



Integration Subject to Conditions

A report on the situation of Kosovan Roma,
Ashkali and Egyptian children in Germany
and after their repatriation to Kosovo

UNICEF Kosovo and the German Committee for UNICEF

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Verena Knaus
Peter Widmann
et al.

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Foreword by Thomas Hammarberg

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Please cite this report as follows:

Verena Knaus, Peter Widmann *Integration Subject to Conditions - A report on the situation of Kosovan Roma, Ashkali and Egyptian children in Germany and after their repatriation to Kosovo. UNICEF Kosovo and the German Committee for UNICEF, 2010*

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UNICEF, the United Nations' Children's Fund, is charged by the UN General Assembly with the protection of children's rights worldwide, so that every child may enjoy a good upbringing and personal development commensurate with their abilities. In Germany too, UNICEF works to champion children's rights – for greater children's participation and equality of educational opportunity, against child poverty and social exclusion.

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List of Acronyms

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| CRC | Convention on the Rights of the Child |
| EC | European Commission |
| EU | European Union |
| EULEX | European Union Rule of Law Mission in Kosovo |
| FYROM | Former Yugoslavian Republic of Macedonia |
| GARP | Government-Assisted Repatriation Programme (Germany) |
| GDP | Gross Domestic Product |
| GGUA | Gemeinnützige Gesellschaft zur Unterstützung Asylsuchender (German non-profit organisation supporting asylum seekers) |
| KFOS | Kosovo Foundation for Open Society |
| NGO | Non-Governmental Organisation |
| IDP | Internally displaced person |
| ILO | International Labor Organisation |
| IOM | International Organization for Migration |
| OSCE | Organization for Security and Co-operation in Europe |
| REAG | Reintegration and Emigration Programme for Asylum-Seekers in Germany |
| UN | United Nations |
| UNHCR | United Nations High Commissioner for Refugees |
| UNICEF | United Nations Children's Fund |
| UNDP | United Nations Development Programme |
| UNMIK | United Nations Mission in Kosovo |

Foreword

Several thousand persons have been forcibly returned to Kosovo¹ by Western European states in the last few years. A significant number of the returnees are persons belonging to minority communities, including Roma, Ashkali and Egyptians.

Germany is among the countries that have been returning Roma, Ashkali and Egyptians to Kosovo in recent years. The families that are being returned have lived in Germany for many years, some of them up to two decades.

They are being sent back to an impoverished region that is unable to guarantee to its inhabitants respect for their basic human rights, such as access to adequate housing, health care or education, and simply does not have the means to receive and integrate all returnees. It is expected that in total almost 12 000 Roma, Ashkali and Egyptians, including more than 5 000 children, will be returned from Germany to Kosovo.

Children are the ones most affected by these forced returns. They have all grown up in Germany, many of them were born in this country, and do not speak any language other than German. They are suddenly taken away from their schools, compelled to leave their community and surroundings, which they always considered to be their home, and are sent to a place most of whom have never been to before and whose language they do not speak. A place that is foreign to them.

In Kosovo they are confronted with an entirely new reality. They feel lost and alienated. Most of them become school drop-outs due to language barriers and lack of school documents. Many are unregistered, have no civil documents, and are rendered *de facto* stateless. Their living conditions are frequently dramatic, and they suffer from extreme poverty. These children's fate is worrying and their future uncertain.

This study looks into the situation of these children. It has been prepared on the basis of a series of interviews conducted with the children themselves, and therefore provides insight into the lives of these children both prior to and after their deportation to Kosovo. The study is thus an invaluable contribution to the debate about the current repatriation² practices, as it not only provides quantitative data about the returns, but also presents the voices of the victims. They should be heard.

Thomas Hammarberg
Council of Europe Commissioner for Human Rights

Foreword

In recent years Europe has grown even closer, yet the Roma, Ashkali, Egyptian ethnic group continues to be pushed to the margins of society. The lives of these families in Europe are blighted by deprivation, poverty of opportunity and discrimination. It is children who are suffering the most.

The Yugoslav Wars caused hundreds of thousands of people to flee from violence, many of them westwards. It has been estimated that 50,000 Roma, Ashkali, Egyptian escaped from Kosovo to Germany. Local authorities, the German Federal States and the German Federal Government have made efforts to integrate these families. But these investments are now in danger of being wasted. Currently 12,000 Kosovan Roma, Ashkali, Egyptian living in Germany have 'toleration' status³, and can be repatriated over the coming years in accordance with the German Federal Government's 'Readmission Agreement' with Kosovo.

Many of these families have been granted only a 'toleration permit', meaning they have no secure right to stay in Germany. The consequences of this status severely restrict the children's access to education, medical care and social participation. If they need to consult a doctor, for example, they must first acquire a permit from the authorities, otherwise the costs will not be covered.

Despite being disadvantaged from the start, however, many of the children from Roma, Ashkali, Egyptian families born and brought up in Germany have succeeded in integrating themselves in their school, town and circle of friends. They have demonstrated both the will and the ability to make something of their lives.

Yet in the discussions surrounding the return of individuals without a secure residence status to Kosovo, the best interests of these children have not so far been considered a priority, despite the fact that over half these individuals with Roma background are children and almost two-thirds of them were born and have grown up in Germany.

The signing of the Kosovo-German 'Readmission Agreement' for individuals from Kosovo prompted UNICEF to launch a special empirical investigation into the condition of the affected children, both in Kosovo and Germany. This report is based on numerous interviews in Germany and Kosovo, elaborated and overseen by the Centre for Research on Anti-Semitism (ZfA) at the Technical University of Berlin (TU). In Kosovo 116 children, all returned from Germany, were interviewed and the pertinent data from a statistical survey evaluated. For the German part of the report, 63 interviews were carried out with Roma, Ashkali, Egyptian experts and those with political responsibility.

The findings of the report are alarming. Three out of four returned children no longer attend school in Kosovo. A considerable number do not possess a birth certificate and are therefore unable to exercise their right to educational, medical or welfare services. Severe trauma and chronic illness among many of the adults in these families, whether in Germany or Kosovo, mean that too many children are obliged to take on too much responsibility too early in life.

On 21 September 2010, the Ministry of the Interior of North Rhine-Westphalia (NRW) issued a special decree regarding the repatriation of Roma, Ashkali and Egyptians from Kosovo that currently reside in Germany and who are obliged to leave the country. The document requires that the best interests of the child shall be a primary consideration during the review process regarding his or her status. The full scope available for decision making is always to be used in favor of the child. The child's level of integration in German society must be considered on its own merit, in particular with respect to his/her education, professional training and other key considerations. This recent decision is crucial not only for members of the minority group living in NRW but might also send a positive signal for other Laender.

Together with its partners, UNICEF will continue to uphold the rights of all children in all countries, as required by the UN Convention on the Rights of the Child. The recommendations made here by the research team, and deduced from the empirical findings in the report, should guide both the governments and the authorities in fulfilling their duty to prioritise the best interests of the child.

Tom Koenigs
Governing Committee
UNICEF Germany

Johannes Wedenig
Head of Office
UNICEF Kosovo

Acknowledgements

We are grateful to the many people who contributed to this report in Germany and Kosovo, enabling the research to be carried out both quickly and successfully. Sabine Seiffert at the Centre for Research on Anti-Semitism helped locate documents and interview partners, and also transcribed interviews. Max Molly undertook literature research.

Karl-Heinz Winter from the 'Alte Post' support association made contact with many affected families and social workers in the Berg Fidel district of Münster. Marlies Imping facilitated discussions in Gronau. In Magdeburg Frauke Sonnenburg and Ekrem Tahiri were able to open many doors. Pastor Werner Baumgarten identified interviewees in Stuttgart, and Rebecca Einhoff (UNHCR) and Gordana Spasic-Neumann (AWO Heimatgarten) gave valuable advice.

In Kosovo we are grateful to KFOS, especially Luan Shllaku and Vera Pula, for their cooperation and provision of information from Compass Research. We also wish to thank Jusuf Thaci for his professional help in the statistical projection of data from more than 230 families.

Special thanks go to Johannes Wedenig and Sebastian Sedlmayr for initiating this research report. Without their support and that of their teams, particularly Beate Dastel, Lena Dietz, Arbena Kuriu and Teuta Pozhegu, this report would not have been possible. We would like to thank you for your support throughout the whole project.

This report could not have been written without the readiness of many affected families in Germany and Kosovo to talk openly about their lives and personal situations. We are extremely grateful to them all.

Our heartfelt thanks also go to the many staff at local authorities, charities, church parishes, advice centres and organisations working with tolerated individuals who found time for in-depth interviews despite already being overworked. In doing so, they helped us to present a realistic picture of the conditions in Germany and Kosovo.

We are most grateful to all the children who shared their experiences, trusted us and opened themselves up to us. May this report help pave the way to a better future for their families and friends in Germany.

Verena Knaus and Peter Widmann

Findings of the Report

The German regulations referring to the status of 'long-term tolerated individuals' ignore the principle of 'the best interests of the child' to the detriment of children born or raised in Germany.

Of the 12,000 Roma, Ashkali and Egyptians from Kosovo long-term tolerated in Germany and legally obliged to leave, almost half are children. Most of these children were born, brought up and schooled in Germany, speak German together and consider the place they now live to be their home. But because their parents have failed at the hurdle of the so-called 'long-stayer regulation' - and children share the fate of their parents' immigration status- they are now threatened with deportation to Kosovo. This regulation, criticised as too inflexible by many specialists, pays scant attention to these children's special situation and their degree of integration.

This leaves the principle of the best interest of the child, which Germany has committed itself to respecting by its 1992 ratification of the UN Convention on the Rights of the Child, in a blind spot of judicial administration and interpretation.

Legislation, conflict legacies and a sense of insecurity prevents children from fully developing their potential to integrate.

Many children of 'tolerated' families from Kosovan minority groups have a difficult childhood in Germany. The legal and financial restrictions resulting from their status make it harder for them to integrate. Above all, many children live in an environment typified by fear and emotional insecurity. The psychological and physical health of many families is poor. This is due to war trauma, but also to depression, nervous disorders and other illnesses - expertly assessed as psychosomatic in origin - which have been inflicted on these families by the uncertainty surrounding their lives for so many years.

Children and youths have been doubly impacted. Where their parents are affected by such conditions, children are often deprived of the stable upbringing and emotional security they need. Secondly, a number of young people themselves

suffer from these psychological and physical illnesses. Children are obliged to take on responsibility for their families at a young age, and suffer emotional and cognitive strain as a result. The repatriation programme, and its resultant threat of deportation, has made this situation worse. It jeopardises the progress children and youths have already made in integrating at their schools. Children and youths are more successful in education and training the more secure they perceive their opportunities for the future to be. In this respect the findings of this report support the conclusions of research into migration and integration: that integration requires secure future prospects.

Kosovo is not currently able to integrate children and youths deported from Germany

Interviews with families support the findings of the Organization for Security and Cooperation in Europe (OSCE), that local authorities in Kosovo are not yet in a position to make accommodation for children and youths deported from Germany, nor to ensure they receive adequate healthcare and schooling. These local authorities lack the necessary resources, and those responsible for providing such services are largely unaware of their duties in the integration of repatriated individuals. Provisions that might be present on paper have proved not to exist in practice. A considerable number of the deported children are not officially registered and are therefore invisible to the authorities.

Deportation puts an end to children's schooling

Three quarters of children interviewed in Kosovo had not attended school since their deportation. The reasons for this include language barriers, missing school certificates and their families' poverty. For most children, language courses are not available near to where they live and bridging classes are not provided. Children with special needs, whether as a result of disabilities or learning difficulties, are effectively excluded from the Kosovan school system. This exposes children to a future of impoverishment and marginalisation. The investments made in the children's education in Germany are thereby wasted.

For children and youths brought up in Germany, deportation represents an almost insurmountable uprooting experience

Long after their deportation to Kosovo, children still regard Germany as their home and dream of returning there. Disorientated and uprooted from the context of their lives, they are unable to adopt Kosovo - which they only see for the first time after their deportation

- as their homeland. Many children are especially distraught that they are unable to communicate in German.

Forced deportation results in high costs for all concerned

The experiences of those children and young people who have already been deported confirms the warnings of many representatives from local authorities, social work, schools and counselling centres in Germany; that the deportations might give rise to a lost generation of uprooted children, who had good integration prospects in Germany and the potential to contribute to their community, but are threatened with a life lived in exclusion in Kosovo.

