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Germany
Country Brief on Irregular Migration
Policy Context

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THE MIRREM PROJECT

MIRREM examines estimates and statistical indicators on the irregular migrant population in Europe as well as related policies, including the regularisation of migrants in irregular situations.

MIRREM analyses policies defining migrant irregularity, stakeholders' data needs and usage, and assesses existing estimates and statistical indicators on irregular migration in the countries under study and at the EU level. Using several coordinated pilots, the project develops new and innovative methods for measuring irregular migration and explores if and how these instruments can be applied in other socio-economic or institutional contexts. Based on a broad mapping of regularisation practices in the EU as well as detailed case studies, MIRREM will develop 'regularisation scenarios' to better understand conditions under which regularisation should be considered as a policy option. Together with expert groups that will be set up on irregular migration data and regularisation, respectively, the project will synthesise findings into a Handbook on data on irregular migration and a Handbook on pathways out of irregularity. The project's research covers 20 countries, including 12 EU countries and the United Kingdom. This Deliverable of 15 country briefs is developed as part of Work Package 3 Politics: Understanding Legal and Policy Contexts.

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KEYWORDS

Germany; Irregular migration; policy measures; pathways into and out of irregularity

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Germany

This Brief provides an abridged overview of the national policy landscape on irregular migration in the country, based on a more extensive policy analysis. It also provides an overview of the main types of migrant irregularity that emerge and the pathways into and out of irregularity, including regularisations as relevant. Annexed to this Deliverable is also an overview of the mapped legal and policy frameworks.

1.1 POLICY PRIORITIES

The 2021 Coalition agreement of the current Federal government is a good indicator for policy priorities. The document addressed issues related to irregular migration and envisaged policy measures directly or indirectly affecting irregular migration (Thym, 2021). Subsequently, relevant issues form four clusters:

- **Prevention of unlawful entries**
In response to alarmist debates pointing to unlawful entries across the external EU borders and across the interior borders between neighbouring EU member states as too high and increasing, the prevention of unlawful entries and fight against human smuggling and trafficking advanced to a policy priority.
- **Efforts to increase the number of departures of third country nationals without a right to stay**
Related to allegations that the number of resident third-country nationals without a right to stay but tolerated by authorities is too high, efforts to increase the number of voluntary and coerced returns gained importance and rank high in the political agenda.
- **Granting provisional status and regularisation of third country nationals entering or staying in Germany without required permissions**
The Coalition agreement includes declarations of intent to design and implement legal provisions offering under particular conditions the regularisation of tolerated third country nationals.¹ While the granting of a provisional status is guided by security concerns and the claim to know who stays in the country, the issue of

¹ <https://handbookgermany.de/en/duldung>

conditional regularisation is guided by pragmatic political considerations to prevent that individuals indefinitely remain in a tolerated status and that the stock of tolerated foreign nationals increase otherwise. It also responds to ongoing advocacy to respect human and fundamental rights and economically vested claims to utilise the resources of refugees.

- **Access to basic social rights for migrants in an irregular situation**

Driven by human rights advocacy and pragmatic considerations of health sector practitioners to contain health risks and reduce treatment expenses, the Coalition agreement envisaged to amend legal provisions regulating access to medical treatment for migrants in an irregular situation.

1.2 OVERVIEW OF GERMANY'S POLICY FRAMEWORK

See Annex 1 for an overview of the legal and policy frameworks mapped for this country.

1.2.1 Policy implementation measures

- **Prevention of unlawful entries**

At European level, the Federal government supported the reform of the Common European Asylum System (CEAS) providing measures to process asylum claims at the external EU borders and retain rejected applicants in the border regions. At national level, German authorities introduced stationary controls at the borders to neighbouring countries and intensified efforts to persecute migrant smugglers and human traffickers (Engler & Christinck, 2024). Since 2015, German authorities launch communication campaigns that deliver information on the risks of irregular migration with the intention to dissuade probable migrants from attempting unlawful traveling. The website “rumours about Germany” provides information in English, French and Arabic language. The Federal Government initiated changes in the processing of asylum applications, including a limitation of particular applicants’ possibilities to take legal action, and extended authorities’ legal competencies to enforce return, with the intention to reduce supposed incentives for irregular migration (Stiller & Hoffmeyer-Zlotnik, 2023).

