Exploitation of labor is held at a different standard than human trafficking. Where labor trafficking is included in Section 232 in terms of slavery, bonded labor, debt bondage, etc., Section 233 Exploitation of labour discusses specific nuances that appear in labor trafficking, such as the offender renting living spaces to their victim to accrue more debt (StGB § 233). Section 233a Exploitation involving deprivation of liberty tackles imprisonment with the intent to coerce or force someone into labor (sex work is included in this definition of labor – specifically prostitution) (StGB § 233a).

Child trafficking, Forced marriage, and Abduction for purpose of extortion all occupy their own sections (StGB § 236, StGB § 237, StGB § 239a). There are two Sections in Germany’s Criminal Code that are worth exploring in depth. First, Section 234a Abduction

²⁵ This is no small feat. For example, it is incredibly difficult to prove to a court of law that someone’s actions are motivated by their trafficker’s threats. It is common for a trafficker to threaten a loved one of their victims, if the victim is refusing to comply with their demands. The difficulty proving this situation in a court of law often forces victims to settle for a lesser sentence, such as domestic violence chargers, stalking, or failure to provide victim’s compensation.

abroad specifically addresses someone being trafficked²⁶ across country lines or the prevention of someone returning from abroad²⁷ (StGB § 234a). The inclusion of this section again showcases the trafficking stereotype that victims of trafficking are being transported from other countries. Fortunately, the previous sections of the Criminal Code fill in some of the gaps.

Secondly, Section 240 is dedicated to coercion, a very common component of human trafficking. Coercion is explained as “Whoever unlawfully, by force or threat of serious harm, compels a person to do, acquiesce to or refrain from an act...” (StGB § 240, ¶ 1, sentence 1). Interestingly, the section lists two examples of “especially serious” cases of coercion: “where the offender 1. Coerces a pregnant woman to terminate the pregnancy or 2. Abuses his or her powers or position as a public official” (StGB § 240, ¶ 4, sentence 1-2). It is worth pointing out again that coercion is incredibly difficult to prove in a court of law. Unless someone is recorded threatening their victim or there are many witnesses, it is a case of the victim’s word against their perpetrator’s word.

Throughout these sections the phrase “helplessness on the account of being in a foreign country” consistently appears. While the Criminal Code seems to be clear that refugees and asylees are vulnerable to human trafficking, there is a lack of awareness, response, and preventative measures and assistance to those experiencing (or those who have experienced) human trafficking. The existing human trafficking policies do attempt to address different situations, but at the same time there are policies that seem to limit help for certain groups of

²⁶ While the rhetoric used within this section does not specifically mention trafficking, it does use the phrase “deception, threat or force...” indicating trafficking situations (StGB § 234a, ¶ 1, sentence 1).

²⁷ The full definition reads: “Whoever, by deception, threat or force, transports another person into a territory outside the territorial scope of this statute, or causes another person to go abroad or prevents that person from returning abroad, and thereby exposes said person to the danger of being persecuted for political reasons and, in violation of the principles of the rule of law, of suffering harm to life or limb through violence or arbitrary measures, of being deprived of his or her liberty or of being seriously prejudiced in his or her professional or financial circumstances, incurs a penalty of imprisonment for a term of at least one year” (StGB § 234a, ¶ 1, sentence 1).

people. Some areas of the Criminal Code are not always aware of the impact they have on other situations.

This of course is to be expected in the complex web of policy. The Act to Combat Undeclared Work and Unlawful Employment fails to recognize that many individuals in the informal job market are often forced into their positions due to limited options and precarity (SchwarzArbG § 1-23). Germany's immigration system and policies place refugees and asylees in positions where they must wait for legal permission to enter the formal job market while their basic needs are left unmet. The undeniable fact that people need income to live tends to be overlooked. The Act to Combat Undeclared Work and Unlawful Employment plays on society's fears that immigrants are coming into Germany and taking jobs away from German citizens, while also exposing the underlying misunderstanding that human trafficking is limited to people being trafficked *into* Germany rather than being trafficked *in* Germany.

That being said, there are also policies that have made positive progress in addressing the needs of refugees and asylees. A 2014 amendment to the Asylum Seeker Benefit Act that took effect in 2015 allowed asylum-seekers who are also victims of human trafficking to access social security benefits ("Forms and Levels"). Previously, asylum-seeking human trafficking victims only had access to limited benefits that barely allowed for survival needs to be met (Library of Congress). The Act on compensation to victims of violent crime starts strong by stating that anyone within the border of Germany is entitled to compensation (OEG § 1-11). By not specifying status, gender, religion, sexuality, etc., the victim's compensation is available to refugees and asylees. In 2012, refugees and asylees were finally included in victim's compensation for job related injuries (Hoffmann 18).

Unfortunately, the Act on compensation to victims of violent crime and victim's compensation for job-related injuries are open only to refugees and asylees who have legal status (OEG § 1, ¶ 5-6). Foreign nationals who are citizens of European Communities are eligible for victim's compensation. Foreign nationals who are temporarily staying in Germany are eligible for limited benefits; whereas, foreign nationals who can prove three years of legal uninterrupted residence in Germany are eligible for full benefits (OEG § 1, ¶ 6, sentence 1). Foreign nationals that do not meet the time requirement must prove they are "related up to the third degree of relationship to a German national or a foreign national" (OEG § 1, ¶ 6, sentence 1). The state can refuse compensation to someone if they are or were "involved in political conflicts in his home state" or "involved in armed conflicts in his home state" (OEG § 2, ¶ 1, sentence 1).