Many deported children and youths are expected to attempt to return to Germany, where the only prospect awaiting them is the status of an illegal immigrant. The forced repatriation of children and youths, done to prevent their 'immigration into the social system' in Germany, in fact results in long-term economic and social costs for all.



1 INTRODUCTION

1. Introduction

1.1 Occasion and objective of the report

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

Convention on the Rights of the Child, Part 1, Article 3

In 2009 the German Federal Government announced its intention to accelerate the repatriation of those members of the Kosovan minorities living in Germany without a legal status. The majority of those affected are from the Roma ethnic group, others are Ashkali and Egyptians, two minorities that – like the Roma – are frequently stigmatised as ‘gypsies’ by the majority population⁴. Almost half of those affected are children under the age of 18.

On 14 April 2010 in Berlin the Federal German Minister of the Interior, Thomas de Maizière, and his Kosovan counterpart, Bajram Rexhepi, signed a Readmission Agreement to govern the return process. The Agreement obliges the government in Prishtinë/Priština to admit those living without a residence title in Germany. Under the agreement the German side lodges a ‘readmission application’ for each person who is legally obliged to leave, which the Kosovan authorities use to determine whether the person in question originally comes from Kosovo. In the first eight months of 2009 – that is, even before the governments had signed the agreement, Germany had already forwarded 1,580 ‘readmission applications’ to Prishtinë/Priština. The Kosovan authorities acceded to all but 27 of these, an approval rate of 98.3 percent⁵.

Many observers are concerned that the children affected by this legislation will be denied their basic rights to education, equal opportunities and social participation. These concerns prompted this report on behalf of UNICEF. Its focus is the reality of everyday life for children of Kosovan Roma, Ashkali and Egyptian families and the extent to which the best interests of the child are protected in the course of these repatriations.

Children (‘minors’) are only twice mentioned in the Readmission Agreement; Articles 1(3) and 5(4) obligate both State Parties to re-admit children and parents without a residence title in their host country. No further mention is made of obligations or provisions in respect of the rights and needs of children.⁶

Under Article 3 of the Convention on the Rights of the Child, “In all actions concerning children... the best interests of the child shall be a primary consideration.” The Federal Republic of Germany ratified the Convention in April 1992, and by doing it is obligated under international law to ensure all political, legislative and official actions conform to the best interests of the child.⁷

In addition, EU Directive 2008/115/EC on ‘Common standards and procedures in

Member States for returning illegally staying third-country nationals' also obliges EU Member States to consider the 'best interests of the child' during the process of repatriation⁸.

In presenting an objective description of the experiences of Kosovan Roma, Ashkali und Egyptian children before, during and after their return to Kosovo, this report constitutes a critical evaluation of current repatriation practices, and examines the extent to which they genuinely respect the best interests of the child.

The report consists of two components.

The first focuses on the situation in Germany. It investigates the extent of integration and the barriers to both integration and opportunities for children in various German cities. The findings extrapolated from these enquiries already provide a partial answer to the question of what repatriation means for those affected.

The second component is based on research in Kosovo and investigates the current degree to which integration has been achieved, as well as the perspectives for integration for those children repatriated from Germany.

The fate of an estimated 5000 to 6000 children is in balance. Many of them were born in Germany and have spent their whole lives in the country. They regard Münster, Ulm or Stuttgart as their home. It is imperative that their voices be heard.

1.2 Methodology

The first part of the report is based primarily on interviews with 'tolerated' families and counsellors in Germany who, whether through their professional or voluntary activities, possess insight into these families' – and above all their children's – situations: the staff of the charity agencies Caritas, Diakonie and the Workers' Welfare Association (AWO); counselling centres for war-traumatised individuals; Aliens Authorities; local authority social services; immigration commissioners of the Churches, Federal States and municipalities; teachers; those engaged in local non-governmental and human rights organisations as well as citizens who volunteer to assist those without a secure residence status. These interviews, with a total of 63 respondents, took place between early February and early April 2010 in Berlin, Münster, Gronau, Stuttgart, Magdeburg and Halle. Most of the interviews were recorded and logs exist for the remainder. In order to protect the anonymity of the interviewees, their surnames have either been removed or replaced with an initial.

The interviews were carried out according to the open guideline-based technique, as used in qualitative social research. The guidelines merely stipulate the subjects to be addressed, rather than formulating a list of questions. This approach is well suited to research of an investigative nature, since it allows interviewees who are experts in the fields of social work, education and counselling to give prominence in their answers to the contexts relevant to their professional experience. It leaves similar scope to children and their parents, who are able to emphasise in their interviews those issues that most strongly affect their daily lives. This approach also militates against any distortion of the findings by presumptions on the part of the researcher.

It is all the more striking that despite the use of only a semi-structured interview technique, and the varied locations at which interviews were carried out, both affected individuals and experts repeatedly identified the same problems. Regardless of whether the interview took place in Berlin, Münster, Magdeburg or Stuttgart, a similar picture emerged. This suggests that

it is refugee and aliens policy at the Federal level that have most impact on the lives of those affected, with local conditions having less influence.

The report also analysed parliamentary and official documents from the Federal and State level, documents from local councils and offices, charities, schools, non-governmental organisations and the local and regional press.

The Kosovo component of the report is based on over 60 interviews with the relevant authorities, ministries and municipal representatives as well as international policy-makers and NGOs on site. Key to this component of the report are the findings of semi-structured in-depth interviews with 40 Kosovan Roma, Ashkali and Egyptian families with first-hand experience of the issues at stake, and who have all returned to Kosovo from Germany in recent years.

These in-depth interviews included personal discussions with a total of 173 people, including 116 children across the age spectrum. These families were selected for interview according to criteria such as place of origin, date and nature of repatriation (voluntary return or deportation), and family structure. Research naturally focussed on families with children.

Based on available statistics for those returning to Kosovo from Germany in the years 2009 and 2010 (January to April), the report succeeded in interviewing 36 percent of those returnees of Roma ethnicity.⁹ The statistics of those who have returned include not only families, but other groups as well (such as those convicted of criminal offences and lone adults) and since these non-family returnees make up over 50 percent of those recorded by the statistics in this period, and since the researchers only interviewed families, it can be assumed that the report has included a substantial proportion of the total family returnees.

In order to achieve the most objective possible assessment of the experience of return and reintegration for the families and children interviewed by the research team, every effort was made to contact the responsible authorities, institutions and municipal representatives, so that their insight and evaluations might be considered in the analysis. The data gathered in the field research was also compared and supplemented with all available data and statistics from Kosovo, Germany and international organisations. As evidenced in the footnotes, the research team consulted all the available literature and research on the subject in their analyses.

An especially important reference for the Kosovo section of this report was the baseline survey *Position of Roma, Ashkali and Egyptian Communities in Kosovo* conducted by COMPASS Research in 2009 and funded by the Kosovo Foundation for Open Society (KFOS)¹⁰. This KFOS report, based on 800 interviews with families of Kosovan Roma, Ashkali and Egyptians, constitutes by far the most comprehensive survey of this community in Kosovo.

With KFOS's support, numerous projections of KFOS's data were carried out especially for this report, allowing the present authors to take their own data, gathered in field research and detailed interviews with 173 people in 9 districts, and extrapolate it to cover a further 230 families in an additional ten districts.

All interviews were carried out between February and May 2010. In order to protect the anonymity of the affected children and families, the authors have changed the names attached to these interviewees' quotes and information in this section of the report.



2

THE SITUATION IN GERMANY

2. The Situation in Germany

Peter Widmann

2.1 Kosovan Roma, Ashkali and Egyptians in Germany

2.1.1 Local studies

Research for this report gave special attention to the cities of Münster, Stuttgart and Magdeburg, where substantial communities of Kosovan minority groups live. One reason for choosing these three cities was the presence of comparatively large numbers of Kosovan Roma, Ashkali and Egyptians with 'toleration' status. The choice also appealed on the grounds that it included one city each from the west and south of the country, as well as one from the former East Germany. The limited time and personnel resources at the disposal of the report also dictated the choice of large cities. This focus means the report's findings can only be a qualified reflection of the situation in rural areas, where affected families have more restricted access to support services, a fact that can further complicate their situations.

It is not possible to ascertain the exact number of Kosovan Roma, Ashkali and Egyptians living in Germany. The central register of foreigners only records nationality, not ethnic or regional origin. Kosovan nationals have only been recorded under this nationality since May 2008. The Federal Government advised in October 2009 that Kosovan nationals arriving in Germany before May 2008 may well have been recorded under their previous prevailing nationality.¹¹

Local Aliens Authorities are similarly unable to cite precise figures, since as a rule they too only record nationality. Only in cases where ethnicity is of relevance for residence status is it recorded in the official statistics. Cities such as Stuttgart and Münster have been destinations for migrant labour for decades, including migrant members of Yugoslav minority groups since the 1960s. Consequently they are home to considerable populations of Kosovan Roma, Ashkali and Egyptians who have either since become German citizens or possess residence or settlement permits and are only recorded under their nationality. In Magdeburg, where immigration from Kosovo began only with the outbreak of the Yugoslav Wars, it has been possible to determine reliable figures – at least for those minority members living there with Kosovan citizenship. Of the 469 Kosovan nationals registered as living in Magdeburg at the end of 2009, 263 are recorded as Roma and 10 as Ashkali. No Kosovan Egyptians were recorded as living in Magdeburg at the end of 2009.¹²

However, the number of those legally obliged to leave can be assessed, since in recent years ethnicity has been relevant in determining an obligation to leave, and has therefore been recorded. Among the cities examined, the highest rate prevailed in Münster: at the beginning of the year 2010 there were 302 Kosovan Roma, Ashkali and Egyptians with 'toleration' status. In Stuttgart, at the end of March, the figure was 111, while in Magdeburg it was 80 people.¹³

2.1.2 Labour migration

Kosovan Roma, Ashkali and Egyptians feature in contemporary German discussions only as war refugees. It is less well appreciated that in the 1960s they also numbered among those immigrants to West Germany from Yugoslavia known as 'guest workers'.

For their German colleagues and neighbours they were Yugoslavians; Slovenes, Serbs or Croats, for example. Given widespread stereotypes, individuals from minority groups had no reason to reveal their ethnicity. Many of the Roma, Ashkali and Egyptians, who migrated to the industrial areas of the Federal Republic in those years, originated in what is today Kosovo, Serbia, Bosnia and Macedonia.