- **Efforts to increase return and departure of foreign nationals without a right to stay**

German authorities aim to facilitate voluntary departures, promote assisted returns and tighten enforcement of deportation (Haberstroh et al., 2022; Peitz, 2023; Stiller & Hoffmeyer-Zlotnik, 2023). Measures for the promotion of voluntary return encompass the funding of return counselling and the launching of programmes for assisted return with financial incentives for foreign nationals willing to return. In addition, changes encompass the introduction of accelerated procedures for the processing of asylum applications with confined rights of objections for particular

protection seekers deemed to be from a safe country of origin or with an obviously unfounded protection request. Legal provisions regulating deportation procedures were tightened to prevent that migrants abscond when deportation is initiated. German Federal Governments supported EU initiatives to sign readmission agreements with North African States (c.f. Tunisia, Egypt), signed new bilateral migration agreements (India, Georgia, Morocco, Colombia) and initiated negotiations (Moldova, Kenya, Philippines, Ghana) (Mediendienst Integration, 2024b). In order to accelerate negotiations, in 2023 a Special Government Commissioner for Migration agreements was appointed (German Federal Ministry of the Interior and Community, n.d.).

- **Conditional regularisation of tolerated third country nationals**

In spite of harsh but unproven allegations that regularisation awards unlawful behaviour and works as a pull factor, German governments used to launch regularisation options that offer a pathway towards a regular residence. Such programmes were usually described as exceptional measures addressing only particular third country nationals without a right to stay who met particular requirements (Hinterberger, 2023). Since 2015, the Federal legislator introduced more durable opportunities providing tolerated third-country nationals the chance to earn a residence title through accomplishment of education, professional training, employment or particular individual integration achievements (Haberstroh et al., 2022; Peitz, 2023).

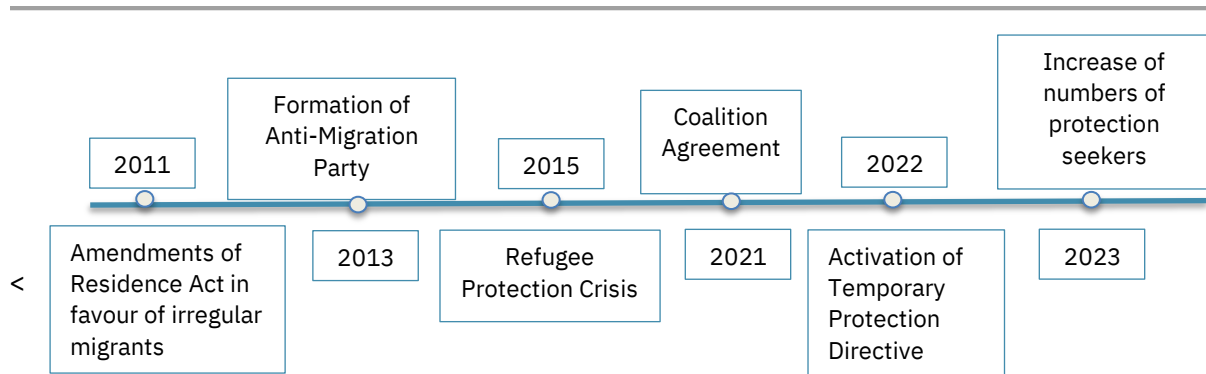
- **Access to basic social rights for migrants in an irregular situation**

Implementation of measures in this area focus on access to education and healthcare; those aiming to improve access to medical treatment are mainly implemented at Federal State and municipal level. In 2011, an amendment of the Federal Residence Act exempted schools and other educational institutions from the duty to report pupils or students without regular residence status to responsible authorities. Some Federal States subsequently began to issue kindergarten vouchers for children in an irregular situation. Also in 2011, the Federal legislator confirmed that Social Welfare Offices in case of an emergency treatment must reimburse costs of migrants in an irregular situation to hospitals without a notification of police or foreigners' offices (Cyrus, 2017). An anonymous healthcare card², mentioned in the 2021 Coalition agreement, was not further pursued at Federal level due to changing political priorities related to the pandemic and the Russian aggression against Ukraine. In 2013, the Federal State of Hamburg established and funded a special clearing point that offers assistance to ill migrants in an irregular situation. The service clarifies the assurance status, explores possibilities to regularise the residence and reimburse in reviewed cases the costs for medical treatment. The organisational model is copied in other Federal states and municipalities. Several actors offer health services that include migrants in an irregular situation, among