The opening paragraph of Germany's Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory makes Germany's approach very clear: "This Act shall serve to control and restrict the influx of foreigners into the Federal Republic of Germany" (AufenthG ch. 1, § 1, ¶ 1, sentence 1). The very essence of this particular act is rooted in economics. The influx of foreigners²⁸ is meant to protect Germany's economic interests and its labor market (AufenthG ch. 1, § 1, ¶ 1, sentence 2). While this is the first thing mentioned in this act, the second portion of the introductory paragraph states, "At the same time, the Act shall also serve to fulfill the Federal Republic of Germany's humanitarian obligations" (AufenthG ch. 1, § 1, ¶ 1, sentence 3).

Germany recognizes the crucial obligations it has in humanitarian crises; however, the Act remains very clear about its economic interests: "To this end, [Germany] shall regulate the entry, stay, economic activity and integration of foreigners" (AufenthG ch. 1, § 1, ¶ 1, sentence

²⁸ The use of the word "foreigners" is based on the language found within Germany's Civil Code.

4). These regulations ultimately helped Grace escape her traffickers. Police officers did a routine check on the brothel where she was being forced to work and arrested her due to fake documents her traffickers had given her (Equality Now). While arrested, she was able to ask for help. Ali, on the other hand, was assumed to be helping his uncle and remained undetected until after he escaped this situation himself (Cyrus 39-40). The standard is that foreigners may be allowed into Germany, but their economic activity will be heavily regulated and monitored, but not every case is identified.

We have already seen a glimpse of this through the arduous process of obtaining a working permit and Ali's story. There seems to be a mixed standard surrounding employment and economic activity for foreigners. The expectation is foreigners are considered securely employed if they do not rely on public funds, such as child benefits (AufenthG ch. 1, § 2, ¶ 3, sentence 2). However, the societal fear of migrants disturbing the labor market by taking jobs from citizens is still expressed from media outlets, AfD, and the general public. While this fear persists, the reality is that refugees, asylees, and migrants are burdened with an intense vetting system that may allow them residence for some time, but not a work permit. Preference is given to migrants from European countries, while migrants from other countries are often viewed as freeloaders, villainous, or unworthy.

One of the biggest obstacles refugees and asylees face is the complexity of Germany's Asylum Act. The Asylum Act outlines the lengthy process of identifying and confirming the identity of asylum seekers and refugees (AsylG ch. 1-11, § 1-90). Individuals without any identifying documents are subject to an even lengthier process. Even if a refugee or asylee has all their documents, German border authorities can impose yet another obstacle. Border authorities have the power to refuse individuals entry into Germany if they were previously in a safe third

country, another country is currently processing their asylum application, they pose a threat to German society, or they are found before or after an illegal entry (AsylG ch. 2, § 18). An exception to this refusal is evoked if Germany is responsible for asylum applications through international treaties or European Community law (AsylG ch. 2, § 18, ¶ 4, sentence 1). Once refugees and asylees are residing in a reception center, police forces, boarder authorities, foreigner authorities, and reception centers all have the power to exercise force to enforce the geographic restrictions placed on refugees and migrants (AsylG ch. 6, § 59, ¶ 3, sentence 1).

According to the Asylum Act refugees and asylees are placed under a restriction of fundamental rights. Refugees and asylees are not protected under Article 2.2 in Germany's Basic Law. The article states, "Every person shall have the right to life and physical integrity. Freedom of the person shall be inviolable. These rights may be interfered with only pursuant to a law" (GG ch. 1, § 2, ¶ 2, sentence 1-3.). Through the pursuit of law, Germany removes fundamental rights from individuals fleeing from persecution in their home countries. The law that is being pursued is not always clear. This is easily discussed as border laws or protection of the borders; however, the humanitarian aspect of this discussion often gets lost. Physical integrity is curtailed under the Asylum Act for refugees and asylees (AsylG ch. 11, § 89, ¶ 3, sentence 1). Refugees and asylees are treated as criminals unless they comply with an immigration system that is overwhelmed and often broken.

Furthermore, within the same page, Germany's Basic Law states that, before the law, "No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith or religious or political opinions" (GG ch. 1, § 3, ¶ 1, sentence 1). It is difficult to find this statement applied to refugees and asylees – specifically those from the Middle East. European migrants are often given precedence over refugees and asylees from the Middle East.

The BKA reports from 2014-2018 show anti-human trafficking efforts being focused on people of European descent, and the clear absence of addressing human trafficking of refugees and asylees from the Middle East, specifically men and boys.

A majority of the human trafficking training programs focus on government agencies and government personnel (Global Slavery Index). The Federal employees who handle the asylum proceedings for refugees and asylees are obligated to detect and direct human trafficking victims to the correct office for help (Hoffmann 17). The issue here is that refugees and asylees must be able to self-disclose their human trafficking experiences. Refugees and asylees may not be able to express their experiences in clear German, or understand that human trafficking is what they are experiencing (or were experiencing), or they may not be comfortable disclosing to a police officer or government official (Hoffmann 17). Government officials, and especially police officers, are often viewed in a negative light (Mandic 31). Refugees and asylees in the middle of removal proceedings may not be eager to explain their situation; chances are they have already explained the situation to the best of their ability and have still been placed in removal proceedings. Refugees and asylees of course may just be aware of the court proceedings requirement and may not be interested in pursuing justice through the courts.