2.1.3 Forced Migration

This first chapter of migration in the 1960s influenced the decisions of many people fleeing Yugoslavia after the outbreak of the Yugoslav Wars. Like other refugees, Kosovan Roma, Ashkali and Egyptians often sought out areas of Germany where members of their ethnic groups had long lived, especially where family connections existed. Although many were unable to secure long-term residence, since Yugoslavia was disintegrating deportation orders could not be executed, they were legally obliged to leave, but their deportation was suspended and they were thus 'tolerated'.¹⁴

After the repeal of autonomy in 1989, ethnic conflicts in Kosovo broke out into open violence, and large groups of individuals fled what was then a Serb province. Germany was a destination for members of the Albanian majority population as well as those from minorities. While most Kosovo-Albanians and Kosovo-Serbs went home in the following years, many Roma, Ashkali and Egyptians feared a return to social and economic marginalisation in Kosovo, and set their hopes instead on a future in Germany.¹⁵

2.1.4 Across the spectrum of legal status

The varied migration backgrounds of Kosovan Roma, Ashkali and Egyptians are reflected in the broad range of legal status among these communities. Many former Yugoslav 'guest workers' from minority groups secured German citizenship, others a temporary residence or a permanent residence permit. On the basis of the so-called 'long-stayer regulation' or

other regulations, some of the 'tolerated' individuals were able to acquire a temporary residence permit on humanitarian grounds.¹⁶

Whether a person is granted tolerated status, temporary residence permit or a permanent residence permit depends on different factors in each case. Their residence status can depend, for example, on whether a parent has married a German citizen; whether certificates of no impediment to marriage or other documents are outstanding before a marriage with a German citizen can proceed; or whether a parent or a spouse fulfils the conditions of the 'long-stayer regulation'. In this process, a person's legal residence status cannot always be regarded as an indicator of their degree of integration, something especially true of children and young adults. This is well illustrated by the case of two young men from Roma families interviewed in the course of research for this report: both grew up in the same German city, both speak good German and are active in youth work in their community. Despite the similarity of their situations, one of the two men has a toleration status, the other German citizenship. The German citizen declared himself in favour of 'us' granting a right to residence title. By 'us' he meant the Germans.¹⁷

2.1.5 Return

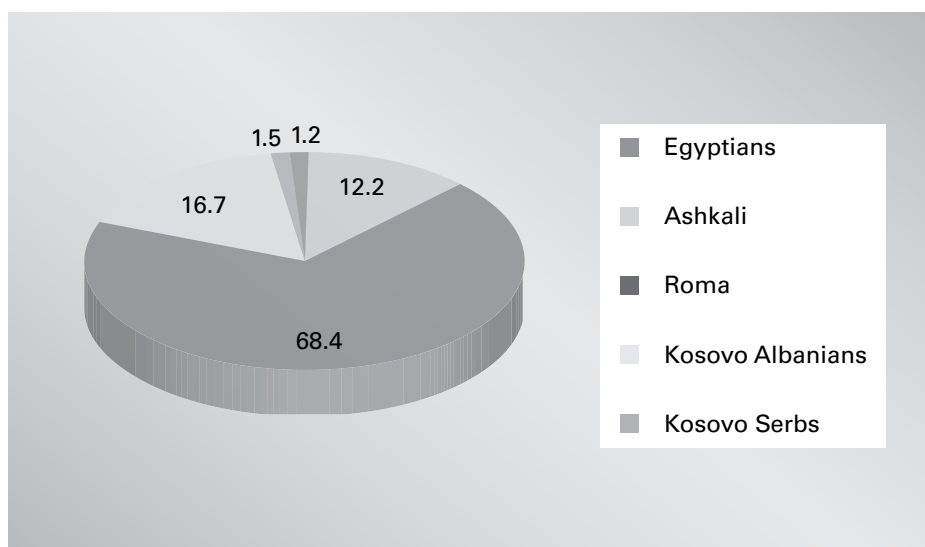
According to figures from the German Federal Government, between 1999 and 31 August 2009 a total of 114,092 people returned from Germany to Kosovo. Most of these were registered as voluntary returnees, 19 percent or 21,852 people had been forcibly repatriated. While voluntary returnees were in the majority from 1999 to 2001, in each subsequent year, with the exception of 2003, they have been outnumbered by deportees.¹⁸

Large-scale deportations to Kosovo began in 2000. Initially affecting Kosovo-Albanians, the deportations were extended to the Kosovan Ashkali and Egyptian minorities from early 2003. Beginning in 2005, Roma convicted of serious criminal offences could be subject to deportation. From 2009 the deportees included Roma without any criminal convictions.¹⁹

2.1.6 'Toleration' status

Roma living in Germany make up by far the largest group of people from Kosovo with 'toleration' status. German Federal States' figures show that for the reporting date of 30 June 2009, a total of 14,399 persons from Kosovo had 'toleration' status. Of these 9,842 were Kosovan Roma, 1,755 Kosovan Ashkali and 173 Kosovan Egyptians. This total of 11,770 Roma, Ashkali and Egyptians represent 82 percent of all persons originating from Kosovo with 'toleration' status. The remaining 18 percent consisted of 2,408 Kosovo-Albanians and 221 Kosovo-Serbs (figure 1).²⁰

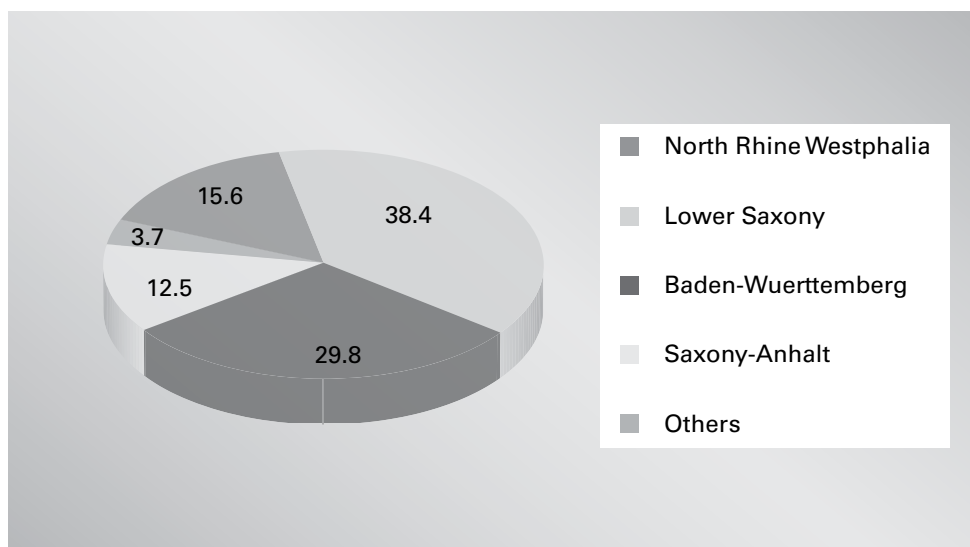
Figure 1: Persons from Kosovo with 'toleration' status, reporting date 30.06.2009



Source: German Government information in answer to the Parliamentary Question lodged by Deputies Ulla Jelpke, Sevim Dağdelen, Kersten Naumann, Jörn Wunderlich and the Die Linke Parliamentary Group (BT-Drs 16/14129 of 12.10.2009), Page 8.

Of the 9,842 Roma with 'toleration' status, the largest number - 38 percent of the total, or 3,776 people - lived in North Rhine-Westphalia. The second-largest group of 2,928 people lived in Lower Saxony, and the next largest group of 1,242 Roma lived in Baden-Württemberg. The Federal State of Saxony-Anhalt had the fourth largest population of 362 Roma with 'toleration' status (Figure 2).

Figure 2: Roma with 'toleration' status, reporting date 30.06.2009



Source: German Government information in answer to the Parliamentary Question lodged by Deputies Ulla Jelpke, Sevim Dağdelen, Wolfgang Neskovic, other deputies and the 'Die Linke' Parliamentary Group (BT-Drs 17/423 of 10 January 2010), page 18.

Among the substantially smaller group of 1,755 Ashkali with 'toleration' status, the largest number of 791 people lived in North Rhine-Westphalia, followed by Baden-Württemberg with 371 people, and Lower Saxony with 342. In no other Federal State were there more than 100 Ashkali with 'toleration' status. The group of 173 Kosovan Egyptians was so small that many Federal States recorded either zero or only a single digit number of persons. The States with the three largest contingents were Lower Saxony (58 persons), Baden-Württemberg (53 persons) and Saarland (24 persons).²¹ These figures represent a snapshot in time, especially since some of those possessing a temporary residence permit can find themselves with 'toleration' status once the residence permit expires.

2.1.7 Children

The proportion of children among Kosovan Roma, Ashkali and Egyptians with 'toleration' status living in the cities studied for this report lay between 42 percent and 50 percent. The Aliens Authority in Stuttgart quoted 42 percent, in Magdeburg 47 percent and in Münster 50 percent.²² Beyond this local level, data on the age spectrum of those with 'toleration' status was not available from those Federal State Interior Ministries questioned.²³ Since the age spectrums in the cities studied were of a similar order, and concur with both the information on age distribution among the ethnic population in Kosovo, and the estimates given in interviews with experts, it is possible to establish a relatively accurate overall picture of the proportion of children present. Interviews with families and experts indicated that most of the children in Germany were either born in the country or arrived as infants.

2.1.8 Readmission Agreement

In negotiating the Readmission Agreement, Germany assured the Kosovan Government that the annual number of readmission applications in the future would not exceed the figure for 2008 (about 2,500). The Federal Government also advised that the number of actual repatriations is as rule considerably lower than the number of applications made.²⁴ Germany further undertook to be mindful 'of a proper proportion of the various ethnicities' in lodging applications. The Agreement was not a requirement for repatriations to proceed – these have, after all, been taking place for years – but was rather intended to regulate practical issues. The Federal Government has emphasised that the Agreement does not constitute a fundamental change to the approach taken so far, and underlined the duty of all States under international law to admit their nationals.

The repatriations are coordinated by two agencies: the Karlsruhe Regional Administrative Authority collects readmission applications from southern German States, the Central Aliens Authority in Bielefeld collects those from the rest of Germany. After mutual consultation, the readmission applications are passed on to Prishtinë/Priština. According to both agencies, applications are prioritised for

persons who have been convicted of a crime, are in custody awaiting detention, are delinquent, are unemployed or otherwise in receipt of welfare and for recent arrivals. These coordinated deportations have been carried out since 2009 via Karlsruhe and Düsseldorf airports.

In January 2010 the Federal Government advised that the number of deportation orders submitted to both coordinating agencies by the Aliens Authorities of the Federal States to date amounted to 667. Of these, 245 people, or 37 percent of the total, were registered as living in a family.²⁵

2.1.9 Deportations

For the period April to September 2009 the Federal Government cites 352 completed forced deportations to Kosovo. Of these, 67 people or 19 percent were registered as Roma, and 33 of these Roma were registered as living in families. In the same period both the coordinating agencies recorded 834 flight registrations for deportation to Kosovo, among them 239 or 28 percent Roma, including 142 people registered as living in families.²⁶

People with 'toleration' status are dispersed unevenly across the German Federal States. This is because only some of these people were originally registered as asylum-seekers or refugees, and therefore distributed in the Federal States as part of the State quota distribution system (as determined according to population and tax revenue under the Königstein Agreement).²⁷

Before it was ended by Section 15a of the 2005 Residence Act, there was another provision for individuals who registered directly at local Aliens Authorities without claiming asylum. They would also be issued a toleration permit - in the absence of any possibility of deporting them - and could remain in the locality where they had registered. This was known as 'irregular procedure'.²⁸ Local authorities were not refunded any costs by the respective Federal State for individuals arriving in a city under the provisions of 'irregular procedure'. Since the 2005 immigration law reform those foreigners arriving illegally and without claiming asylum have been distributed among the Federal States, as is the policy for asylum-seekers.

As a result of the 'irregular procedure' provision existing until 2005, large groups of Kosovan minority members were able to settle in certain cities. Many Roma from Mitrovicë/Mitrovica in northern Kosovo, for example, came to Münster in this way. The development of these large local communities was also helped by the fact that some neighbouring Aliens Authorities unofficially suggested to individuals to move to cities where Roma families already lived, in order to economise the delivery of social services. Moreover, in cities such as Münster, there were well-organised supporter networks not found in rural areas.²⁹

2.2 Right of residence title and the best interests of the child

2.2.1 The era leading up to the 'long-stayer regulation'

The Conference of Federal Interior Ministers and Senators, an executive committee which meets twice a year and has great influence on refugee and aliens policy in Germany, has in recent years repeatedly addressed the issue of persons with long-term toleration status. The right to obtain a residence title has been high on the Committee's agenda because toleration status, which was originally intended as a temporary legal form of residence, has in practice often been serially renewed and has therefore become a long-term measure.