² <https://anonymer-behandlungsschein.de/>

public health administration, church-related welfare associations (Malteser) and civic initiatives (Medical Assistance for Refugees).

1.2.2 Policy evolution: Main turning points



1.2.3 Policy impact

The impact of the afore-mentioned policy measures and programmes is diverse. Available data shows that measures depending on the cooperation with other actors have a high risk to fail.

- **Prevention of unlawful entries and stays**

The support of stricter border control measures at the external EU borders yields no immediate empirical effect but signalled governments' determination to take action. The number of apprehensions fluctuated between 2015 and 2020 and increased to 127.000 in 2023. The implementation measures noted previously increased the apprehension of those identified as smugglers and traffickers. Federal Police report a reduction in irregular border crossings, an outcome deemed to be caused by the deterrent effect of border controls and neighbouring countries' efforts to control borders as well (Dinger, 2023). However, research indicate that the measures redirected migrants to less surveilled crossing points and do not impact the number of asylum applications (Engler & Christinck, 2024, p. 16). Authorities are obliged to receive and examine each plea for protection and consequently admit applicants' entry or to remain for the processing of an asylum examination. Consequently, the chance to reduce the number of asylum applicants by border controls is limited. Authorities refute allegations by human rights advocacy that the right to lodge an asylum claim is occasionally disregarded. Regarding information campaigns, the German government concedes that impact cannot be assessed (Deutscher Bundestg, 2018).

- **Efforts to increase the return of migrants without regular status**

In 2022, about 300.000 foreign nationals known to authorities were obliged to depart. Compared to this number, the number of registered departures is relatively low. In 2022, altogether 4.500 voluntary and assisted returns and 12.945 deportations were registered (Deutscher Bundestag, 2023). The number of persons obliged to depart who return without knowledge of authorities is unknown. Implementation of deportation is impeded by limited organisational capacities and legal, humanitarian and practical obstacles. The effects of re-admission and migration agreements will remain modest as long as most important countries of origin do not cooperate. The expected effects of one-way declaration to return foreign nationals to safe countries of origin fail to appear when human rights obligations interdict coerced removals.

- **Conditional regularisation of tolerated third country nationals**

Despite a general reluctance, German authorities launched several programmes and temporarily introduced mechanisms for regularisation. Between 2015 and 2020, authorities issued nearly 660.000 residence titles to foreign nationals previously staying in Germany in an irregular situation (Haberstroh et al., 2022, p. 21). As of 31 December 2022, the Federal government launched a regularisation programme for tolerated foreign nationals who had lived as of 31 October 2022 for at least five years in Germany. Within one year, about 75.000 applications were lodged, and 54.000 residence titles issued (Mediendienst Integration, 2024a). Regularisation programmes constitute the most important factor by which the number of tolerated foreign nationals has been reduced: in 2023 for the first time since 2015 this was reduced to about 240.000 persons. Conditional regularisation is the most effective mechanism to reduce the number of tolerated foreign nationals without a right to remain in Germany.

- **Access to basic social rights for migrants in an irregular situation**

The knowledge on the outcome of measures protecting the rights of children to education is poor. A survey revealed that school staff are not sufficiently informed about regulations that require the enrolment of children without a regular residence status and prohibits providing such information to police or foreigners offices (Funck et al., 2015). The provisions regulating the reimbursement in cases of emergency medical treatment are similarly not always known to social administration officials (Bundesarbeitsgruppe Gesundheit/Illegalität, 2017). However, information from specialised health service providers indicate that irregular migrants make use of the services. Clearing points document that counselling enables them to (re-)gain membership in health insurance and even apply successfully for a tolerated status or residence title (Flüchtlingszentrum Hamburg, 2023).

