

Discrimination in French and German Refugee Policy

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Abstract. The origin of the refugee problem has been one of the reasons that have troubled the development of the world and European governments. This paper will mainly discuss the inevitable discrimination factors of the French and German governments when they adopt refugee policies in line with their national conditions to deal with the crisis. Both France and Germany belong to the European continent and have similar historical, cultural and geographical environment. They have made significant contributions in coping with the refugee crisis, shouldered the responsibilities of major countries, and tried to avoid the occurrence of discrimination in the process of policy adjustment. Comparing the policy adjustment of the two countries in this respect is conducive to absorbing valuable experience, which is of great reference and educational significance. This paper uses the method of comparative analysis to explore the gradual improvement trend of policy adjustment in the two countries in response to the emergence of refugee discrimination. In conclusion, French and Germany governments not only promulgate discriminatory policies, unaware of the discrimination embedded in them, but also intentionally impose them to restrict refugee and asylum-seekers. Therefore, this paper calls for more nondiscriminatory policies that meet both the interests of refugees and non-refugee people and promote integration of refugees.

Keywords: European refugee crisis; refugee policy; discrimination.

1. Introduction

The year 2015 has been called the year of the European refugee crisis since European was overwhelmed by an unprecedented number of refugees [1]. For many years, the Middle East and Africa have been characterized by volatile conflicts, and in 2015, under the ongoing influence of the civil war in Syria, the Taliban insurgency in Afghanistan, the military and religious violence of the Islamic State, the repressive rule of the Eritrean government, and the escalating terrorist activities of Boko Haram in Nigeria, large numbers of people suffering from war, cultural and religious conflicts, and political oppression have sought refuge in other countries [2-3]. Among them, Europe is an important destination. As of 2016 about 5.2 million refugees and migrants arrived in Europe fleeing internal conflicts and persecution. In 2021, Europe hosted more than 7 million refugees from outside Europe [4]. In the midst of the refugee influx, European countries have developed policies that are tailored to their own circumstances and seek to provide humanitarian assistance to refugees in accordance with international law while ensuring their own interests. The combination of different political and economic factors has led to some divergence in refugee policies among European countries. In the context of the overall tightening of refugee policies, some countries have adopted more welcoming policies, while others have tightened their borders [5]. There are differences of opinion on whether to act together and share responsibility or solve independently, and on whether to integrate or segregate refugees [6-7]. Two of the representative countries are France and Germany. Since the beginning of European integration, France and Germany have been mutual partners in common European policy decisions [8]. France and Germany share a border on the European map, are developed countries and important European economies, and are challenged by the influx of refugees in terms of economy, national security, etc. The common challenges have further contributed to the common actions of Germany and France in refugee policy, European integration, counter-terrorism, and other foreign and security policies, demonstrating the role of great powers. The

definition of discrimination according to the scholar Kieran Oberman is treating people worse than others because of their membership of a socially salient group [9]. Refugees, as a socially and economically disadvantaged group, are vulnerable to unequal treatment, and their gender, ethnicity, religion, etc., make their integration into society more difficult, and they are more vulnerable to discrimination. Moreover, discrimination against refugees in host countries is sometimes deeply embedded in the refugee system, and these discriminatory systems have a profound impact on the situation of refugees and host societies from the top down. A country's refugee policy reflects not only its humanitarian spirit, but also its main development trends and strategic goals, its economic level and the quality of its population, and its responsibility as a great power in the current globalization. The impact of different policies on the refugee problem at different scales, which either contribute to the improvement of the refugee problem, promote the solution of the refugee problem, or provide valuable lessons, is a highly relevant research topic. Therefore, this paper will compare the plight of refugee survival in France and Germany by identifying discriminatory practices in refugee identity, housing, employment, health, and education policies in France and Germany, thus reflecting the efforts made by host countries to absorb refugees in recent years and discussing how to eliminate discrimination. This research work will help us to promote our understanding of humanitarianism, avoid the risks of future refugee problems, and promote the development process of refugee solutions.