In May 2001 the Interior Ministers approved a new regulation, albeit one with strict conditions, concerning economically active persons with toleration status who came to Germany from Yugoslavia in the first half of the 1990s. These persons could acquire what was then known as a 'residence permit' but only if, among other conditions, they had lived in Germany for six years as of 15 February 2001; could prove they had been continuously employed for over two years and were indispensable to their employer, and could support their family without recourse to welfare.³⁰

This fixed reference date excluded those who had fled the escalating violence in Kosovo at the end of the 1990s from any future possibility of a right to obtain a residence title. In 2002 and 2003 the Interior Ministers approved three further measures, expressly shutting one door after another on any right to remain for Kosovan minority groups.³¹

After violent conflicts among ethnic groups in Kosovo broke out again in March 2004, the Interior Ministers of the States of Berlin, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland-Palatinate and Schleswig-Holstein changed their positions. In July of the same year they pressed for a right to obtain a residence title for economically and socially integrated Roma, Ashkali, Egyptians and Serbs from Kosovo, but were unable to win the other members of the Conference over to this new course. In November 2004 those Interior Ministers in favour of granting a right to residence title advanced their case, arguing that returning large groups of 'tolerated' individuals to their country of origin is known to take years. In this process, recipients of welfare would be repatriated first, in consideration of the burden on the public purse. During this time those able to earn their own livelihood would become more rooted in Germany, and these people required a right to obtain a residence status. In May 2006 the Interior Minister of Saxony-Anhalt added his support to this assessment.³²

In November that year the Interior Ministers agreed a common approach - a change affecting not just individuals from Kosovo - and approved a two-year residence permit for persons with tolerated status who had lived in Germany for at

least eight years. Families with children who were still minors were eligible to apply after six years. Applicants also had to demonstrate the ability to earn their own livelihood, and that of any family, through unbroken employment and without recourse to supplementary welfare benefits. Those unable to fulfil these conditions were entitled to temporary residence permit until September 2007, until which time they would have an opportunity to find steady employment. Exceptions were made for trainees, those unable to work and retirees who were not drawing upon welfare benefits. Further conditions to be fulfilled in order to profit from the new regulation included regular school attendance by any children, adequate knowledge of German, and a clean criminal record - although an exemption was made for past fines equivalent to up to 50 daily units³³, or up to 90 daily units in cases of aliens-related offenses.³⁴

The Interior Ministers presented the new regulation as offering a future to foreigners who “are economically and socially integrated in Germany”, as well as preventing “immigration into the social system.” The Interior Ministers were aware of Federal legislation pending at both the Bundestag and Bundesrat [the lower and upper houses of parliament] but wished to clarify the situation in advance.

The Bundestag passed just such a regulation in June 2007, with the agreement of the Bundesrat, in conformity with the Law to Implement European Union Directives Regulating Residence and Asylum, which came into force in August 2007.³⁵ This regulation became Section 104a and b of the Residence Act, better known as the ‘long-stayer regulation’. With the exception of some amended details, the long-stayer regulation conformed to the resolution passed by the Interior Ministers’ conference the previous year and, like that resolution, was promoted as offering an opportunity of right of residence title to economically and socially integrated persons with toleration status.

An essential condition of the regulation was continual legal residence in Germany of at least eight years before the reference date of 1 July 2007, or of at least six years in the case of applicants living in a household with unmarried minor children. Additional conditions required that applicants already enjoyed sufficient living space, had adequate knowledge of German, and could provide proof of school attendance for any children.

Persons who had previously attempted to deceive the Aliens Authorities, who had attempted to evade termination of their residence or who had links with extremist organisations or had been convicted of crimes – with exceptions, as resolved at the Interior Ministers’ conference, for fines on record equivalent to up to 50 daily units, or up to 90 daily units in cases of aliens or asylum-related offences - were excluded from the regulation.

The Federal legislation, too, was aimed at “preventing immigration into the social insurance system,” as the authors of the accompanying general administrative provisions put it.³⁶ In doing so, the law associated the opportunity of long-term residence in Germany with the independent ability to earn a livelihood. Those ‘tolerated’ individuals fulfilling all conditions and able through employment to secure their livelihoods and those of all dependent family members, received a temporary residence permit.

Those meeting the basic conditions but unable to earn their livelihoods independently were issued with a ‘provisional’ temporary residence permit. This was originally dated until 31 December 2009, and was intended to allow those falling under its remit extra time to secure employment that would enable them to support themselves “largely indepen-

dently". Minor children living with their parents received a residence title dependent on that issued to their parents.³⁷

In December 2009 the Conference of Interior Ministers extended the long-stayer regulation by two years. This measure also allowed those in possession of a 'provisional' temporary residence permit to receive a temporary residence permit on humanitarian grounds, provided they could demonstrate at least part-time employment in the six months either preceding or after the date of 31 December 2009. Those who had successfully completed school or professional training since July 2007 were also entitled to a temporary residence permit on humanitarian grounds, as well as those currently in professional training and expected to be able to support themselves in the future. Those in possession of a 'provisional' temporary residence permit who were able to demonstrate that they had made efforts to support themselves, would be entitled to extend their residence title for an initial period of a further two years.³⁸

2.2.2 Practitioners' critiques

The 'long-stayer regulation' enabled some members of the Kosovan minorities to secure a temporary residence permit. Since then, testifies a social worker from the Coerde district of Münster, an invisible line has sprung up between groups of foreigners. On the one side, are those who have secured a 'provisional' temporary residence permit. "Escape from toleration status", adds the social worker, means as much to many Kosovan Roma she knows "as winning the lottery and Christmas coming at the same time." The beneficiaries fully appreciate the value of the chance they have been given.

On the other side are those who have been unable to secure a residence title. They were ashamed and tried to hide their status. It was seen as a punishment, like being blacklisted, reported the source, and especially hard to handle in cases where the line between those with leave to remain and those with 'toleration' status ran through one's own family.³⁹

It is not known how many Kosovan Roma, Ashkali and Egyptians in Germany succeeded in fulfilling the regulation's conditions.⁴⁰ According to the assessments of the practitioners interviewed for this report, only a minority were able to benefit from the regulation. Practitioners characterised it as deficient in two respects: firstly, that the conditions have been seen to be too narrow and inflexible in practice. Secondly, the regulation seeks to determine solely whether or not parents have managed to find their footing in the employment market, and takes scarcely any account of the integration of children and their future opportunities. This means that families where the second generation is making progress towards successful integration, still fail to fulfil the conditions for a temporary residence permit because the parents have so far been unable to integrate themselves. In cases where, for example, a family father has an alcohol or gambling addiction, then his wife, children, and in certain cases his daughter-in-law and grandchildren too, all lose their chance to stay in Germany.⁴¹

In this respect the 'long-stayer regulation' takes no account of children as individuals with their own standing before the law, but identifies them only as adjuncts of their parents and, occasionally, of more distant relatives. This has been decreed heedless of the fact that a considerable proportion of these children were born and have been brought up in Germany and are therefore integrated both within society and within the education system. Those specialists questioned cited a number of factors explaining why 'tolerated' individuals fall at the hurdles set up by the 'long-stayer regulation.'

2.2.2.1 Labour and training

A proportion of those affected have been unable to gain any foothold in the labour market, or have been unable to establish themselves adequately. Many families under the threat of deportation were often partially or wholly dependent on welfare, some of the families continually so, over a period of many years.⁴² One reason for this is their lack of educational and professional qualifications. Many members of the minorities come from an environment lacking in educational opportunities, literacy and knowledge of German. At the same time, even those who worked in Kosovo in manual occupations, for example as auto mechanics or varnishers, seldom possess a corresponding professional qualification. As effectively unskilled labourers the best employment they can find is in the low-wage sector – as cleaners at service firms, chambermaids in hotels or kitchen assistants in restaurants. In a number of cases in recent years work has been undertaken via temping agencies. Some of those concerned have pursued multiple employments, such as women with more than one cleaning job.⁴³ In these cases income rarely reaches a level sufficient to support families with many children, without drawing upon complementary welfare payments. Those seeking employment in eastern Germany are further challenged by a lack of job vacancies.⁴⁴ Experts have also pointed out that the legal status of 'tolerated' individuals denies or restricts their access to the labour market, sometimes for years at a time, making it difficult for them to find their feet quickly after such restrictions are lifted.⁴⁵

Social workers have also lamented the way in which residence regulations not only offer 'tolerated' individuals few chances to take up further training, but hinder them from doing so. A number of individuals are known to have broken off their German courses, in order to take up opportunities to earn money that is sorely needed. Youths are also pressured to contribute to the upkeep of the family from as early an age as possible, prompting them to turn down the chance to acquire professional qualifications. These factors lead to the sacrifice of comprehensive integration to superficial integration in the lowliest sector of the labour market.⁴⁶

2.2.2.2 Health problems and trauma

Physical and psychological problems, caused not only by war and flight, but also by years living isolated as 'tolerated' individuals without prospects, are other reasons why some are unable or only partially able to support themselves. Illnesses tend to be diagnosed only very late or not at all. There are also a few cases of family fathers completely resigned to fate, and no longer in any state to meet the challenges of daily life and to take proper re-

sponsibility for their families, with alcoholism or gambling addictions sometimes constituting further factors. Respondents also cited the role of mental isolation resulting from segregated accommodation, such as accommodation centres, in association with this phenomenon.⁴⁷

2.2.2.3 Breaks in residence

A number of 'tolerated' individuals fail to meet the condition of unbroken residence: in recent years the fear provoked by news of pending deportations has prompted many families to travel to neighbouring countries, on the hearsay that they might have a better prospect of legal status there. In doing so they have broken their continual residence and are disqualified from consideration under the 'long-stayer regulation'.⁴⁸ A teacher from a primary school in the Berg Fidel district of Münster reports: "hopeful children, who were genuinely socially integrated in their class – they had made friends and were performing well at school – and still their parents could not withstand the pressure and they disappeared."⁴⁹

2.2.2.4 Criminal offences

Some families are unable to meet the conditions of the 'long-stayer regulation' because a family member has been convicted of a crime punishable by more than 50 daily units. Even practitioners in broad agreement with the exclusion of criminals from the 'long-stayer regulation' criticised the fact that the rules often penalised the wrong people. The 'long-stayer regulation' excludes from receipt of a temporary residence permit not only those who have committed a crime, but also all those family members living in a household with them, something a number of interviews likened to 'kinship punishment'.

Federal Interior Ministry general administrative provisions cite the principle that children share the fate of their parents' residence status, and points out that a "negative influence on the remaining family members as a result of the shared household community" cannot be ruled out. This means that where one of the children has committed a crime of the proscribed order, an entire family will also fail to qualify for the long-stayer regulation. According to the administrative provisions: "the expulsion of parents is justified on account of their parental supervisory obligations."⁵⁰

Many social workers also consider the relatively low cut-off point of 50 daily units to be too inflexible in practice. Aliens Authorities are left with no discretion to consider the precise nature of the crime. No distinction is made between someone who has committed a serious crime and someone who has twice been convicted of driving without a license – 50 daily units would be exceeded in both cases. The regulation is equally inflexible in failing to allow that the offence might have been committed some time ago, with no subsequent legal violations recorded or criminal tendency discernible.

It should also be stated in this context that the stringent legal regulations of 'toleration' status set up many pitfalls, especially when one considers that people are subjected to these restrictions over periods of years. A social worker near the Dutch border raised the cases of numerous individuals who have sought her advice after 'violating their residence obligation.' The accommodation centre in question lies near the border, and in the immediate vicinity on the Dutch side is a supermarket where many local residents from the German side do their shopping. 'Tolerated' individuals doing the same were subjected to penalties equivalent to a considerable number of daily units, clearly without being aware that they were violating legal provisions of any kind.⁵¹

Although the cut-off point where 'tolerated' individuals are disqualified from the 'long-stayer regulation' for violations of alien and asylum laws is fixed somewhat higher at 90 daily rates, practitioners state that no great 'criminal energy' is required to exceed this limit. Numerous practitioners reported cases where the degree of the penalty would have been much less had 'tolerated' individuals had the means to engage a lawyer, or had they had more knowledge of the legal system and therefore been better aware of their options. Many penalties would have been avoidable had competent legal representation been available.

Practitioners stressed, of course, that violations of the law should be suitably punished. However, they explained, since the right of residence title is of such critical significance for a family with children, in specific cases more discretion may be required in assessing the nature of the offence and the degree of integration. They outlined how the current stipulation exposes many people to deportation who are anything but 'notorious criminals' and suggested that this can constitute senseless severity.

2.2.2.5 The best interests of the child

In the opinion of all social workers with first-hand experience, the best interests of the child are not accorded sufficient weight in residence decisions. The 'long-stayer regulation', of course, does contain clauses favouring families with children. In renewing a temporary residence permit, for example, an Aliens Authority can deduct the cost of children in education and professional training from its assessments of a family's means of supporting itself. Families with children and single parents are also entitled to an extension of their temporary residence permit where they are only temporarily in receipt of supplementary welfare payments.⁵² Nevertheless, this does not amount to accepting the best interests of the child as a consideration in its own right - let alone as a primary consideration, as required by the UN Convention on the Rights of the Child.

