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## **Asylum: Centrally managed – federally interpreted**

**Researchers at the University of Konstanz have conducted the first systematic study on the way in which the German Federal Agency of Migration and Refugees grants the refugee status to asylum seekers.**

**The political debate in Germany has focused on requesting the harmonisation of asylum politics within the European Union for quite a while. However, asylum policies do not only differ between the EU countries. Konstanz master's student Lisa Riedel and Gerald Schneider, a political science professor, describe a surprising discovery in their newly published article. Even within Germany, the percentage of how many applications for asylum are recognised can differ considerably between the federal states, although a federal agency, the Federal Agency of Migration and Refugees (BAMF), decides on the applications. BAMF-staff members consider the sensitivities they perceive in the federal state they take the decision for, say Lisa Riedel and Gerald Schneider in the current issue of "Politische Vierteljahresschrift".**

Front runners, with recognition rates of 69 and 55.7 percent respectively from 2010 to 2015, are Saarland and Bremen. Berlin and Saxony, on the other hand, are at the bottom of the list with rates of only 24.6 and 26.9 percent. The comparison between the average rates of recognition and rejection per year, too, reveals substantial differences. The average recognition rates of Berlin, Brandenburg and Saxony are significantly lower than those of Bremen, Schleswig-Holstein and Saarland. Although recognition rates constantly increased from 2010 to 2015, the differences between the individual German states have become even bigger. The same phenomenon, yet more pronounced, can be observed within the EU.

The reason for the differing recognition rates within Germany might be the different countries of origin. Asylum seekers from Syria or Eritrea, for example, are much more likely to be accepted because of the political and social circumstances in their home countries. This is why the study also analysed the recognition and rejection rates of asylum seekers from identical home countries.

For some countries, Syria being one of them, the acceptance rates in the 16 federal states were relatively even. However, large differences were found for home countries such as Iraq and

Afghanistan. Lower-Saxony accepted 75.5 percent of asylum seekers from Iraq, while Saxony-Anhalt only accepted 37.5 percent. In North-Rhine-Westphalia, 34.4 percent of applicants from Afghanistan received a positive answer, in Brandenburg only 10 percent.

To investigate the reasons for these different recognition policies of the decision centres, depending on the federal state they are based in, the study relied on the so-called principal-agent approach. This theory is based on the dilemma between a principal, in this case the German government, and the agents, in this case the decision-makers at the BAMF. While the principal wants a uniform application of the asylum regulations, agents are also influenced by the characteristics of the federal state in which they are making their decisions.

States with higher population figures tend to have higher recognition rates, while states with increased unemployment are inclined to have lower rates. There are also signs that decision-makers who are bureaucratically overburdened tend to reject more applications. A surprising fact is that states with higher per-capita-debt recognise more applications.

There is also a significant correlation between a higher number of xenophobic attacks in a state and a lower recognition rate in the following year. Right-wing movements in a state can thus affect the decisions taken in the branch offices of BAMF.

Gerald Schneider was also involved in a similar study in Switzerland. Here, too, vast differences between the individual cantons were revealed. The federal structure, which is even more pronounced in Switzerland, seems to give the decision-makers considerable leeway, causing the differences. The same phenomenon was observed in the immigration policies of the individual states in the US – as well as of European countries.

Staff members at the German federal agency seem to consider the situation in their individual state when taking decisions. "Of course they are part of their social and political environment. However, a federal agency should decide regardless of certain sensitivities of an individual state," says Gerald Schneider about the result. He calls it an "asylum lottery", as the chances of being accepted partially depend on which federal states the asylum seeker is allocated to.

The political scientists not only call for a limitation of the decision-makers' leeway, but also for a monitoring of the decisions taken by individual staff members and the centres in general. This would lead to more transparency and would be beneficial both for integration and research. "We received the data on asylum decisions only upon postal request. Our analysis is the first step towards statistically penetrating this field of politics, which will remain relevant for some time", the authors write.

#### **Original Publication:**

Lisa Riedel and Gerald Schneider: Dezentraler Asylvollzug diskriminiert: Anerkennungsquoten von Flüchtlingen im bundesdeutschen Vergleich, 2010-2015. Politische Vierteljahresschrift 58 (1), 21-48. DOI: 10.5771/0032-3470-2017-1-21

#### **Facts:**

- Recognition rates measure the number of positive decisions in relation to the total number of decisions taken by the centres of the corresponding federal state per year.
- Positive decisions include both refugees recognised in accordance with article 16 of the German Basic Law and those who were granted the right to stay (Bleiberecht) in accordance with the Geneva Convention on Refugees.
- The period of investigation is limited to the years 2010 to 2015 for which the BAMF provided data.

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