It is also very possible that refugees and asylees are simply unaware that what they have been experiencing has a name, as was the case with Grace, Ali, and Tamer. The human trafficking movement is a young movement. The concept and name human trafficking has only just begun to gain momentum in the last twenty years, and this is only among providers, social workers, government officials, etc. Victims, survivors, the general public, and some countries lack the knowledge to properly identify human trafficking. Depending on a person's cultural and religious background, he or she may have a different approach to addressing issues like human

trafficking. It may be taboo to discuss sex, rape, prostitution, etc.; human trafficking is difficult to talk about in these contexts. In terms of labor trafficking, a person's pride may prevent them from speaking about their experiences. Debt bondage, fear, and mental coercion are very real obstacles that prevent victims of human trafficking from asking for help. Refugees and asylees have the added stress of perhaps not understanding the language being spoken or a strong mistrust of a society and authority figures that may not feel welcoming. There is also an overwhelming number of stressors that may deter refugees and asylees from trying to address their current or past trafficking situations. One of the students I worked with at Kiron, dropped out of the program stating the war and violence in his home country made it very difficult to focus on anything else but his family who had remained behind. With the worry of violence and war affecting family members, refugees and asylees are not always able to mentally and emotionally add another challenge, such as trying to become free of their trafficker, to their already hectic lives.

German policies are slow to address the concerns of trafficked refugees and asylees. If a refugee or asylee is identified as a victim of human trafficking, Germany does have a protocol in place. Refugees and asylees are provided resident permits²⁹ under the condition that they testify in a court of law against their trafficker (Hoffmann 11). If the victim does not wish to pursue justice through the legal system,³⁰ they are not eligible for any assistance (Hoffmann 11). In 2015, the Third Victims' Rights Reform Act granted trafficked refugees and asylees a three-month reflection period, during which they could legally reside in Germany while deciding if

²⁹ If the victim (including minors) is willing to testify against their trafficker, they are awarded a residence permit for one year. This permit may get extended if the case lasts longer than a year. After the case is closed, their permit can be extended for another two years for personal reasons, humanitarian, public interest, etc (Hoffmann 11).

³⁰ Testifying in court against a perpetrator can be a very traumatizing experience in and of itself, but it can also re-traumatize the individual as well. This is only one of the many reasons a refugee or asylee may not wish to testify in court.

they would like to testify or not (“Act to Reform”). Two years later, trafficked refugees and asylees were finally provided psycho-social support during trials (Hoffmann 12).

While Germany included men and boys in their definition of human trafficking some time ago, they have been slow to implement a strong response to the dangers they face. Grace received assistance while she was still being trafficked. Ali’s and Tamer’s stories were only heard after they had emerged from their trafficking situations themselves. Germany’s gendered view of trafficking was finally addressed a mere eight years ago. The stereotypical view of what human trafficking is and who it affects is still deeply embedded in German society, but this shows that change is in progress. In 2015, trafficked refugees and asylees who successfully obtained a residence permit became eligible for family reunification services (Hoffmann 58). Within the same year, trafficked asylees gained access to German Social Code Benefits (Hoffmann 64). Germany expanded its legal framework on human trafficking in 2016 to differentiate the different types of exploitation (Global Slavery Index). Finally, it was not until three years ago when forced begging was included under the definition of human trafficking (BKA, “Trafficking...2017” 20). Steps are slowly being made; however, while these steps are being made, vulnerable people are stuck within a system of policies that often fails to protect them and neglects to address obstacles that hinder effective policies, thus, increasing the precarity of refugees and asylees.

Chapter Four: Obstacles to Effective Policies

Building off of preexisting policies has proven difficult due to political disagreements and strong, negative public opinion, and it behooves policy makers to turn their attention to the issues that hinder effective policies. Without fully understanding why progress in policy changes is stifled, it is impossible to create new policies aimed at addressing the precarity of refugees and asylees. It is pertinent to uncover the complexities that can make implementing effective, well-informed policy difficult. It is also impossible to address this issue without addressing the policy gaps that are prevalent throughout Germany's immigration policy. Gaps in human trafficking policies concerning refugees and asylees are unique due to the misinformation and misunderstandings surrounding the issue, and the interconnection between immigration policies and human trafficking policies. Human trafficking is often cited as a reason for certain immigration policies – specifically border control policies. A lack of understanding surrounding human trafficking, the struggles refugees and asylees face while fleeing, and the struggles they face while in Germany contribute to a lack of efficient policy. Often policies are not implemented with the goal of worsening conditions for vulnerable populations. Indeed, some harmful Germany policies were implemented with the right intentions. However, good intentions do not remove the harm these policies – or lack of policies – cause.

An area where there remains much confusion, and hence faulty policy based on that confusion, is the difference between smuggling and trafficking. Many immigration policies use the terms interchangeably. Smugglers and traffickers both are often cited as the reason there is violence and danger at the border. However, the distinction between smuggling and trafficking is crucial to making effective policy. By conflating these two terms, policies do not address, and in

fact inflate, the precarity of refugees and asylees. Smugglers and traffickers do not play the same role in a refugee's or asylee's life. Migrants' views of smugglers are quite positive (Mandic 31).