1.2.4 Policy Challenges in Addressing Irregular Migration

- **Data**

Original scientific survey data on irregular migration is not available. German authorities continuously report administrative data addressing irregular migration. In addition, documentation of regular Parliamentary inquiries contribute to the scattered availability of irregular migration-related administrative data (Thränhardt, 2024). A special report provided a comprehensive overview and discussion of available data sources and data sets, indicating that diverse creatorship and authority-specific definitions impedes a coherent cross-authority interpretation (Haberstroh et al., 2022). Data validity is limited due to the authority-specific purpose and incoherent practices of data recording at shop-floor level (MIrreM Workshop Germany) and secondary analysis requires methodological sensitivity and is an intricate affair. Although a number of research efforts illustrate that thoroughly conducted secondary analysis could enhance the level of evidence basis (Haberstroh et al., 2022, p. 19; Peitz, 2023; Vogel, 2016) policy decision making refers merely to few indicators in isolation, in particular the number of irregular entries, rejected asylum applications, stock of tolerated migrants without a right to stay or executed deportations without a closer scientific explication of causalities and circumstances. A particular problem constitute the persistent tendency to create the mundane category of “false irregular migrants” by neglecting that about 70 percent of migrants having crossed the borders without required permission obtain subsequently the status of asylum seeker, thus nullifying the culpability of irregular entries (Engler & Christinck, 2024, p. 11).

- **Coping with public and media concerns about irregular migration**

Decision making in migration and integration politics is shaped by efforts to cope with anti-migration sentiments framing migration solely as threat to the social systems and public order. Elected office holders try to conciliate concerns with contrarotating initiatives combining liberal and restrictive approaches. Already pursued and extended liberal and pragmatic policy options offering legal alternatives for entry or pathways out of an irregular situation are rather quietly and cautiously implemented. Demonstratively declared is a preference for top-down implemented command-and-control approach (Boswell & Slaven, 2023) and law amendments that promise to deter unlawful border crossings and remove migrants without a right to stay. The effective implementation of restrictive approaches depends on other actor’s willingness to cooperate and fails to suffice expectations. Consequently, the contrarotating policy facilitates a gap between declared and realised objectives, undermining citizens’ trust in governmental capacities to manage migration.

- **Evidence based designing of a more coherent and pragmatic governance of irregular migration**

A main challenge is the development and implementation of a coherent policy design guided by due and combined consideration of evidence based insights, compliance

with humanitarian law and ethical standards, and pragmatic policy orientation in order to gain electorate's acceptance and "social robustness" (Nowotny et al., 2003).

Table 1: Relevant German institutions

Sr. No.	Institution/ department	Responsibilities	Web link
1.	Federal Ministry of the Interior and Community	The Federal Ministry of the Interior and Community represents the Federal level that is responsible for the framework legislation regulating entry and stay of foreigners	Link
2.	Federal States' Ministries for Interior	The sixteen departments take at Federal State level the responsibility for the implementation of Federal regulations and launch legislation addressing issues in Federal State responsibilities. Federal States are responsible for removal of irregular migrants and the legal regulation of accommodation and livelihood of foreigners in need of assistance.	
3.	Standing Conference of the Federal States Ministries of Interior	The Standing Conference is the representative body where the sixteen Federal State Ministries of Interior discuss twice in a year Federal State crossing issues, including migration related ones, and aim to agree upon a joint position representation their interests vis-à-vis the Federal level. The Federal Ministry of Interior and Communities participates in the conference without voting rights.	Link
4.	German Association of Cities and Municipalities (Deutscher Städte- und Gemeindebund)	The German Association of Cities and Municipalities (DStGB) represents the interests of cities and municipalities in Germany and the EU. The cities and municipalities are responsible for providing accommodation and livelihood	Link
5.	Federal Government Commissioner for Migration, Refugees and Integration	The Federal Government Commissioner for Migration, Refugees and Integration supports the Federal Government in the further development of integration policy and the promotion of coexistence between foreigners and Germans.	Link
6.	Federal Office for Migration and Refugees (BAMF) Bundesamt für Migration und	BAMF is a Federal Office and division of the Federal Ministry of the Interior, with competences and operative responsibilities in the areas of migration, integration and return	Link