Research has been conducted to expose discrimination on the basis of gender, nationality, race, religion, etc., but also from the intersectional perspective that one group of refugees may suffer from multiple discrimination and is therefore a relatively more vulnerable group within the refugee population. For example, female refugees are at risk of both gender and race-based discrimination, and immigrants with disabilities are at risk of multiple forms of discrimination and violence when seeking asylum due to their physical and mental health problems, among other factors. This process is made more difficult by the shortcomings of the relevant policies [10]. There are also studies explaining the challenges refugees face in various areas, such as employment, health, education, housing, and dealing with non-refugee populations. Others look at the plight of refugees from different perspectives, some from a refugee perspective, including interviews with refugees, and some from non-refugee groups related to the integration process, such as community workers, teachers in refugee schools, etc. In addition, there are studies that focus on the plight of refugee survival in a particular host country or region, the plight of refugee groups of a particular nationality, race, gender, etc., and some focus on the discrimination that refugees encounter at different points in the hosting process, such as the refugee status granting process. Studies on refugee policies, on the other hand, have focused more on the process of refugee integration policy development in each refugee receiving country and the factors that influence policy development. There are also various reflections on some of the current refugee policies, such as forced relocation [11]. The development of a common refugee governance system in European countries is also a popular topic [12]. There are also articles that combine immigration and refugee policies and discuss refugees as a category of immigrants [13]. The analysis of such studies provides us with a comprehensive picture of the impact of refugee issues on EU countries, and analyzes, on a case-by-case basis, the forms of acceptance of the refugee population, the placement of refugees in jobs, the share of refugee education expenditures, the ideological integration of refugees, and the common disputes and conflicts among refugees and the legal implications thereof, which contribute to our full understanding and appreciation of the discrimination problems encountered by refugees, and is a good way to study and analyze the situation of refugees as migrants. problematic and an essential tool for research and forecasting. However, such literature still suffers from some problems, one being that it does not focus on policy changes made by EU countries to address the refugee issue due to its high level of integration, resulting in a long-term neglect of the importance of relevant policies to address discrimination against refugees. Secondly, they are one-sided or current due to the lack of perfect analytical material, the lack of comprehensive analytical perspectives, and the age of the literature that is divergent from today's ideological and international developments. Third, some scholars have conflated immigrants with refugee groups,

failing to consider the specificity of refugee status, with its relative vulnerability. This paper therefore looks at the provisions of refugee access and integration policies that contribute to discrimination against refugees, by comparing the situation of refugees discriminated against by relevant policies in two closely cooperating countries, France and Germany, that wish to lead Europe together, and by discussing how discrimination can be eliminated.

2. Policy Comparison

2.1. Admission Policy and Refugee Status

2.1.1 France

For a long time, a large number of residents have been displaced due to govern-mental unrest and environmental problems, while becoming a part of the regional instability. On humanitarian grounds, various parts of Europe have started a long-term, large-span and multi-dimensional refugee reception work with the help and coordination of international organizations. From 2015 to 2019, more than 3 million refugees arrived in Europe, posing a significant threat to development and cooperation across the EU [14]. Among them, France, as a major part of the European continent, has promulgated and implemented various policies of great significance for reference and analysis.

Firstly, in terms of refugee identity, the new introduction of border controls in France has led to a virtual suspension of the areas open to border applications. The root cause of this crisis lies in the conflict between countries in allocating and dealing with the influx of asylum seekers. Most countries choose to continue the provisions on asylum in *the Geneva Convention*, among which the most important condition is the identification of refugees, and how to determine the status of refugees has become the main task of European governments (the French government) [15]. The public information about the unrest obtained from the government shows that religious belief plays a vital role in determining refugee status. Compared with being judged as Muslims, refugees are more likely to be granted asylum if they are judged as confessors. The decision-making process to determine whether the target is a refugee is too subjective. Specifically, some government workers with little working experience (one year or less) are still likely to discriminate against Islamic believers, while those with more working experience (one year or more) are more likely to judge their status objectively and fairly [16].