Section 104b of the Residence Act is the subject of especially fierce criticism. It provides for children of parents with 'toleration' status, aged between 14 and 17, to be issued a temporary residence permit on the condition that the parents leave the country and guardianship of the child is provided for. This regulation applies to all children over the age of 14 on 1 July 2007, who have lived legally in Germany for at least six years, are competent in German and are assessed by Aliens Authorities as having a 'positive integration prognosis' on account of their school attendance or professional training.⁵³

This splitting of the family is criticised not just by social workers, but also by lawyers who perceive it to be in conflict with Article 6 of the Federal Basic Law which states that the family shall enjoy the special protection of the state, and that the care and upbringing of children are “the natural right of parents and a duty primarily incumbent upon them”; and also in conflict with the right to respect for private and family life, as guaranteed under Article 8 of the European Convention for the Protection of Human Rights. Vehement objections have been raised in cases where families have been separated as a result of some slight infraction by the parents or a sibling.⁵⁴ The Convention on the Rights of the Child also forbids the separation of children from their parents.⁵⁵

2.2.2.6 The Hardship Case Commission

Article 23a of the Residence Act of 30 July 2004 empowers the Federal States to establish Hardship Case Commissions to examine instances where special circumstances pertain. On the basis of a hardship application from such a Commission, the Federal State supreme authorities can grant a temporary residence permit to the applicant concerned, irrespective of the prevailing legal preconditions and regardless of whether or not an asylum application has been turned down.

This provision, which was initially intended to expire at the end of 2009, has been extended indefinitely.⁵⁶ All Federal States have since established a Hardship Case Commission.

Practitioners have testified that in their experience Hardship Case Commissions can only partially offset the deficiencies of the ‘long-stayer regulation’, and are unable to prevent many cases where children born and brought up in Germany are exposed to deportation. In the written evaluation guidelines for the Federal State of North Rhine-Westphalia’s Hardship Case Commission, for example, the precondition for qualification as a hardship case is an ‘atypical situation’: “Since cases will already have been examined by a court, “a strict standard of measurement must apply” – and “health complications alone will only be grounds for the granting of a temporary residence permit in extreme, special situations.”⁵⁷ Local specialists and the Commissions have repeatedly disagreed on whether a particular family qualifies as a hardship case.

The Federal States of Baden-Württemberg and Saxony-Anhalt, which have collated the appropriate statistics, report that in recent years applications by people from Kosovo have made up a considerable proportion of the total – most of these applicants being members of the minorities. Saxony-Anhalt’s figures for the years 2005-2009 show that of 109 hardship applications (involving 387 people) – 32, or 29 percent - related to people from Kosovo. Of the 34 applications to the Magdeburg Interior Ministry in the same four years, people from Kosovo made up 16 cases, or fully 47 percent. According to the most recent commission report, the main reason for applications was the “high degree of integration achieved over many years of residence.” These cases particularly involved children either born in Germany or who arrived Germany as infants.⁵⁸

Of the applications to Baden-Württemberg's Commission in 2009, 39 percent related to people from the former Yugoslavia, with Roma making up a substantial proportion; 14 percent of all cases were people from Kosovo. Statistics divided by country of origin were not available for the state of North Rhine-Westphalia.⁵⁹ There are no statistics for the success rate of applications by country of origin. Baden-Württemberg recorded that in 2009, 58 percent of the 97 cases, involving 215 people, met with either success or partially success.⁶⁰

2.2.2.7 'Sense of justice'

Interviews carried out as part of the local studies, as well as information from other cities, point to an additional finding: the threat of deportation not only instils panic in the affected parents and children; other people in the family's community are often also left outraged and incredulous. In many localities teachers and headteachers, parents of classmates and fellow club members and other German friends and acquaintances have expressed their public support for such families' right to remain in Germany. It is instructive to note how many of the German citizens involved in such actions have no previous history of engagement in migration and refugee issues. They only mobilised themselves when their neighbours, fellow club members and their own children's classmates were affected by deportation. Cases where children who are well liked by their classmates and friends, and regarded as successfully integrated in their local communities, but are then ordered to leave the country, provoke a sense among many German citizens that the behaviour of the authorities violates a sense of justice.

In December 2009 in Schwäbisch Gmünd in Baden-Württemberg, for example, the local sports association took up the case of Selmir Bislimi, a 16 year-old from a Kosovan Roma family. He, his parents and his two sisters – both of whom had been born in Baden-Württemberg – had received an 'order to leave' from the Stuttgart Regional Administrative Authority and faced deportation. His parents had been living in Germany since 1994. The boy's father had undergone a bypass operation, suffered from diabetes, chronic hepatitis B and depression.⁶¹

In an open letter to the president of the Stuttgart Regional Council and Schwäbisch Gmünd politicians, the Schwäbisch Gmünd Sports Association wrote: "Selmir is friendly and extremely well liked among his comrades in the team; he can sometimes act the rogue and drop nonchalant comments – but he's not arrogant, and doesn't lord it over others just because he can do amazing things with a football that would leave anyone else with their legs in a twist. Selmir throws himself into the task, but never plays dirty or allows himself to loose control of his mouth – in all his years playing with us he has never once been given a red card. [...] Politicians often make statements about the role sports clubs have in integrating youths with an immigration background. [...] In Selmir our club possesses a perfect example of a self-evident readiness to integrate and he, of all people, is now threatened with deportation."

The sports association also addressed the father's psychological problems: "there's another aspect to this case which touches us as footballers. The suicide of goalkeeper Robert Enke has provoked Germany to reflect on how depression affects us as a nation; we are told from all sides that we need to learn to show our weaknesses and support others in

their weakness. [...] How can we explain such a towering contradiction to the young footballers in our association; on the one side we should all show more sensitivity than we have in the past for the frailties of our fellow men, our fellow players – and, on the other hand, it is somehow acceptable to take a man who is suffering from depression and forcibly eject him from our country, together with his family, and into a completely uncertain future, despite the fact that he has lived in Germany for many years and made a home here. [...] We young footballers at the Gmünd Sports Association urgently request Selmir and his family be permitted to stay in our community and not be pushed off into the unknown.”⁶²

It is clear that in many localities where families from Kosovo have long lived and are now being ordered to leave, there is a growing readiness to act in solidarity with those affected. This was highlighted in September 2009 by the response to “Initiative 302 – Save Your Neighbours” in Münster.⁶³ On this occasion the GGUA (a non-profit organisation supporting asylum-seekers) and Amnesty International arranged a gathering of 302 German citizens in Münster’s pedestrian area where they were photographed together with local Roma, demonstrating their support for the 302 Roma with ‘toleration’ status living in the city. Among them were the Members of Parliament Ruprecht Polenz, CDU, and Christoph Strässer, SPD. In the southern Münster district of Berg Fidel, the friends’ association ‘Alte Post’ mobilised themselves in support of residence rights for Roma families from Kosovo. In November 2009 the association passed a resolution against the deportation of the families and started collecting signatures.⁶⁴ Another resolution by Münster City Council in September 2009, passed with votes from all parties, petitioned the North Rhine-Westphalia State Government to suspend deportations of Roma for 6 months, thereby showing further evidence of the broad support in the city for the families’ right to stay in Germany.⁶⁵

2.2.2.8 Historical responsibility

One aspect of respondents’ sense of justice, which found expression in many interviews, was Germany’s historical responsibility. A large proportion of social workers, educators, counsellors and citizens from the communities of families with ‘toleration’ status expressed their incomprehension that in decisions concerning the right to residence title the question of historical responsibility appeared to play no role, in contrast to cases involving Jewish immigrants from the former Soviet Union. The fate of Sinti and Roma in the National Socialist concentration and extermination camps, and as victims of mass shootings by German military and police units during the Second World War, is apparently of no relevance in contemporary political decision-making. Interviewees broached this issue independently of one another and on their own initiative – there was no corresponding question in the interview guidelines.⁶⁶

2.3 Integration and barriers to integration

In evaluating the particular forms of integration among parents and children, the field of migration research has established grades of integration. The exact definitions of these grades vary from author to author, but they are based on similar principles of analysis. According to the definitions proposed by sociologist Friedrich Heckmann - which are in turn based on the observations of Milton Gordon and Hartmut Esser - four grades of integration can be determined:

- *Structural Integration: the degree to which a group has access to key societal institutions - to education and training, the employment market, the housing market and political community.*
- *Cultural Integration: attitudes, and patterns of cultural orientation and behaviour.*
- *Social Integration: contact within a community such as friendships, relations with neighbours and membership in associations.*
- *Identificational Integration: the self-image of the migrant and their sense of belonging to ethnic, national, regional or local stakeholder groups.⁶⁷*

This model relates to labour migrants with long-term prospects in their destination country. It is only of restricted application for 'tolerated' individuals, since their legal status did not originally intend, and in many respects deliberately prevented, their integration – for example, in long restricting their access to the employment market. Consequently, while the interview guidelines forming the basis of this report did follow the logic of these grades of integration, the presentations in the following sections took their cues from the problems found in the field – such as language, schooling, employment, living conditions, welfare, health and identity – in order to fully consider both the integration process and the barriers to it.

2.3.1 Language

Language ability is decisive in the integration process. Interviews with families and children revealed a picture differentiated by generation, a finding confirmed by the social workers and educators consulted. Within the parents' generation language competency varies widely; while some speak good German, many possess only a modest capacity for making themselves understood, sufficient to meet their daily needs, but strictly limiting their ability to express complex issues.

Social workers expressed no surprise at this finding, citing the living conditions of 'tolerated' individuals since their arrival in Germany, especially the way in which they had been segregated from the rest of the population in accommodation centres, obliging them to keep to themselves and removing any need to speak much German on a daily basis. Since no prospect of acquiring residence was offered to them, many initially felt little motivation to develop their language skills. At the same time, those who did wish to learn German had little opportunity to do so. A local social services employee explained that the only

language classes made available to individuals on arrival in Germany were improvised lessons given by volunteers; no professional personnel were assigned and there was nothing like the opportunities offered, for example, to immigrants from the Soviet Union.⁶⁸

In comparison, those children who have attended primary school in Germany are able to speak German well. They grow up bilingual. Children from Roma families interviewed for the report described speaking Romany with their parents and German with their siblings. Parents complained of often being unable to understand what their children were saying to one another, and social workers observed that children were unfamiliar with some terms in Romany. Practitioners also noted that some parents have been able to improve their knowledge of German due to their children's proficiency in the language.

2.3.2 Compulsory schooling and success at school

Until early 2005 schooling was not compulsory in 8 of the 16 Federal States for asylum-seeking children or those who had a toleration status in Germany. The law has subsequently been changed: the North Rhine-Westphalia State parliament passed a new education act in January 2005, which in Section 24 (6) expressly made schooling compulsory for such children. In Saxony-Anhalt the amendment provisions of a memorandum from the State Culture Minister came into effect in August 2005, making schooling compulsory for foreign children. In Baden-Württemberg the State Parliament amended Section 72 of the education law, also making schooling compulsory for tolerated and asylum-seeking children.⁶⁹

Consequently, by early 2010 schooling was compulsory for all the children in the States examined for this report. However, in evaluating the school and training careers of the young generation of aliens in Germany as a whole, this late introduction of compulsory schooling for affected children in many parts of Germany should be taken into account. Before these administrative changes, children did in theory already have a right to schooling, but whether children were able to exercise this right depended on whether their parents were willing and able, whether they were well-informed about the German education system, and were sufficiently proficient in German to establish contact and lodge applications with education offices and schools. Another variable was the readiness of the schools concerned to admit such children, and whether they had adequate personnel and space to do so. In sum, this explains why a proportion of children were absent from school for years, especially in places where there were accommodation centres but no local social workers to offer support in schooling matters.⁷⁰

2.3.2.1 Above-average referrals to special schools

The spectrum of educational achievement for the children of Kosovan Roma, Ashkali and Egyptian families in Germany is broad. Despite all of the obstacles faced by these families, many children have coped well at school, some even very

well. Yet overwhelmingly, the practitioners interviewed for this report confirmed that the proportion of Roma children attending schools for pupils with learning difficulties, and in need of special assistance, was significantly above average. Of the Roma families interviewed, many also confirmed that they had children in special schools. At the same time, only very few school children make it to secondary school. There are no precise figures here, however, since the Federal States only record educational statistics by pupils' nationality, not by ethnic origin.⁷¹

This over-representation at special schools has been observable for some time. A 2006/2007 study by the Centre for Research on Anti-Semitism (ZfA) at the Technische Universität (TU) Berlin made reference to this problem. It is also familiar to those aware of the history of the German Sinti since the Second World War. In many German cities Sinti have for decades been automatically transferred to special schools.⁷²

The high proportion of these children at special schools seems to be at odds with the testimony of many youth workers and social workers, who insist these children are just as intelligent and curious as others. However, the phenomenon becomes explicable when one consults academic research on special school referrals. It has been proved that children from socially marginalised segments of the population have a much higher risk of being sent to special schools. In schools for children with learning difficulties, certain migrant groups are over-represented - especially those from Turkey or Italy, whose parents come from communities with weak traditions of education - as are German children from working class families, families of the long-term unemployed and families with a large number of children.⁷³

In all these population groups risk factors can be discerned that also affect Kosovan Roma families: many parents come from low status, low income and poorly educated communities with weak traditions of education. A proportion of the parents have only modest or even no schooling behind them and the number of illiterates among the parents is far higher than the average for comparable groups in German society. Many children grow up in households where reading and writing plays scarcely any role. Parents are unable to offer children support in coping with the pressures of school. They have little knowledge of the German school system and are therefore unaware of what referral to a special school means for a child's future; nor are they informed of their right to a voice in the matter and therefore put up much less resistance to such a decision than parents from more educated population groups.