A smuggler's role is to provide a passage into another country, whether that be by sea or land. A smuggler may also serve to provide shelter, healthcare, and information (Mandic 31). Refugees and asylees have expressed trust in their respective smugglers (Mandic 31). Of course, there are opportunities for smugglers to oppress, abuse, and take advantage of their clients, and this does happen. A smuggling situation can turn into trafficking situation, but there is currently little evidence to suggest that a majority of trafficking situations come out of smuggling (Mandic 35). A majority of smuggling situations remain as such and do not resemble trafficking at all.

So, why is the refugee crisis commonly framed as a trafficking issue? As geographer Reece Jones eloquently points out, "framing the movement of people through the Mediterranean and Aegean as a human trafficking issue -- and by extension blaming their deaths on malevolent traffickers -- hides the role played by EU immigration policies" (27-28). It is a distraction mechanism. Instead of creating policy centered around addressing the humanitarian crisis unfolding, current policies seek to protect economic interests. When the narrative that refugees and asylees are invading or flooding the country's economy fails, the alternate narrative of evil smugglers/traffickers sneaking people into the border arises to take its place.

This narrative is used to justify the actions taken at the border, all in the name of protecting German society from villainous traffickers. This tactic is counter productive because "most deaths at borders occur because new enforcement technologies, from walls to drones and high-technology sensors, make the crossing much more difficult and dangerous" (Jones 8). Refugees and asylees are not being oppressed, killed, or hurt by their smugglers at the border; they are being oppressed, killed, and hurt by the restrictive border policies that are implemented

in the name of saving them from smugglers and traffickers (Mandic 29). Border walls, border security, and the use of force at the border does not deter migrants from attempting to cross; it simply makes it more dangerous (Jones VII).

Another aspect of the border that curtails effective policies is the focus on what type of refugee or asylee is welcome in Germany. As the refugee crisis began to reach new heights in 2015, “policy makers worked to limit the geographic and temporal scope of the discussion by focusing on the war in Syria and the migrants fleeing that conflict” (Jones 27). This rings true with the previous discussion of where refugees and asylees originated. Germany accepted more Syrians than any other nationality. While it is good that Germany has welcomed vulnerable Syrians, this has also been used as an excuse to reject refugees and asylees from countries other than Syria (Ilgit and Klotz 621). It is very clear that “non-Syrian migrants were not welcome and were the primary targets of refugee status checks at external boundaries of the European Union through the imposition of internal border checks by Austria, France, Germany, and several other EU states” (Jones 27). There is a straight forward narrative attached to the Syrian conflict that was in the forefront of many media outlets. This made it easy to claim that Syrians had a legitimate claim to flee their country, while people from elsewhere were either greedy and undeserving or brought to Germany by smugglers and traffickers.

It is crucial that media outlets are not underestimated in this issue. Numerous media outlets shape how refugees and asylees are viewed and often perpetuate misinformation and stigma. For example, when covering smuggling situations, the focus remains staunchly on the dangers of smuggling and not on state policies that create dangerous, unwelcoming borders in the first place. Refugees and asylees must rely on smugglers when the chance that they will be allowed to legally reside in Germany is small. The arduous process of applying for refuge or

asylum with no guarantee of acceptance leads many refugees and asylees to turn to smugglers. Media outlets do the situation injustice by failing to discuss the broader context. When addressing tragic events that come out of smuggling, media outlets as well-respected as *The New York Times* call smuggling “the illegal trade in humans” (Smale and Eddy). Smuggling is a transaction between two individuals. Humans themselves are not the commodity. Smuggling is born out of desperation to safely travel across a hostile border. Trafficking is the illegal trade of humans as commodities.

This perpetual misinformation continues to enforce the stereotype that human trafficking only involves the movement across a border and it only happens to migrants. Human trafficking is much more complex, and perpetuating this limited perspective of trafficking leaves thousands vulnerable to the reality of trafficking. The thousands of migrants lost in the Mediterranean due to faulty boats are not victims of human trafficking. They were most likely involved in a smuggling transaction that was perhaps unfair or dangerous. They were exploited but not trafficked. The distinction has to be recognized. Policies that increase border authority and fund harsher border patrol make smuggling more dangerous for refugees and asylees while ignoring trafficking (Mandic 29).

Resources are limited and, at the moment, are being funneled to securitizing the border and enforcing strict immigration policies. Despite the copious discussions surrounding refugees and asylees, funding is directed away from assisting them and more towards stopping them at the border. There is still a mentality that the border serves to protect its citizens; however, “drawing a border is an inherently violent act that relies on the threat of force to support a territorial claim” (Jones VII). Historically, borders were used to protect a state from a hostile force. Today, borders are used to stake a claim to privileges and economic wealth that was often obtained by

colonialism; the borders serve to keep wealth contained and certain groups of people together (Jones VII). It begs the question, why are only certain people allowed the freedom of movement, while others are criminalized for the act?

Many people in the West cannot fully understand the concept of being forced to move to a different country. The narratives that surround refugees and asylees show this lack of understanding. For example, going back to the stereotypes of victims of human trafficking, it is assumed that movement must be a part of the equation (hence the focus on stopping “traffickers” from bringing “illegal” migrants across the border). The prevailing stereotype is that trafficking happens to “other people” at the border. This leaves the trafficking that happens to refugees and asylees within Germany invisible. Refugees and asylees are incredibly vulnerable within Germany -- economically, politically, and socially. If trafficking is continued to be discussed as something that happens “over there” or is brought into Germany from “over there”, policies will continue to fail vulnerable refugees and asylees.