	Flüchtlinge (BAMF)		
7	Catholic Forum Living in an illegal situation	The Catholic Forum was founded 2004 on in initiative of the Catholic Bishops Conference Germany and is committed to ensuring that people who are illegally residing in Germany can make use of their basic social rights without having to fear deportation.	Link
8	Federal Working Group Health/ Irregularity	Founded 2006, the Federal Working Group consists of experts from science, medical practice, welfare association, municipalities and NGOs. It sees it as its task to advocate in public and in the political discussion for the realization of the human right to health, even for people in illegality under residence law; to identify and analyse from practical experience the current obstacles that stand in the way of access to health care for people in illegality under residence law; develop practical proposals for removing these obstacles and bring them into the discussion; ensure the exchange of information among relevant stakeholders.	Link
9	Refugee's Councils	The Federal State Refugee Councils are independent representatives of the refugee self-organisations, support groups and solidarity initiatives active in the federal states. The state refugee councils are networked and are members of the nationwide working group for refugees PRO ASYL. The Federal State based Refugee Councils see it as a task of the state to provide refugees with generous reception, effective protection, sustainable integration and a self-determined perspective for the future, taking serious account of their reasons for fleeing and humanitarian needs.	Link
10	Federal Association of Independent Welfare Services	In the Federal Association of Independent Welfare Services, the umbrella associations of the independent welfare sector work together. Their common goal is to secure and further develop social work through community initiatives and socio-political activities. The umbrella associations themselves have a federalist structure, i.e. their branches at the municipal and state level as well as their member organisations are predominantly legally independent.	Link
11	Netzwerk Migrationsrecht	The Migration Law Network has more than 250 members from Germany and other European countries who deal with migration law issues in academia and	Link

		practice. The "Migration Law Network" is primarily aimed at a scholarly debate. However, the self-image includes a continuous and, if possible, institutionalized exchange with practitioners. By linking practice and academia, the "Migration Law Network" sees itself as a point of contact for other actors in the field of migration and its regulation.	
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1.3 THE SPECTRUM OF MIGRANT IRREGULARITY IN GERMANY: CATEGORIES AND PATHWAYS INTO/OUT OF IRREGULARITY

Table 2: Categories of migrant irregularity in Germany

Most relevant categories of migrants in an irregular situation	Description (who does this category apply to, what conditions may lead to this category, and what are the implications of being in such a situation)
Irregular migrant	The notion irregular migrant addresses foreigners entering or staying in the Federal territory without required permissions. Initially, the term was narrowly related to irregular migrants not known to authorities (e.g. stock of unknown cases). Third-country nationals in an irregular situation not known to authorities receive currently less attention than those known to authorities.
Unlawful entrant	Every person apprehended when attempting to enter German territories with false, falsified or without required documents. The term is also used to refer to the entrants of protection seekers which are legally exempted from criminal liability (e.g. fake irregular entrants).
Unlawfully residing persons	Persons residing in Germany without required permissions. Law enforcement data on foreign suspects without a lawful status indicate that irregular stay affects mostly (about 80 % in 2023) nationalities with a high chance to obtain after unlawful entry a permission to stay for asylum processing (e.g. implying an unknown share of absconded asylum applicants), but also third country nationals who have entered lawfully (e.g. overstayers).
"Irregular Migrant known to authorities"	Actually, in publications of Federal Ministry of the Interior and the BAMF, the term "irregular migrants" is also used to designate tolerated foreign nationals without a right to stay and obligated to depart, even when they are in contact with authorities. Currently, public attention focusses on these "irregular migrants known to authorities".