2.3.2.2 Segregation and school

In isolated accommodation centres, children grow up in a Romany-speaking environment before reaching school age. Their German is often inadequate when they start school, especially if they have had no access to leisure activities where German is spoken, and if they attended Kindergarten late or not at all.⁷⁴ Living in the crowded conditions prevailing in accommodation centres, school-age children do not find space to study or to do their homework. One family father reported living in one room in a Stuttgart accommodation centre, together with his wife and four children.⁷⁵ Many teachers are also largely unaware of the conditions in which these children live, and so do not take this aspect into account when assessing their progress at school.⁷⁶

Fear of deportation puts children under yet more pressure, further compromising their educational development. Again, not all teachers are sensitised to this issue. A teacher from Münster explained that children rarely bring up these problems of their own volition: "It takes a while to appreciate what is going on. And suddenly, they have something to tell you; that their grandmother cries the whole night and mum cannot sleep." But it doesn't come out immediately. The children also have a self-protection mechanism. Although the children experience school as a safe place, "when the family is together and the night draws in, that's when it gets tough, that's when the big problems emerge."⁷⁷

Remote accommodation centres seem to breed an atmosphere un conducive to education, in contrast to a living environment where families have more contact with other population groups. This can be observed, for example, in the Coerde district of Münster: where individuals are housed in a neighbourhood together with other population groups, social workers have noticed that awareness of the importance of completing school has grown. No such improvement has been noticed among those living in accommodation centres where families live only among one another.⁷⁸

For those pupils in special schools, referral amounts to a one-way street, and only a small proportion find their way back to regular schools.⁷⁹ This is why the working group 'Third World' (AGDW) in Stuttgart, for example, runs an initiative to keep children in normal schools, despite recommendations to transfer them to special schools. They attest that the children make good progress, provided they get support from their parents and social workers.⁸⁰ One way of supporting children with special needs, without closing the door to a regular school, is for schools to have an inclusive educational provision, such as the one that the primary school in Berg Fidel has set up under the principle of 'teaching diversity'. Social work and dedicated professionals support those children with special educational needs for as long as necessary, without removing them from the primary school.⁸¹

According to the information currently available, there is no sign that the special educational needs identified for many children in Germany will be continue to be supported in Kosovo.

2.3.2.3 Professional training and barriers to training

The poor progress made by part of the minority members while at school necessarily affects their chances of finding an apprenticeship. Even pupils who gain a school-leaving certificate have difficulties, especially when their graduation grade is below average. Their prospects are further compromised by their toleration status. As social workers and young people themselves report, employers often refuse to engage applicants with toleration status because they feel unsure these potential trainees will be available to work after the toleration expires: "I can't be sure that you will still be around in six months," a youth from Münster quoted an employer as saying. Another youth from Stuttgart reported: "Many employers laugh at me when I show them my certificate of toleration status: 'What, you've been here 20 years?' You feel humiliated."⁸²

The director of the Caritas Migration Service in Stuttgart stated that many employers interpret the expiry date on a certificate of toleration status as the date at which their residence will be terminated, since they are not familiar with the complexities of aliens law: "A small enterprise, such as a workshop, has no idea about aliens law, and doesn't expect that the boy will be allowed to stay. We spend a lot of energy convincing people that the applicant will be allowed to stay but will not be issued with a 'toleration' with a longer expiry date. In our case it's mostly three months [...]. How are you going to convince an ordinary mortal that the boy will still be in Germany to complete his three-year training, since he has already been here for 15 years or was born here?"⁸³

Many employers, social workers report, exploit these straightened circumstances and pay a minimal hourly rate, because they know that the young people have little choice. A Stuttgart youth, who would dearly like to train as a painter and varnisher, but has so far only been able to find poorly-paid jobs, described his situation: "You need the money, of course, you have to do something. So you just grit your teeth and get on with it."⁸⁴

Social workers also relate how many youths, under pressure from the insecure life they lead as 'tolerated' individuals, tend to take jobs paying quick money, rather than thinking long-term and completing an apprenticeship. They are motivated both by the desire to contribute to their family's livelihood - and thereby to their chance of being granted residence - and by the opportunity to save some money for what is an uncertain future. Without a school-leaving certificate they are able to find only short-term, unskilled jobs - through a temping agency, for example, or at a meatpacking firm during the summer grill season.⁸⁵

2.3.2.4 Mentoring projects

Mentoring projects have proved themselves in cities such as Münster and Stuttgart to be a successful way of tackling the disadvantages with which the children start their lives. Since 2005 the GGUA (a non-profit organisation supporting asylum-seekers) has run the 'Schlauberger' ('wise guy') project in cooperation with the municipal authorities and schools. The project involves 75 volunteer school sponsors who between them currently mentor 90 children from refugee and other families, including many tolerated members of Kosovan minorities. Each sponsor supports one child, as a rule, offering regular help with homework, reading to them, talking with them or playing with them, and acting as a confidant where difficulties arise.⁸⁶ Since 2009 the GGUA has been running the 'Schlauberger II' project at a school in the Coerde district of Münster, offering German classes for mothers of the children, as well as talks on schooling and parenting matters. Mothers are also given the opportunity to sit in on lessons, affording them an insight into everyday life at a German school.

For the last five years the working group 'ThirdWorld' (AGDW) in Stuttgart, which receives funding from the municipality, has run the project 'Adults help youth – mentors for young people'. The project offers support to young people, including those from Kosovan Roma and Ashkali families from an accommodation centre in the city district of Sillenbuch. As in Münster, children and young people between the ages of 10 and 20 are matched with their own sponsor, who helps them with their homework or gives them coaching in particular subjects. A few of the youths have managed to secure an internship or gain a high school leaving certificate as a result of the help they received through this program. According

to its coordinator, another great achievement of the project is in offering children who lack a stable family background the chance to feel accepted in a relationship they sense they can rely upon.⁸⁷

2.3.3 The consequences of residential segregation

Münster constitutes an instructive testing ground, where both the disadvantages of segregated accommodation centres and the opportunities offered by new concepts can be examined. In one part of the city some of the Kosovan Roma families still live in segregated accommodation, while other families from the minority have meanwhile been distributed among houses in various other locations around the city. These new accommodations were erected in accordance with a resolution passed by the city council in 2000. It foresaw the accommodation centre in Münster using small facilities each designed for about 50 people, instead of in mass accommodation intended for 225 people. In their construction, these new accommodations were designed to blend in with the existing houses in the area, in order to prevent neighbours perceiving them as alien. In 2003, individuals moved into the first accommodations built in accordance with the project, as terraced houses in the Albachten district of the city.⁸⁸ The facilities are each intended for 50 people, ensuring both that the inhabitants aren't left alone to fend for themselves, and that their presence doesn't provoke fear of being overrun among neighbours.⁸⁹

It also proved possible to prevent the construction of an isolated residential project in Coerde, in the north of Münster. Tolerated families now live there in the same neighbourhood as middle class families. This has not resolved all problems: the difficult conditions for children trying to do their homework in cramped living conditions remain. But the project was able to avoid the stigmatisation that is aroused elsewhere by the sight of neglected accommodation centres. This allows children growing up in Münster's Coerde district - within the strict legal, financial and social restrictions imposed by their status, at least - the chance to experience normal life in a German city, rather than looking on from outside. More alien to these children than any experience is Kosovo, which exists for them only as a composite of accounts they have heard from relatives.⁹⁰

Some of the 'tolerated' individuals in Münster, though, live in more challenging conditions – such as in an estate on the outskirts of an industrial park in the district of Berg Fidel. The many ways in which segregated accommodation can frustrate attempts to integrate children are clearly visible here.

Even before the city decided to house "tolerated' families in the estate, it had already fallen into disrepute as shelter for homeless people. Many residents of surrounding areas regarded the inhabitants of the estate with mistrust. Anyone living here, reported social workers, is already holding a short straw as soon as potential employers or those offering apprenticeships notice their address. Other individuals in Münster have been forced to live in similarly segregated accommodation in recent years, for example in estates in the west of the city.⁹¹

Social workers describe the estate in Berg Fidel as an 'enclave' and claim there is only sparse contact between inhabitants and residents of the surrounding area. For a long time this was also true for the children. While integration at school had succeeded, beyond school adolescents went their separate ways: children from the estate were not represented at youth facilities in the district, and children from the area had rejected contact with Roma from the estate.

It now fell to youth work to foster encounters between the groups, step by step; for example, the opening of a community centre in Berg Fidel offering entertainment for children and young people soon resulted in friendships between children uncomplicated by their different backgrounds; children from Roma families, from the former Soviet Union and German families. Where such opportunities for encounters existed, the children's different backgrounds ceased to matter.⁹²

Reports from segregated accommodations in other cities describe how estates of this nature result in children being marginalised: cramped conditions mean that children are unable to invite friends home. Many children are also ashamed of their situation, and it is understandable that many children and parents from the majority community were so deterred by the sight of the neglected environment of many of these accommodation centres, that the idea of visiting schoolmates who lived there would scarcely occur to them. Large communal accommodations act as a multiplier of problems. People of different origins are obliged to live together in cramped conditions with little in the way of resources. Psychological pressure, uncertainty about the future and conflicts oppress the atmosphere. Families able to secure a temporary residence permit move out and find better integration prospects in the residential areas of the city, leaving those left behind all the more keenly aware of their isolation. For children and young people, this segregation also means impoverishment in terms of restricted opportunities to socialise, and in the variety of their everyday experiences. Social workers tell how hard it is for someone to regard themselves as an inhabitant of the city of Münster, when they have barely ever known the city beyond their estate and their immediate environment. This has prompted social workers, on behalf of the youth office, to attempt to break through this isolation by running weekly outings for children. These have included using city busses to visit playgrounds, museums and other municipal facilities.⁹³

2.3.4 Diminished welfare benefits

The Law on Social Assistance for Asylum-Seekers provides for support at a rate significantly below that enjoyed by German welfare recipients, further restricting children's opportunities to participate in the life enjoyed by others their age. Social workers report that children are often prevented from taking part in class trips because their parents are unable to find the necessary €30 or €40, prompting social services staff to raid piggy banks for funds in order to spare children yet another experience of isolation.⁹⁴

A member of staff at non-governmental organisation in Magdeburg also illustrated how restricted welfare benefits set up barriers to the integration of children: she related the story of a boy in a family she knows who had no problems at school and played football at a club, but suddenly repeatedly missed school and stopped showing up for football practice.