History can reveal a lot about how countries will handle future situations. I am in no way suggesting that Germany is regressing into a Nazi regime. It is merely pointing out the profound influence history has on a society -- positively and negatively. There is still a strong sense that Germany is for Germans. Of course, the opposite mentality exists as well. Due to their country’s history, many Germans make an increased effort to be inclusive and welcoming. However, after the initial welcome at the beginning of the refugee crisis, there has been a sharp increase in right-wing popularity.³¹ AfD’s platform based on “anti-immigration sentiment and appeals to social

³¹ This is not confined to Germany. Indeed, the refugee crisis gave birth to a rise in right-wing mentality across much of the western world.

conservatism and societal cohesion” has continued to gain momentum, the number of refugees and asylees accepted has declined, and political protests are frequent³² (Gedmin 6).

The rise in far right-wing and anti-migrant mentality has led to increased concerns about hate crimes and violence in Germany. During the refugee crisis, eight people connected with a far-right group were charged with terrorism and attempted murder aimed at refugee shelters and a pro-migrant politician (Human Rights Watch). In 2018, shortly after the refugee crisis, “police recorded 627 attacks on refugees and asylum seekers outside their home, and 77 attacks on refugee shelters” (Human Rights Watch). There has also been concern surrounding Germany’s system of deportation. Reports show that some asylum seekers have been deported to their home country despite their cases pending and court orders protecting the asylees against deportation due to grounds of risk of torture (Human Rights Watch).

Any violence that can be attributed to foreign nationals is often used to fuel counter-attacks from xenophobic groups. Members of the AfD party often contribute to this mentality. For example, Alexander Gauland the co-chairman of AfD has firmly stated that the possession of a German passport does not indicate a person is German (Gedmin 9). With the shift of power to the right, the focus has primarily rested on immigration issues. Germany, specifically East Germany, has had limited experiences with migration in the past (Gedmin 8). Nazi-era ideologies are still prevalent in some parts of east Germany. The idea of *Leitkultur* or a strong core culture is alive and thriving today. The main stance of *Leitkultur* is “rejecting relativist multiculturalism and advocating instead that German language and German culture traditions remain at the basis of German identity and central to the cohesion of German society” (Gedmin 11). While Germany’s past does play a role in shaping today’s politics, the role of “mainstream

³² It should be stated that for every protest there is a counter-protest that represents the opposite side.

media ... exaggerating differences between east and west, and failing to distinguish between ordinary citizens and genuine right-wing radicals” cannot be ignored (Gedmin 8). The influence media outlets have cannot be overstated. Refugees’ and asylees’ voices are often absent from mainstream media, and the content that is viewed shapes how they are received.

A prime example of media coverage that displays only one viewpoint is the coverage of the 2015-2016 New Year’s Eve attacks. On New Year’s Eve in 2016, several women came forward stating they had been sexually assaulted in a square in front of a busy train station in Cologne. The attack caused uproar due to witnesses reporting the perpetrators were men who “appeared to have migrant backgrounds” – specifically “men with North African and Middle Eastern appearances” (Diehl and Stenzel). These phrases were used in mainstream media to report the attacks. Naturally, this conversation derailed into a debate about immigration. The focus was not on the sexual assault the women faced; it became only about the ethnicity of the perpetrators. A news report from one of Germany’s main newspapers, *Der Spiegel*, stated that police officers reported men tearing up their residence permits and stating “You can’t touch me. I’ll just go back tomorrow and get a new one” (*Spiegel International*). Another man is said to have stated, “I’m a Syrian! You have to treat me kindly! Ms. Merkel invited me”³³ (*Spiegel International*). The legitimacy of these reports and statements are disputed. It is hard to ignore the inherently political nature of these statements allegedly spoken by refugees and asylees.

The attack was discussed long after the beginning of the year. Many Germans were still expressing outrage at refugees and asylees even after 2016. In December 2017, the police force of the state where Cologne is located released a tweet with a Happy New Year’s message in Arabic, German, French, and English (Gedmin 5). A member of the AfD party tweeted back:

³³ The exclamation points are found in the original news article by *Der Spiegel*.

“What the hell is wrong with this country? Are [we] trying to appease the barbaric, Muslim, rapist hordes of men” (Gedmin 5). The list of assumptions imposed on refugees and asylees by anti-migrant groups are painfully stereotypical and harmful. The coverage that displays refugees and asylees as villainous people with no regard of German culture or German people fundamentally hinders positive policy changes. If refugees and asylees are being discussed as a threat, there is little incentive to understand and assist vulnerable refugees and asylees that may be experiencing human trafficking.

Refugees and asylees often have no outlet to advocate for themselves in German government. Their voices are often stifled or simply ignored. Navigating Germany’s immigration system and German law is no easy feat, and it is only compounded by the language barrier many refugees and asylees face. If they lack access to a basic understanding of German law and their rights as foreign individuals, how are refugees and asylees going to be able to advocate for their rights or ask for help? It is difficult enough to identify a trafficking situation as an outsider, but it is even harder when an individual is currently caught in the situation. It has become clear that mainstream media is not interested in shedding a positive light on refugees and asylees. So, where does that leave them? Who can they turn to for help?