2.1.2 Germany

In terms of refugee admission policy, the number of people seeking asylum in Germany has increased rapidly since the unrest in the Middle East and Africa. In the middle of 2021, Germany reported near 1.24 million refugees and 233 000 asylum seekers, making it the biggest host country for refugees in Europe [17]. While the overall rejection rate is not high, significant disparities can be seen from Table 1 below extracted from the report called Asylgeschäftsstatistik conducted by German Federal Office for Migration and Refugees (BAMF). In Table 1, there are three kinds of protection and the sum of their rates equals to the percentage of people under protection in Germany. The rest part of people, however, is rejected [18]. The rejection rates of people of different origins could indicate the federal government's stance and bias in this refugee crisis.

Table 1. Refugee protection rate by origin

Origin	Refugee rate	Subsidiary Protection rate	Humanitarian protection rate
Syria	43.9%	55.2%	0.7%
Iraq	30.8%	5.7%	7.9%
Pakistan	17.0%	1.1%	5.2%

According to Table 1, refugees from Syria, for example, have a rejection rate of 0.2%. Refugees from countries considered safer, such as Iraq, though still suffering from war, conflict and hunger etc. too, faces a rejection rate far higher than that of Syria, amounting to 55.6% [18]. This is the result of

the German Federal Office for Migration and Refugees (BAMF) artificially prioritizing and de-prioritizing people of certain nationalities, or "from safe countries," which in part results in differential treatment of specific social groups and indirectly contributes to discrimination against less privileged refugees, such as those who are poor and in poor health. They may lack the ability to travel long distances and seek asylum in Germany, but are denied asylum because of their nationality. Scholar Kieran Oberman refers to this indirect discrimination as mobility bias [9]. Although denial of refugee status does not mean that a refugee must leave Germany immediately, and the transfer of refugees is often delayed in the face of the epidemic, and refugees can appeal to 52 administrative tribunals, with the certainty of being granted permission to stay in Germany after appeal, the appeal process still adds administrative obstacles to the process of applying for residency and hinders the government's effective work with refugees [19].

2.2. Integration Policy

2.2.1 France

In terms of education, cultural integration and jobs, some schools are required to reject Islamic female students who wear headscarves [20]. These schools hold that wearing the headscarf is not conducive to female students' education, and may even affect the educational environment. In addition, they will also have a negative impact on other non-Islamic students if they are admitted to enter the classroom. On the one hand, this initiative is supported by the local government and residents, but on the other hand, some Muslims argue that this measure is discrimination against Islamic culture, resulting in a large number of Muslim female students being forced to drop out of school and lose their right to education (the French government respects the right of minors and their guardians to voluntarily drop out of school, so the relevant education laws and regulations in France cannot solve the drop out tide caused by the headscarf problem) [21]. What's more, the French government provides language education for refugees. After submitting an application for admission and being approved by the local education department, refugees receiving local asylum can systematically learn a series of knowledge, including French, in local language schools, which is not only conducive to promoting the integration of refugees into the local society, but also provides employment opportunities for refugees. Those refugees, who receive language education or other education provided by the local government and obtain a degree after graduation, can obtain corresponding job opportunities in the local area. However, if refugees are widely employed in the local area, they would have an impact on the local employment environment, resulting in job tension, and ultimately leading to extreme discrimination or violence [22].

Public government reports have indicated that some refugees have suffered violence from community members, including government violence (improper office requirements, frequent discrimination, etc.), discrimination in medical treatment (denial or reduction of medical treatment opportunities), and physical conflicts [23]. Subsequently, the government adjusts the relevant medical procedures in an attempt to improve public attitudes towards refugees, and promote tolerance and respect in medical care, so as to maximize the health protection of refugees. Among them, the French government provides refugees with special access in terms of medical security to meet their medical needs, and equips them with nurses who can translate languages in terms of language to facilitate their medical treatment. When encountering discrimination in hospitals or governments, refugees can file lawsuits through local governments and commissioners to protect their legitimate rights and interests from infringement.