Migrant workers without required permissions	Important categories beyond the radar of law enforcement are third country nationals - mostly female - employed by private households as care givers, cleaners or nannies and -mostly men - employed by officially registered but unlawfully operating enterprises in sectors like construction, agriculture, food processing or services.
Most relevant categories of migrants with a reasonable claim to a provisional status	Conditions (e.g. who does this category apply to, under what conditions, who is exempted, implications)
Foreign nationals whose request for asylum is considered to be admissible	Regardless of the legal circumstances of entry or stay, a temporary residence permit is granted to migrants asking for asylum when German authorities confirm the eligibility. Applicants are permitted to stay in order to carry out the asylum procedure. The residence permit is valid for the duration of the asylum procedure.
Foreign nationals whose request for asylum is considered to be inadmissible or obviously unfounded	A provisional status of toleration ³ (i.e. the suspension of deportation) is granted to foreign nationals having asked for asylum when authorities consider the request to be inadmissible (due to the Dublin regulation) or obviously unfounded and the person cannot depart or be deported due to legal, humanitarian or practical obstacles.
Foreign nationals without a right to stay who cannot be removed for humanitarian, legal or practical reasons	A provisional status of toleration is also granted to a foreign national after unlawful entry or visa overstaying neither with a right to stay nor asking for asylum, when the person cannot be removed due to legal, humanitarian or practical obstacles. The toleration is valid as long as the reasons continue (Haberstroh 2022, 44)
Foreign nationals who fulfil requirements for a special type toleration that opens a pathway towards a residence permit	In the last decade, the legislator introduced special types of tolerated status with the function to offer a path towards a regular residence status for tolerated foreign nationals. While the initial tolerated status implied departure or deportation as legally determined end, the newly introduced special types toleration types offer already tolerated foreign nationals who satisfy particular conditions a pathway towards a regular residence through vocational training, ⁴ employment ⁵ or holding particular

³ <https://handbookgermany.de/en/duldung>

⁴ <https://handbookgermany.de/en/ausbildungsduhlung>

⁵ <https://handbookgermany.de/en/beschaefigungsduldung>

	individual features (Chancen-Aufenthaltsrecht). ⁶ However, in case that the conditions are not achieved, the beneficiaries fall back to the insecure status of initial toleration.
EU citizens from another EU MS without residence rights	Conditions (e.g. who does this category apply to, under what conditions, who is exempted, implications)
EU citizens denied the Right to Free Movement	An order to depart is issued to EU citizens when the responsible authority assert the loss of the right to Freedom of Movement for reasons of public order, security or health or fraudulent application. Based on the order to depart, authorities can impose a ban to re-enter. Law enforcement data on apprehended suspects indicate that the main affected nationalities are Bulgaria, Poland and Romania.

1.3.1 Pathways into and out of irregularity

- **Entry and stay without required documents and permissions**

Irregularity occurs when foreign nationals cross national state borders without required documents and permissions, overstay visa, work without required permissions, disregard an order to leave the country or when the status is withdrawn after a re-examination and the responsible authorities do not grant a provisional toleration or residence permit for the purpose of an asylum proceeding.

- **Abandoning contact with authorities**

Irregularity occurs when foreign nationals already known to authorities abandon contact during an asylum processing or after an order to leave and remain in the country without required permissions or disregarding the obligation to depart.

- **Obtaining a provisional status that suspends deportation**

The granting of a provisional status, e.g. a toleration, is a de-facto regularisation (Schütze, 2023). A toleration is granted after the rejection of an asylum application or in case that the departure or deportation of a foreign national detected after irregular entry or during irregular stay is not possible for humanitarian, legal or practical reasons.

- **Obtaining a special type of temporary toleration or residence title for the end of regularisation**

German legislator introduced a set of legal opportunities offering passages for particular categories of foreign nationals with precarious residence status to earn a secure residence status through achievements in education, vocational training or employment. In addition, a residence title can be issued in case of particular hardship or for humanitarian reasons (see 1.3.2).