There is a nonprofit sector in Germany that seeks to provide services to refugees and asylees who are experiencing or have experienced human trafficking. While nonprofits are providing assistance as best they can to fill a gap in services, they unfortunately reflect the current misconceptions of human trafficking. The main organization addressing human trafficking of refugees and asylees is the Bundesweiter Koordinierungskreis gegen Menschenhandel e.V. or the German NGO network and cooperation office against trafficking in human beings (KOK). KOK is a group of thirty-eight organizations that “aims to promote the

human rights of trafficked persons and other migrants experiencing violence” (KOK, “KOK”). KOK’s main focus is its counseling centres around the country, but they also coordinate special advisory centres that seek to inform policy makers and coordinate lobbying efforts (KOK, “KOK”).

KOK does valuable work; however, their understanding of human trafficking is based on a stereotype. They focus on women being trafficked. A statement on their website reads, “Strengthening human rights and combating trafficking in women are causes that need support!” (KOK, “KOK”). KOK also supports the nationwide Violence Against Women Support Hotline. The hotline addresses many types of violence against women, and trafficking of women is included. The helpline is, again, only for women, but the advocates that run the hotline obtain training specific to the context faced by female migrants, such as violence in shelters or during flight (European Commission). Both organizations emphasize sexual violence against women.

KOK does state they do seek to address labor trafficking, but it is at the discrepancy of each individualized centre of specialized counselling (KOK, “Member Organisations”). Some allocate spaces specifically for men, while other seek to refer men to other counselling centres. Their services are often reserved for refugees and asylees who are currently part of the immigration process. The services KOK’s counselling centres provide involve ensuring refugees and asylees attend appointments with administration, courts, and authorities (KOK, “Member Organisations”). Their services also include supporting any transitions that may take place due to deportations; KOK attempts to find services in an individual’s home country (KOK, “Member Organisations”). KOK also leads the Conference of Trafficking in Human Beings and Exploitation in Germany to support educational efforts in fully understanding human trafficking and its nuances (KOK, “KOK Events”).

There are also organizations like Kiron Open Higher Education, where I previously worked, that seeks to address the underlying causes of human trafficking. Kiron's vision is "a world in which everyone has the equal chance to access and succeed in higher education" (Kiron). By using massive open online courses and study programs, Kiron provides educational services to refugees, asylees, and underserved populations to "change lives, transform communities, and build bridges" (Kiron). This is a great example of an organization specifically targeting a common vulnerability among refugees and asylees – i.e. education – and working to improve access to a fundamental right that can serve as a buffer to precarious situations that lead to trafficking.

Other organizations within Germany include End Child Prostitution and Trafficking (ECPAT), an international organization that has an office in Germany. ECPAT specifically addresses sexual exploitation of children (ECPAT, "What we do"). Recently, ECPAT has expressed interest in researching sexual exploitation of boys; they have launched a global study on the subject (ECPAT, "Home"). Again, the focus is on sexual exploitation, and labor trafficking is often pushed aside. ECPAT does not have a specific plan when addressing trafficking of migrant children. They do address the sexual exploitation of children in the travel and tourism sector, but this is often in the context of the child's origin country (ECPAT, "Sexual exploitation of children").

It is crucial that services are available for women and children who are trafficked; however, a majority of refugees and asylees are men, and there is a severe lack of services for trafficked men. Furthermore, a majority of organizations that address trafficking fail to recognize the impact labor trafficking has on society. The Service Centre against labour exploitation, forced labour and human trafficking is a government coalition that aims to raise awareness

around labor trafficking in federal, state, and municipal governments (European Commission). This top-down approach leaves much to be desired.

Indeed, the previous nonprofit organizations mentioned are all funded directly by the German government. The direct funding allows Germany's government to serve as a stakeholder and influence how the organizations are operated. Both KOK and the Violence Against Women Support Hotline are directly supported by Germany's Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (KOK, "Member Organisations"). This implies that the policies in place not only affect how governmental organizations are run but also how the nonprofit sector is addressing the issue of human trafficking. This strong federal response to human trafficking, specifically trafficking of refugees and asylees, makes it extremely difficult (if not impossible) to reach out to refugees and asylees who may not be documented or whose asylum application may have been rejected.

By directly linking government policies with nonprofits, the most vulnerable refugees and asylees are left with gaps in services, expounding the precarity they face. It also makes it difficult for lobbying efforts to push for more inclusive immigration policies that allow refugees and asylees trafficked for sex or for labor to access the services and help they need. The odds are already stacked against refugees and asylees as they traverse dangerous routes to flee persecution, war, hardship, etc. in their home countries. The vulnerabilities refugees and asylees face at the border of Germany, within reception centers, and within German society (documented or undocumented) continue to make life difficult for them. Traffickers that seek out vulnerable people can easily take advantage of Germany's divided stance on immigration to exploit people for sex and labor. The policies that are currently in place do not adequately protect refugees and asylees from the dangers of human trafficking. Policy changes that address these obstacles and

the underlying vulnerabilities of refugees' and asylees' situations are crucial to addressing human trafficking.