In terms of housing, refugees have two relatively safe choices which include living in personal homes and living in local communities. Refugees can choose appropriate living forms through online websites or offline institutions provided by the local government. After submitting an application and being approved by the local government, they will be arranged to live according to the actual situation. As the number of refugees increases and housing problems become increasingly serious, housing prices have also increased, making most refugees who find it difficult to pay for housing

choose to live temporarily in government relief areas or local communities, although there is no shortage of street sleepers.

For France, the long-term acceptance of refugees is arduous and orderly. They have broken the rigid paradigm of international border management, and have provided us with more possibilities as templates and the more experienced, which mainly include improving various basic policies that can protect the human rights of refugees, such as “humanitarian visas”, and providing reference on many difficult issues such as medical care, education, and housing [24].

2.2.2 Germany

In terms of housing, at a macro level, the federal government is responsible for managing new refugees and providing administrative and financial support for the reception of refugees and asylum seekers in the federal states. The federal states are responsible for the practical implementation of the work. The Federal Government and local governments work closely together, establishing a coordination group under the direction of the Ministry of the Interior, with a commission dedicated to the handling of refugee affairs. The federal government enacts the relevant federal laws, such as the asylum act, which constitutes the legal framework, as well as several administrative guidelines. Both administrative and legal levels reflect the cooperation and coordination between the federal government and the states. The federal government directs the states, but the implementation of the law differs from state to state due to physical conditions. This is evident in the refugee housing environment. asylum act provides for two stages of refugee admission. In the initial stage, asylum seekers are transported to a reception center where they can stay for up to 18 months, while for some special groups, the federal governments can extend the period to 24 months. During this time, the asylum seeker waits for approval of the asylum application. In the second step, after approval, the asylum seekers are assigned to other collective shelters or apartments. The sudden increase in the number of refugees from the Balkans, etc. in recent years, due to the Russian-Ukrainian war and other factors, has led to the reopening of emergency shelters, temporary shelters and other special means since 2015. For example, in January 2022, the federal government is supposedly going to resume the use of Tempelhof, a former airport for newly arrived asylum seekers in Germany. Section 53 of the asylum act also states that asylum seekers should be accommodated in collective shelters during the second phase. In practice, however, collective shelters such as the Tempelhof are crowded and are often accused of inhumanity. Refugees in some areas live in decentralized accommodation, which is clearly superior in terms of accommodation conditions to those in collective shelters. This difference in accommodation conditions has an impact on social equity. In the context of the new crown epidemic, residents living in collective shelters are relatively more likely to be exposed to the new crown virus, which is very detrimental to refugee health. At the same time, refugees do not have much choice of accommodation, and requests to relocate to a particular town or region are often denied in non-essential situations. This is also true internationally, as Germany, for example, has a restrictive policy toward refugees who have already been granted legal refugee status in Greece, for example, and rarely allows them to remain in Germany.

In terms of employment, the federal government has implemented a number of policies to encourage and fast-track refugees into the labor market. Tolerated work permits, for example, have effectively facilitated the hiring of refugees by small and medium-sized enterprises, objectively compensating for the labor shortage and facilitating the integration of refugees into the host society. However, refugees also encounter difficulties in employment, for example, asylum seekers who initially enter initial reception centers are not allowed to work by law. Only refugees with official status who have left the initial reception centers and have been in Germany for more than three months are allowed to work. This means that asylum seekers may wait up to 18 months (24 months for special groups) before they can find work and must ensure that they have a stable place to live. Housing challenges obviously make it more difficult for refugees to find work. Before working, asylum seekers must submit an application for employment that demonstrates the reliability of the job, i.e. that the applicant will definitely be hired. the Federal Employment Agency will review wage levels entitlements, etc., to protect refugees' labor rights. Although Germany does not require a labor test to