When she took up the matter with him the boy explained that he was ashamed because his peer group were teasing him on account of the old, threadbare jacket he wore. Indeed, added the staff member, he and two of his brothers were wearing coats completely inappropriate for the winter weather, so she provided them with new shoes and coats. The boy's relief in "finally having a proper jacket" was tangible, she said.⁹⁵

Reports from these practitioners complement criticism of the Law on Social Assistance for Asylum Seekers levelled most recently in 2009 by the German Bishops' Commission, the Council of the Protestant Church in Germany, the Workers' Welfare Association (AWO), as well as from the two Christian charities Caritas Association and Diakonisches Werk.⁹⁶

In November 2009 UNICEF and numerous partner organisations cited Articles 24 and 27 of the UN Convention on the Rights of the Child in support of their demand that "asylum-seeking children must be granted standard welfare benefits, in order to ensure they are kept in the best health, and to facilitate their physical, spiritual, moral and social development."⁹⁷

2.3.5 Health and trauma

2.3.5.1 Restricted access to health services even in cases of chronic illness

One of the most salient points to emerge from interviews with the Kosovan minority families was the striking number of family members who were sick. In most families interviewed, one parent and one or more children were found to suffer from a serious illness. Practitioners from charities, counselling centres and non-governmental organisations confirmed these impressions. The illnesses reported most often by the families were cardiac disorders, respiratory diseases and diabetes. Counsellors also noticed that many of their clients from Roma and Ashkali families seemed to have aged prematurely. A number of practitioners put this suffering down to psychosomatic disorders, diagnosing the long-term effects on 'tolerated' individuals of emotional scarring due to the violence in Kosovo and the experience of fleeing their homes, as well as the result of the psychological pressure of life as 'tolerated' individuals – not least the years spent forcibly unemployed as a result of the legal limitations imposed by their status. The restricted access to healthcare has worsened the precarious situations of many families. Those affected make repeated visits to the doctor – as evidenced by the large collections of tablets, inhalers and other medicines present in many families' homes. Only after these attempts to control their conditions with such methods have failed, and they find a counselling service specialised in treating war and refugee trauma and begin a course of therapy, can the patients be weaned off their reliance on medication.

2.3.5.2 Psychological illnesses and the effect on children

According to experts from the counselling services and the charities interviewed, a considerable proportion of the Kosovan minorities suffer from psychological illnesses, some severely. In the Psycho-Social Counselling Centre for Migrants in Halle, which offers assistance to individuals from across Saxony-Anhalt, about one third of clients are Roma from Kosovo.

The most frequent diagnoses are post-traumatic stress disorders caused by war and flight, anxiety disorders and depressions. Clients often present with a combination of many illnesses, such as post-traumatic stress disorder or panic attacks due to anxiety disorders as well as depression. The counselling centres estimate that between 30 percent and 40 percent of refugee and 'tolerated' individuals suffer from psychological illnesses. Advisers, too, report that depressions are widespread among the families.⁹⁸

Many people have been traumatised after witnessing the deaths of family members and brutal violence in 1998-1999, as well as through losing their home and by weeks spent on the run during the chaos of war, in fear of their lives. Families who had once thought themselves at home in their villages suddenly experienced their neighbours as deadly enemies, losing the very ground under their feet as all their assumptions and trust in the world around them fell apart. Many clients in the counselling centres witnessed the execution and rape of family members with their own eyes, powerless to help. Others were forced to carry bodies, sometimes corpses in a state of decomposition, to mass graves. Children saw their siblings die during their family's escape. Women frequently seek out counselling for the rape – often multiple rapes – they suffered during the war and in its aftermath. Experiences such as these have a grave impact on a whole family. Discussing sexual violence infringes on cultural taboos and puts relationships under stress.⁹⁹

Those affected are repeatedly exposed to trauma. They are held prisoner by flashbacks that bring back an episode from the war or a rape into the present, prising them from reality and preventing them from meeting the challenges of everyday life, such as regular employment. The director of the Counselling Centre for Victims of Political Persecution in Stuttgart relates stories of people who experienced artillery bombardments during the war and who, even years later, can look out of the window and think their surroundings are aflame. Family members often find themselves having to snap their traumatised relatives out of a spell, convincing them they are now in Germany and the war is over. Then there are the nightmares and the sleeplessness, too.¹⁰⁰

Those traumatised in this way are frequently unable to play any meaningful role in family life. Specialists tell of people who sit passively around the home for days on end; the TV will often be on, but they won't be able even to focus on the program. Many of the patients suffer from dissociation disorders, perceiving themselves to be cut off from the world, from their own thoughts and their own bodies. Their relationships with family members and others suffer because these illnesses prevent the experience and expression of normal emotions. Patients themselves report exhaustion, hopelessness and loss of enjoyment in life, as well as feelings of isolation and thoughts of suicide.¹⁰¹

Those suffering from anxieties are sometimes unable to leave their homes, rendering them incapable of pursuing employment. A specialist related a typical case of a woman working

as a cleaner whose husband is sick and cannot be left alone; so she takes him to work every morning, where he sits for hours on a stool, waiting for his wife to take him back home at the end of the day. Given the strong family-centred traditions prevailing in these communities, families bear the responsibilities of illnesses so matter-of-factly that even trained counsellors and social workers, who have built up a close relationship of trust with the families, often discover the daily burdens borne by the whole family only accidentally and too late.¹⁰²

In many families the fear of deportation and of being returned to what they consider to be a hostile environment in Kosovo looms so large that it is sufficient to provoke anxiety disorders and, among some people, fear for their lives. Staff at counselling centres reports that fear of an impending deportation means parents and children can no longer sleep at night. Parents have been known to spend half the night at the window, listening out for the sounds of engines. Children can sense the fear in the air and lie awake.¹⁰³

Research by experts shows that even violence not experienced firsthand can provoke psychological illness. News from Kosovo of the murder of a family member or the loss of home and property, as well as years of uncertainty about the fates of family members, often inflicts psychological disorders. Where family members have been left behind and then murdered, feelings of guilt are not uncommon.

Attempts to deal with these problems are frustrated by the lack of public understanding of the severity and extent of these illnesses. There is little appreciation of the way that psychiatric illness can distort the life of a sufferer and their family. Traumatized individuals are invalids and are in no way to be seen as people who are 'a little bit sad' and trying to secure a temporary residence permit by trickery.¹⁰⁴ In Germany the concept of post-traumatic stress disorder has become better appreciated due to the reports of German Armed Forces soldiers traumatized by the experiences of war in Afghanistan. Discussion of the psychological suffering of refugees, however, has so far been restricted to the specialist community.

Psychological illness affects children in two ways. Some experienced traumatic experiences at first hand while still young - for example, the death of a sibling while the family was on the run. On the other hand, they suffer as a result of their parents' psychological illnesses, when the person bringing them up and acting as the guarantor of their emotional stability is partially or completely lost to them. Some children never experience their parents as autonomous individuals with whom they enjoy a protective relationship.

Where one or both parents suffer from anxiety disorders, depressions and post-traumatic stress disorders, over the long-term a family will be pushed into a desperate situation. The state of crisis becomes a formative experience for children. A sick mother or father represents more than a lost parent for the child; they will also tie up a great deal of the remaining family members' energies. Counsellors tell of families where the eldest daughter has to accompany her father everywhere because he is incapable of orientating himself alone. There are many cases where at least one child must be present to give round-the-clock care to a sick parent. A further aspect is that as part of their socialisation, children will imitate

the behaviour of their parents. A child whose mother does not dare to set foot outside the house, may themselves develop anxieties about walking around independently.¹⁰⁵

Children in refugee and 'tolerated' families often take on a measure of responsibility for their parents and siblings beyond their cognitive and emotional ability to cope. Psychologists describe this process where children are forced into a parenting role, forfeiting their own childhoods in the process, as 'parentification'. Since children speak better German than their parents, giving them a surer understanding of certain situations, there is already a tendency for them to have to act as mediators between their parents and the authorities, lawyers or doctors. They learn early on how to present the public face of their families in such a way that existing problems can at least be held in check.

This leads on the one hand to an inappropriate degree of intimacy between the generations, for example, when children have to translate for a parent during a visit to the doctor. On the other hand, the family hierarchy is disturbed, with children quick to grasp their parents' dependence on them, undermining parental authority together with the influence needed to bring up children. When children are obliged to take on a greater degree of responsibility for their parents and siblings, this will be at the expense of their progress at school. Counsellors and educational services alike reported that 14 year-olds from Roma families acted like 17 year-olds. One expert counsellor described children from Roma and Ashkali families forced to live under constant pressure from an early age as 'struggler children'.¹⁰⁶

Counsellors identified the uncertain status as a central problem encountered in their work. Secure personal circumstances are a prerequisite for health. Where the law fails to grant security, as one expert put it during an interview, psychologists can't create it by magic in therapy. Part of personal security as a victim is the knowledge that the perpetrator has been punished and has lost their freedom of action. As far as many patients are concerned, a return to Kosovo means living with the risk of being at the perpetrators' mercy again.¹⁰⁷

Anyone would become depressed, said a worker at a counselling centre, living a helpless and dependent life for years, unable to see family members as a result of their residence obligation, cut off in an accommodation centre and threatened with the possibility of being sent out of the country. In that sense, patients are reacting normally to their situation. Those wanting to see an improvement in these people's health must first improve the conditions in which they live. Given current conditions healing is barely possible, rather efforts are focussed around suicide prevention, providing some relief from suffering and bringing about a state of equilibrium, at least temporarily, and however fragile. This has brought results, nevertheless, such as reductions in the high frequency of visits to the doctor, and clients becoming independent of aids and medication.¹⁰⁸

Counsellors describe patients from Roma and Ashkali families as regular and punctual visitors to their therapy sessions, even after Aliens Authorities have ceased their appraisal and attendance is no longer compulsory. Even though psychotherapy is new to most patients, they experience tangible relief, expressing gratitude for this opportunity to talk about experiences with which they have struggled for years.¹⁰⁹

The counselling centres for migrants do not apply any therapies specifically for members of Kosovan minorities, who are subject to the same treatment as other individuals trauma-

tised by persecution, war and flight. In this sense, patients are able to understand their reactions as normal responses to extreme situations, rather than the result of personal inadequacies. During interviews, experts emphasised how important it was to the patients that their stories and sufferings were accorded respect. Patients experience consideration in these sessions which they encounter hardly anywhere else.¹¹⁰

2.3.5.3 Lack of access to therapy

Access to therapy varies from region to region. In Saxony-Anhalt in early 2010 a counselling centre in Halle supported by the charity 'Diakonisches Werk' were reporting a waiting list of between four and five months. Interviewed experts state that welfare offices rarely agree to reimburse travel costs, so families must cover the journey from their accommodation – which might lie at some distance from Halle - from their own meagre monthly budget. From 2009 the counselling centre won the discretion to reimburse travel costs itself, resulting in an easing of the situation.¹¹¹

The 'residence obligation' requires 'tolerated' individuals and asylum-seekers to apply for a 'leave pass' in order to travel out of their district. While therapy appears to be accessible in the Stuttgart area, in Münster the provision of nearby therapy has been judged as inadequate. Without access to psychotherapeutic treatment, patients are often left to fall back on the insufficient option of medication.¹¹²

2.3.5.4 Long-term humanitarian leave to remain

Where the Aliens Authorities identify a psychological illness as an impediment to leaving the country, they may issue a temporary residence permit on humanitarian grounds. Counsellors note that the problem with this measure is that the temporary residence permits only last for as long as the illness is present. This puts the patient in a difficult situation. While the degree of suffering borne by the patient is so high that no one would deliberately delay the process of recovery, patients are nevertheless aware that recovery means the end of their family's security of residence. This adds a subconscious complication to the therapy.¹¹³

It has been the practice to question the veracity of illnesses that are only diagnosed and raised late on in the asylum application procedure. There may be genuine reasons why illnesses only become apparent, even to social workers with long-term contact with the family, after a period of years have passed. Shame and taboos can prevent women from speaking about rape. Many fear being stigmatised as 'crazy', and families with such little exposure to education have hardly any understanding of psychotherapeutic treatments. A few people also do not find out until late that their psychological suffering can be taken into account in granting a temporary residence permit on humanitarian grounds.

2.3.5.5 The threat of deportation and psychological suffering

Besides psychological illnesses, the threat of deportation heightens the tension in families. The Stuttgart social worker and educational specialist Brigitte John-Onyeali has described these families as being under constant pressure and in constant fear.¹¹⁴ A young woman from a Roma family bore out this assessment: "Sometimes I go to sleep in my clothes. Perhaps we'll be deported during the night. Who knows? (...) The fear is always there."¹¹⁵ Children are immediately exposed to this atmosphere of fear, especially those that have to translate letters about their legal situation for their parents.¹¹⁶

This fear finds expression in different ways. Practitioners from advice centres, social services and schools describe children with concentration problems, slackening performance at school or aggression as a result of the threat of deportation. Children find it hard to cope with the sensation of being not just an unwanted part of society, but as an element their country of residence is actively trying to expel.¹¹⁷ A teacher from Münster explained that children were simply unable to understand why they couldn't stay.¹¹⁸ A social worker added that children did not want to talk about the issue, were ashamed and tried to block out their fear.¹¹⁹ Many observers in the families' communities reported a certain 'over-conformity' provoked by fear, an attempt to meet all demands made of them as inconspicuously as possible, regardless of whether these seemed reasonable or not.