⁶ <https://handbookgermany.de/en/chancen-aufenthaltsrecht>

- **Informal pathways towards a residence permit**
In addition to formal procedures, foreign nationals may obtain a residence permit due to the side-effects of other policies, in particular the legal protection of family implies that marriage or parenthood establish a right to stay.
- **Temporary Protection of Ukrainian citizens**
The activation of the EU Temporary Protection Directive worked as a programme preventing that Ukrainian citizens who already stayed in Germany or fled to Germany after the begin of the Russian aggression fall into an irregular situation. The regulation grants for up to three years a residence permit providing access to social assistance, education and employment.
- **Voluntary and assisted return, as well as coerced return and deportation**
Voluntary and assisted return is the officially preferred pathway to finish the residence of foreign nationals without a right to stay. In order to enhance the willingness to return, authorities funds services providing financial and organisational support. At the same time, authorities emphasise the importance of coercion and deportation as an instrument to terminate irregular stays.

1.3.2 Regularisation

German governments persistently oppose calls for an implementation of programs for the regularisation of migrants in an irregular situation. Consequently, German authorities do not offer any measures or programmes for granting a residence permit directly to migrants in an irregular situation. In terms of legal trajectories, the provisional status of toleration is the obligatory detour for regularisation.

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ANNEX 1: Policy and Legal Frameworks

In Germany, the legal body addressing or affecting migration consists of numerous legal acts, since 2005 hyperactively amended and complemented with new acts (Hruschka & Rohmann, 2020). A living document providing information on the history of the changes of the residence law indicate 71 changes between 2015-2023.⁷ The changes and amendments serve diverse and contrarotating purposes, mainly to curb irregular entries, to accelerate the processing of asylum claims of applicants deemed to be manifestly unfounded, to promote voluntary or coerced return, to introduce legal pathways towards a regular residence for selected categories of tolerated third-country nationals who fulfil specific requirements. In addition, relevant legal framework regulating irregular migrants' access to social and health services is located at Länder level. Due to the limitation of space, it is not constructive to provide a full list of all legislative changes and amendments. The table presents only the relevant legal body providing the framework for assigning the status of residential irregularity.

Legal body defining residential irregularity

Sr. No.	Title of policy/law	Year	Description	Weblink to source
1	AufenthG (en) - Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory	2004 (but regularly updated)	The Residence Act determines the legal categories and procedures relevant for the assigning of the status of residential irregularity to migrants who have entered and stay in Germany without required permissions. The particular relevant provisions are section 5 (General preconditions for the granting of a residence title), section 11 (ban on entry and residence), section 14 (unlawful entry; exceptional visa), sections 50-62 (grounds establishing the obligation to leave the Federal territory) with section 60a (temporary suspension of deportation), section 95 (penal provisions). The particular relevant provisions related to the issuing of a	Link (EN)

⁷ <https://www.migrationsrecht.net/gesetze/historie-der-aenderungsgesetze.html>

			provisional status or residence permit are section 23 (granting of residence by the supreme Land authorities), section 23a (granting of a residence in cases of hardship), section 24 (granting of residence for temporary protection), section 25 (residence on humanitarian grounds), section 60 b-c (toleration for education, employment), and section 104a (regulations governing old cases) and section 104b (right to residence for integrated children of foreigners whose deportation has been suspended).	
2	Asylum Act	2008 (but regularly updated)	The Asylum Act determines the legal categories and regulations related to the processing of asylum procedures. Particular relevant are section 3 (recognition of refugee status), section 43 (enforceability and suspension of deportation), section 55 (right to remain pending the asylum decision), section 67 (expiry of permission to remain pending the asylum decision), sections 72-73c (expiry of legal status), section 83 c (procedure for ordering entry and residence bans and for setting time limits for such bans)	Link (EN)
3	Act to Combat Undeclared Work and Unlawful Employment	2004 (but few times updated)	This Act provides the legal framework for the penalisation of undeclared work. Particular relevant is section 1, stating that “unlawful employment is deemed to be carried out by anyone who (...) pursues employment as a foreign national without authorisation”.	Link (EN)

4	Act on the General Freedom of Movement for EU Citizens	2004 (but few times updated)	The Act determines the legal categories and regulations for the procedure of denial of the right to free movement. Particular relevant is section 2 (the right of free movement), section 5 (the conditions for the right to free movement), section 7 (assertion of the loss of the right to free movement), section 6 (fraudulent practices) and section 6 (protection of public order, security concerns and public health concerns as reasons to deny the right to free movement).	Link (EN)
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