be passed in order to be employed, the long wait for the granting of refugee status and the approval of job applications is also a disguised denial of labor rights and prolongs the time required for refugee integration. Although the German government supports refugees' access to the labor market in principle, the lengthy process still inconveniences refugees' employment. In practice, it is sometimes difficult for the government to grasp the manner and strength of protection, which tends to create paternalism, affects social justice, and tends to cause dissatisfaction among other members of society. For example, the priority review, which was abolished in 2020, requires the government to examine whether there is a better candidate for the job applied by the refugee, i.e. whether there are other German citizens or foreigners who are more suitable for the job. While encouraging refugees to take up employment, similar decisions have also deepened social tensions. A survey by the Institute for Employment Research in Germany shows that female refugees face more barriers to employment than their male counterparts. After five years of German protection, 60 percent of men were employed, while only 28 percent of women had jobs. Women with children were 11% less likely to find a job than the average woman.

In terms of education, education is compulsory in Germany for all children (under the age of 16), regardless of whether they have been granted refugee status or not. For refugees over the age of 16, the German government is also working to provide higher education, vocational education, and to promote refugee integration through education. For refugees who do not speak the language, the federal government has taken steps to set up language programs, develop learning software, and volunteer teaching assistants. For refugees who already have professional and vocational skills, the federal government will qualify them and help them to find employment in Germany. However, it is difficult for children in primary shelters to receive a regular education because they actually move residence frequently. Even if these shelters do offer education, as the School for All campaign, which began in 2016, is dedicated to this issue, there is still a gap between this and regular education. Moreover, in some federal states, educational options for refugees over the age of 16 are very limited because of age restrictions that prevent them from enrolling in school and make it difficult for them to complete a degree in Germany. With the new crown epidemic, many German schools are using digital teaching, and refugees lack relevant digital devices and have difficulty connecting to a stable network with their devices.

In terms of medical care, the government guarantees refugees access to emergency medical services, and medical care necessary to maintain their health status. Vaccinations for the new crown and care for mothers and newborns are also included. However, for refugees who are still in the initial phase of reception, these are only the minimum guarantees, and the medical benefits available to German citizens will only be available after 18 months [25]. However, the lack of a clear legal definition of what constitutes necessary and indispensable medical care places refugees with chronic but not life-threatening illnesses in pain and suffering, contrary to humanitarianism. In addition, not only physical health, but also the mental health of refugees needs urgent attention. Not only do refugees experience disasters such as war, conflict, and famine, but the process of integrating into a new environment in a host country also contains many stressors that affect refugees' mental health and psychological well-being, such as uncertainty about refugee status, sharing accommodation with other refugees, language barriers, problems with integration including discrimination, and employment problems [26]. Separation from family members can also have a negative impact on mental health [27]. However, the safeguards for refugees' physical and mental health are still inadequate because of policy for ill-defined issues and gaps in local implementation policies.

3. Discussion

It is easy to see the discrimination that runs through the French government's humanitarian efforts to appease and support refugees. A survey shows that there is serious discrimination in the health care provided to refugees by the French government: there are persistent inequalities in access to health care services between refugees and non-refugees. Such inequalities manifest themselves primarily in

the satisfaction of needs, particularly in relation to medical coverage for dental health and mental issues, but also in common health policies. The physical health status of refugees shows a positive relationship with the length of their migration, i.e., the longer and more distant the migration, the more serious the physical health problems that may be induced. In addition, refugees live in a worse environment than the native population, and the chance of contracting infectious diseases, chronic diseases, obesity and other diseases is higher among the refugee group than the native population, which means that the refugees' need for medical care is no less than the native population, or even higher. The French government, as one of the refugee receiving countries, has not completely solved the problem of discrimination in the process of policy practice while proposing relevant policy measures.