Chapter Five: Policy Recommendations

Expanding awareness

Promoting awareness among refugees and asylees of their rights helps alleviate conditions that lead to discrimination and exploitation, increasing social safety networks and reducing precarity in the process. Federal and community agents need to take tangible steps to address the lack of information and mis-information provided to service workers, the community, and refugees and asylees about human trafficking and the precariousness of refugees' and asylees' lives. Currently, law enforcement officers and reception centers receive mandatory training in human trafficking. Mandatory training should be expanded to include the healthcare sector, social workers, teachers, border authorities, and community-members. Victims of human trafficking can present in every sector of society; hence, awareness and training efforts must be expanded to include more than police and reception centers.

This is partially to create a cohesive response to human trafficking, but also to address the fact that refugees and asylees may not feel comfortable or inclined to speak with police authorities or reception center authorities about deeply personal experiences. Time and time again, refugees' and asylees' fear and distrust of federal institutions is invalidated. Refugees and asylees do not always have the best experiences with border authorities, police officers, and immigration authorities (Mandic 31). Stories and news of fellow refugees' and asylees' experiences travel quickly within migrant circles which further breeds distrust. The inherent disconnect between German authorities and refugee's and asylee's approach to smugglers is the biggest gap in building trust between migrants and federal institutions. To address this issue requires a much bigger discussion about immigration policy; however, creating policy based on the factual differences between smuggling and trafficking is a good start.

Simply expanding the scope of training is not all that needs to be changed. An increase of awareness and training on human trafficking needs to be expanded as well. Trainings around human trafficking cannot be limited to women and children. Men and boys are underrepresented in human trafficking trainings, specifically federally mandated trainings. Even if they are mentioned, it is only in passing, and no concrete discussion concerning how society can effectively address this issue is presented (KOK, “Trafficking...sexual exploitation” 18). It is crucial to address how trafficking affects people of different genders. Along the same lines, labor trafficking needs to be emphasized as much as sex trafficking currently is. Steps are being taken; however, there is much more that needs to be done. For example, KOK hosted a talk that addressed the severity of labor trafficking, but the focus was purely on how labor trafficking affects women. This is important to point out and address; however, fifty percent of labor and sex trafficking victims are men (KOK, “KOK Events”).

Training specific to refugees and asylees

Federal trainings containing refugee and asylee specific content instructs police officers, border officials, and government agents on how to identify and assist refugees and asylees who have been trafficked in a trauma-informed way, reducing precarity. The nuances of trafficking victims that are refugees and asylees are in desperate need of being addressed. There is a huge lack of response to the vulnerabilities faced by refugees and asylees in Germany. There tends to be a focus on the violence that happens “over there” or at the border in federal trainings. Many of the policies implemented are aimed at identifying human trafficking during the asylum and resettlement process or at the German border (Mandic 29). The policies continue to be based on the stereotypes of human trafficking victims. The vulnerabilities refugees and asylees face on a daily basis while living in German society are often ignored. Mandated trainings that focuses on

the humanitarian crisis aspect of trafficking rather than the immigration policies attached to the issue could be beneficial. Immigration is such a charged subject that the conversation can easily be derailed by the nuances of immigration policy and personal feelings towards immigration. Trainings and an increase in awareness needs to promote a better understanding of how German society and policy perpetuates vulnerable situations for refugees and asylees that can easily lead to situations similar to that of Grace, Ali, and Tamer.

For example, while the German police forces are trained in human trafficking, it is often limited to sex trafficking of women in areas where prostitution is legal. The phrase “you find what you look for” suits the police forces’ response to trafficking within Germany. As the BKA reports reveal, their focus is on Eastern European women trafficked for sex in areas known for sex work, and they do find Eastern European women trafficked for sex in those areas. Obviously, there is a need to address trafficking in areas where sex work is legal. However, it is inexcusable to completely ignore other aspects of the issue. If police forces were trained and looking for male Middle Eastern refugees being trafficked for labor in construction, they would absolutely find them. Likewise, if they were to look for male Middle Eastern refugees or asylees trafficked for sex, they would also find them. The valuable work that the police forces are currently doing should absolutely continue; however, right now, victims of trafficking who happen to be refugees and asylees are being overlooked and it is not acceptable. An expanded scope of where and how police forces look for victims of trafficking must expand.

Creating accessible and trauma-informed legal processes

This cannot only fall on police forces, however. Refugees and asylees often do not trust federal institutions to assist them. Steps need to be taken to address this fear and mistrust. A good place to start would be to remove the court requirement for trafficked refugees and asylees.

Without forcing refugees and asylees to pursue justice through a federal court of law, refugees and asylees may feel more open to sharing what is often the most vulnerable part of themselves. For the federal government to incorporate more trauma-informed approaches within Germany's federal response to trafficking would be a huge step that is sorely needed.

It can take years for federal institutions to change. It is a worthwhile endeavor, but while waiting for that change there must be other systems in place to help society's most vulnerable. Resources are limited, and the resources that are allocated to assist refugees and asylees are being funneled to border security. If funding was distributed through a humanitarian lens, there might be room for a focus on what services are needed to prevent refugees and asylees from falling into vulnerable positions within German society. However, sources of funding are not that simple, and as mentioned previously, government funding can significantly interfere and dictate what services the nonprofit sector can provide to refugees and asylees. The approach of a federal institution is fundamentally different than that of a community-based response.