Some elements of French higher education policy and regulations also show us possible discrimination through relevant surveys. Countries such as the European Union provide refugees with access to higher education, with France offering a variety of higher education disciplines, including language study, to facilitate integration into society. As refugees are influenced by different religions, cultures, and politics before they are accepted, this difference is amplified while receiving higher education, and some religious behaviors are prohibited in higher education institutions, which some refugees perceive as discrimination due to their religious beliefs, and cultural exclusion appears, which may even induce situations such as withdrawal from school.

Since the implementation of the U.S. policy on the tightening of borders against immigration of some religious faiths, adopted in November 2017, it has been difficult for European governments not to link refugee policy to the security of Benes, and such policies that reconnect humanitarian and security interests have led to a confrontational situation of universal asylum. Among the main reasons that constitute antagonism include tensions and rejection of the host culture. European governments, including the French government, despite the public sympathy, continue to develop restrictive policies and preferentially accept groups of refugees who share the same religious beliefs or are easy to be assimilated, this kind of behaviour is considered by some scholars as the embodiment of discrimination.

Germany is the second largest refugee host country in Europe, the second largest donor to the United Nations High Commissioner for Refugees worldwide, and has been repeatedly recognized by UNHCR for its contribution to the resolution of refugee crises, but discrimination still exists in the development and implementation of its refugee policy [17]. Nora Gottlieb and Mirjam Schülle have argued that German refugee health policy is consistently characterized by internal differences in the scope and access to health benefits, indicating a highly decentralized character of the policy [25]. This description can be applied to other aspects of the policy as well. On the one hand, the federal government gives local governments full freedom to provide assistance to refugees as they see fit, but on the other hand, this flexibility brings about inequalities in practice. Thus, Nora Gottlieb and Mirjam Schülle call it a "double-edged sword" [25]. The differences in housing conditions for refugees, for example, are the result of differences in hardware facilities between states and municipalities. For example, during the initial phase of refugee reception, refugees are unable to find employment and receive regular education for a long period of time, and the lack of stable housing is clearly detrimental to refugee integration and discriminatory in terms of artificially denying the right to education and labor. Moreover, the German government's refugee policy is suspected of intentionally treating refugees differently and intentionally imposing a variety of restrictive policies on refugees to ensure the rights of its own people, for example. For women, LGBT people, etc., these restrictive policies make it more difficult for them.

4. Conclusion

This paper looks at the provisions of refugee admission and integration policies that contribute to discrimination against refugees, and discusses how to eliminate discrimination by comparing the

situation of refugees who are discriminated against by relevant policies in France and Germany, two countries that wish to lead Europe together in close cooperation.

In conclusion, despite the fact that both French and Germany governments do react to the refugee crisis and do provide humanitarian support for people that suffer from war, conflict and hunger etc. as their sense of responsibility and the United Nations command, there is still a gap between what they intend to do and what they actually achieve. What is worse is that sometimes discrimination and restriction is just part of their intended goal, which causes discrimination prevails in the process of refugee reception. Actually in the refugee crisis, this dilemma of government occurs from time to time in all kinds of refugee policies: on the one hand, in consideration of humanitarianism, governments open the gates and offer protection; but on the other hand, the public is hostile to refugees who actually enter the country and the community, under whose effect the government impose restriction on refugees and asylum seekers and causes discrimination embedded in policies. In the process of implementing the policy, due to the lack of objective material conditions, the effect of the policy sometimes falls short of expectations, and refugees are often not adequately protected in terms of housing, medical care, and education, and the treatment of refugees and non-refugees continues to be unequal. At the same time, refugees are often subject to hidden discrimination due to their religious and cultural backgrounds. However, responsible nations should not only abandon discriminatory refugee policies, but also perfect relating legislation to equalize treatment of different vulnerable refugee groups and make integration into society easier. The next question for the governments of refugee host countries is how to develop policies that meet the interests of both citizens and refugees, reduce the unequal treatment of refugees and the discriminatory mentality of the public, and promote the integration of refugees and their return to the host countries.

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