Strengthening community responses

Community-based organizations can help create a safe environment for refugees and asylees to access barrier-free services and resources, while also lessening the precariousness of daily life. The current lack of a strong community response to this crime against refugees and asylees presents the largest gap in services and support. Raising awareness is a large component of changing this; the community must have a clear understanding of how human trafficking affects refugees and asylees to appropriately identify and respond to the crime. The top-down response to trafficking of refugees and asylees is too politically charged. While one cannot completely remove the politics from the rights of refugees and asylees, most everyone can agree on the importance of protecting human beings from harm. Germany is in desperate need of a

bottom-up response to the trafficking of refugees and asylees. Germany's political and federal sphere needs to allow the nonprofit sector more freedom for a community-centered approach (or rather a community response) to flourish. Lessening the federal grip on providing services to refugees and asylees may encourage more refugees and asylees to come forward for assistance.

A community response to the trafficking of refugees and asylees allows refugees and asylees who may be undocumented to come forward and find support. Community organizations are also beneficial in addressing the vulnerabilities that leave refugees and asylees susceptible to become victims of human trafficking. Services such as German language classes can help refugees and asylees understand – or at the very least be able to read – any paperwork or contracts they may be offered. Classes that teach refugees and asylees their rights while they are residing in Germany, whether residing legally or not, can exponentially help refugees and asylees navigate Germany's federal institutions should they come in contact with them. Perhaps, the biggest thing a community response can bring is a space free of judgement and stipulations. The harsh reality of living in a foreign country, documented or undocumented, due to horrific events in their home countries is already overwhelming physically, mentally, and emotionally, but to add on the stress of being trafficked can make living unbearable. The need for assistance that is not rooted in legalities or pressure to pursue justice through a foreign federal system is paramount for the health of these individuals; thus, the separation of the federal government and community-based organizations is so vital.

Addressing border policies

Better trainings, increased awareness, and a stronger community response can lead to addressing faulty border policies – a source of much precarity. It can be easy to forget that refugees and asylees are often placed in positions where they are forced to make difficult

decisions every day. They may be well aware they are being trafficked, but if their choice is to live on the street in the middle of winter or be exploited for a place to stay for the night, what choice do they really have? We cannot lose sight of the impact borders have on individuals fleeing violence. Borders are not inherently etched into the land; they are a man-made structure. Borders very clearly serve as “mechanisms for some groups of people to claim land, resources, and people, while fundamentally excluding other people from access to those places” (Jones VII). There is a long history of borders that is beyond the scope of this thesis, but there cannot be an appropriate response to the trafficking of refugees and asylees within the borders of Germany until the fact that the drawing of borders in and of itself is a violent act that exerts force or the threat of force to stake a territorial claim (Jones VII).

Every time someone is stopped at a border or denied access to a country the inequality inherent in preventing certain people access to resources and safety forces people into vulnerable exploitative positions. Violence perpetuates violence, and currently “the violence is built into the structure [of borders] and shows up as unequal power and consequently unequal life changes” (Jones 8). The German federal government and German community can rise to the occasion and make incremental changes that improve the lives of refugees and asylees, but ultimately the world must take a hard look at the violence their borders perpetuate and the discrimination that strives to keep certain people out of the western world.

Conclusion

As Germany has grappled with the refugee crisis of 2014-2016, the landscape has shifted for refugees and asylees and continues to evolve today. An understanding of the precarity refugees and asylees live with in Germany is crucial to building effective policy. The policy recommendations presented in this thesis are by no means comprehensive; however, they seek to

address the vulnerabilities that leave refugees and asylees susceptible to discrimination, violence, human trafficking, etc. Increasing awareness and expanding trainings to include a more detailed description and understanding of what human trafficking is and how it may look different for refugees and asylees, helps set a strong foundation for addressing this crime. Reinforcing legal systems with a trauma-informed approach, creates legal processes that are more accessible to refugees and asylees who may feel mistrust towards government officials and systems. Lastly, strengthening Germany's community response to the precarity of refugees and asylees opens the door to spaces in society that refugees and asylees may trust more than legal systems. A community response also opens the door to further discussions about immigration, border policies, integration policies, and the discrimination refugees and asylees face. A combined effort of effective policies and community involvement is vital to addressing the precarity refugees and asylees face throughout their time in Germany.

Appendix A: Middle Eastern Refugees Accepted into Germany 2014-2016

Breakdown of 5 Most Common Origin Countries in 2014

Origin Country	# of Refugees
Iraq	41,167
Syria	40,994
Afghanistan	27,814
Turkey	22,242
Iran	18,814
Total	179,661

(UNHCR, "Persons of Concern")

Breakdown of 5 Most Common Origin Countries in 2015

Origin Country	# of Refugees
Syria	115,604
Iraq	51,396
Afghanistan	30,026
Turkey	20,281
Iran	19,763
Total	279,349

(UNHCR, "Persons of Concern")

Breakdown of 5 Most Common Origin Countries in 2016

Origin Country	# of Refugees
Syria	375,122
Iraq	86,045
Afghanistan	46,292
Eritrea	30,020
Iran	22,910
Total	758,998

(UNHCR, "Persons of Concern")

Appendix B: Middle Eastern Asylum Applications Received in Germany 2014-2016

Year	# of Refugees
2014	173,100
2015	362,153
2016	745,545
Total	1,280,798

(ADIA, “Country Report...2015” 6; ADIA, “Country Report...2016” 8; UNHCR, “Persons of Concern”)

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