The high rate of illnesses in many families has made them fearful of being unable to access or afford desperately needed treatments and medication in Kosovo. Such fears are hardly assuaged by assurances that medicines must surely be available in Kosovo, since they are already aware of numerous reports about the poor provision of medical care there.¹²⁰

2.3.6 Identity

Integration research regards identity as an important indicator. Consequently, interviewees were asked questions about what home meant to them and about their sense of belonging. Some children, who had grown up in segregated accommodation centres, identified with a group no larger than the inhabitants of their immediate environment, and when out together in the surrounding district they associated themselves with an underdog persona. Children who had grown up in an environment with other population groups identified more strongly with their city district. Children and social workers from Münster-Coerde reported a "we lot from Coerde" sense of identity, expressed in opposition to what the children perceive to be the better-off neighbouring districts.¹²¹

All the children and young people questioned consider their surrounding environment, where they have spent their childhood, to be their home. Erdzan, a twenty-three year-old from Münster's Coerde district, was asked about his home and responded: "We grew up here, we know everything around here, we went to school here!"¹²² The young man is active in the 'AWO-Jugendwerk', the AWO youth organisation. He not only takes part in leisure activities there, but also runs some of them, such as a cooking course for children. A youth in Stuttgart replied. "There's no city I like as much as Stuttgart. This is where our life is."¹²³

2.3.6.1 'Toleration' status as a symbol of exclusion

At the same time, for 23 year-old Erdzan from Münster, who came to Germany at the age of 1, his toleration status remains a constant symbol of exclusion, such as when he goes to a disco: "Say I go out, to have a good time, and the bouncer asks to see my identity, then I'll be ashamed to show it to him, even though I have it with me. Imagine what they think when they see it, even after 22 years living in Germany."¹²⁴ Since many discos, according to the young people, have an unofficial quota system anyway, and bouncers have instructions only to let in a certain number of foreigners, the young people feel that their toleration status amounts to additional discrimination.

2.3.6.2 Perspectives on Kosovo

Those children and youths interviewed, unanimously declared that there was no future for them in Kosovo. They are greatly afraid of being deported to a country they consider to be alien. Every family, says social worker Gabriele Hess from Münster, knows families who have already been deported, "the horror stories get around."¹²⁵ This fear is only amplified by the e-mail and Internet contact that youths have tried to establish with those who have already been deported to Kosovo.¹²⁶ Children at their own age have been telling them of their desperation at no longer being able to make themselves understood in German. They know that their deported relatives are attempting to save money to return to Western Europe, because they see no future in Kosovo. Once deported, children often pressure their parents into returning to the country they consider to be their home. Hess thinks that the families will attempt to return, should they indeed be deported, even at the cost of indebting themselves and having to make do with worse conditions.¹²⁷

Esat, a twenty-six year-old, related the story of a relative who has already been sent back: "He's just said; 'it is really really bad here, I can't see any life for me at all, I'd rather go with my family and drown than live like this.' That's pretty brutal."¹²⁸ Hess suggested this is quite representative of the attitude of young Roma: "They won't stay there. It will be impossible for them to accept a life like that. They have been 'Europeanised', and they have the expectations that go with that. The young people want a car, a house, a good wife, two kids and want to live in peace, just as other Europeans do. That's their dream. That is not something they will be able to attain in Kosovo, because they know very well that when they go into the village there will be people looking to beat them up, and people who will look the other way. (...) If you were to put them up in a ten-room villa with a DSL connection, they still wouldn't stay there."¹²⁹

Other specialists also reported that a large number of children and young people do not regard Kosovo as their country. A young Roma from Stuttgart said: "Imagine it – you live here for 20 years. You don't know any other country any more. For us, Germany is our country."¹³⁰

2.3.7. Excursus: one example among many: Family X, from Ahaus

Whenever one looks into the stories of members of Kosovan minorities with 'toleration' status living in German cities, the same themes emerge again and again, however particular the case of each individual family may also be. The situation of 'family X' from the North-Rhine Westphalian town of Ahaus, near the Dutch border, is in many respects representative of the situation of a great many Roma, Ashkali and Egyptians with 'toleration' status. It shows how even integrated families fall at the hurdle of the 'long-stayer regulation' and highlights the scant regard often given to the best interests of the children, as well as the psychological and social effects of deportation.

Vedat and Serji X are married and have four children: Senaid, 18; Senjur, 15; Erduan, 7; and their daughter Altenesa, 9. Family X has lived in Germany for 18 years. Their eldest son arrived at the age of six-months old, the other children were born in Germany. Their youngest son Erduan has a serious asthma condition.

Vedat X, the father, has been in employment for ten years, and during this time he has only once claimed social welfare payments: during a period of a few months following the insolvency of his then employer. Since 2008 Mr X has worked as a powder-coater at a company in Ahaus. His wife Serji works as a cleaner in a health centre. Their daughter goes to primary school in Ahaus, two sons attend the Don Bosco special school and their oldest son Senaid has completed a vocational course. People who have known the family for years describe them as integrated to an exemplary degree. One testimony to this is Mr X's years of employment, despite his three-month toleration status, which acts as a red flag for many employers. Vedat X claims that before each expiry, his boss makes a point of asking him if he can reckon on his continued presence, since he values his work.

Both the headteacher of the Don Bosco School and the social worker there affirm that the family is successfully integrated, that the parents support their children's school careers, attend parents' evenings and otherwise stay in close contact with the school. In language terms too, integration is at an advanced stage: the children speak German among themselves, while the parents speak both German and Romany. The mother, Serji X, attended a two-year German language course for adults at the Don Bosco School.

The family feels at home in Ahaus. Vedat X cannot imagine a future for his children in Kosovo: "The children have been born here and belong here." He, too, has put down his own roots: "Germany is my country now. I say that not only with words, but I feel it to be true in my heart." Many in Ahaus sympathise; the headteacher said the family has received much support since the local press reported their story.

Vedat X comes from Vushtrri, also Vučitrn, in northern Kosovo. His family, he remembers, was well established there and owned a two-storey house. In the 1970s and 1980s his father worked as a Yugoslav guest worker at a mine in Oberhausen. During the Kosovo War the house was destroyed and all relatives and friends left the city. The rest of his family now live in Germany. He tells how last year his uncle attempted to inspect the family plot, but was challenged by local Albanians and was only able to take a photograph before quickly leaving the area.

Vedat X believes that the Aliens Authority responsible for his family's case refused him a temporary residence permit under the provisions of the 'long-stayer regulation' because his name is recorded in the Federal Central Criminal Register as the result of two convictions, whose combined daily-rate fine total exceeds the maximum stipulated by the 'long-stayer regulation'. "I made two mistakes," he says. The convictions concerned relate to two occasions, in 1996 and 2006, when he used his EC debit card without sufficient sums being present in his account. Under the 'long-stayer regulation', this is sufficient grounds to deny the whole family their chance of a temporary residence permit. "I paid for the mistake," says Vedat X, "I accepted the punishment, but do not understand why they are now inflicting this pressure on my children."

The school social worker explained how the pressure has affected the children's everyday lives; how 15 year-old Senjur X had been one of the most reliable and least troublesome of pupils, even being appointed class prefect for a time. Since the family has lived in fear of deportation, however, Senjur has been preoccupied, morose and withdrawn. This account rang true during the interview with the family, during which Senjur sat silently as if in shock. Senjur's case is representative of numerous children his age among local Kosovan Roma families. Many refuse to sleep in the parental home any more due to fear of deportation to Kosovo.

The headteacher of the special school said that in her opinion the fact that an unusually high proportion of children from Kosovan Roma families require special assistance is due to these families' fragile situations. Fear of being forced to leave their home hinders their progress at school. The restlessness suffered by children living under threat of deportation affects even their classmates. She quotes letters written by these classmates to the Borken district commissioner: "Dear District Commissioner, we have learnt that my best friend Senjur X is to be deported. I am not happy that he is to be deported because we play together outside every day. Without him it will be very boring. He never causes any trouble of any kind. He speaks good German. So I don't understand why he is to be deported. He is very interested in school, he doesn't bunk school. His brothers and sister are all really nice, and Senjur's parents are also really nice and funny. Senjur's parents are friendly and have lived in Germany for 18 years. He was born in Ahaus. That's why I am asking that he be allowed to stay. I will be very happy if he is allowed to stay."

An application on behalf of the family to the North Rhine-Westphalia State Hardship Commission in February 2010 failed. The Caritas Refugee Advice Centre in neighbouring Gronau, in cooperation with the headteacher of the Don Bosco School and an integration assistant, have submitted an application to the petition committee of the State parliament. At the time of writing, no answer had yet been received.

2.4 Right of residence title between political intention and social reality

2.4.1 A life with a future as a precondition for integration

The perspective to obtain a residence title is according to the 'long-stayer regulation' a reward for successful integration. Social work practitioners – as well as many migration researchers – claim this relationship must be appreciated from the opposite perspective: those who are to be integrated must first have a future, and this requires legal security and security of status.

Without exception, those specialists interviewed stressed that a secure prospect of residence for families was essential if children and youths were to be well integrated in their schools, training places, the employment market and in their local environment. "It would all be easier, explained a teacher in Münster, if it just went without saying that the children belong here."¹³¹ Practitioners describe the atmosphere of insecurity as the key problem affecting their work. Among the experts from social services, schools and psychological counselling centres interviewed, not a single person considered the deportation of children who have grown up in Germany to be defensible. Many of these experts did accept the principle that those with 'toleration' status be sent back to their countries of origin - including by force if need be. But this should be done earlier on and not after ten, fifteen or eighteen years, when many parents and almost all children born and brought up in Germany have effectively become nationals in all but law. Numerous experts interviewed expressed the same view independently of one another: children who had spent so many of their formative years in Germany should be 'allowed to arrive'. Years living "in a vacuum"; as one social worker put it, renders people "broken inside."¹³²

2.4.2 Integration prospects change traditional behaviour patterns

The direct connection between integration and future prospects has been well documented by reports from the field concerning cultural change across the generations, specifically the extent to which children align themselves between the traditional expectations of their parents on one hand, and the life choices common in the host society on the other. A large proportion of the parents socialised in Kosovo live according to the traditions of the family-centric rural societies from which they came, fulfilling the roles expected of them according to their gender and generation. According to these traditions, families are started young and children play a more important role than is usual in the majority German population. On the one hand, such traditions bring about a strong sense of solidarity among the family – one of few reserves of strength available to these families, as one of the social workers interviewed for the report commented. On the other hand, such traditions circumscribe an individual's prospects of personal development. Young women often break off their education and pass up their opportunity for professional training, even those who were successful students, in order to look after sick parents or siblings and to start their own family.

At the same time, say social workers, these attitudes are not fixed. In fact, children renegotiate the interplay between their inherited traditions and the imperatives of everyday life in Germany depending on the prospects they identify. There are signs that families are beginning to reassess their perspectives, in favour of professional training for young women, for example.¹³³ However, for children to be able to follow the thread of such new expectations, allowing the free expression of their tendency to integrate, they need to feel more secure and self-confident. But the exclusion perpetuated by their toleration status, and the pressure imposed by the threat of deportation, pushes them back into reliance on the apparent alternative security of the behaviour patterns of their origins: of a rural society dependent on familial solidarity.¹³⁴

One social worker told the story of a young man who had the prospect of a training place. In the end, the employer had chosen another applicant who did not have the disadvantage of toleration status. Lacking alternative prospects, the young man then did his father's bidding and let himself be cajoled into a marriage. Since then he has had to make do with a series of temporary jobs. The young man would have preferred to follow the 'German way', explained the social worker, but then his path was blocked: "The hardest thing for us to watch is when you have healthy and bright children with real potential, who are really achieving and want to integrate, but their willingness is trampled underfoot. They then drift off into an utterly different existence, when only a small legal change would have given them a future. He would have paid his taxes throughout his life."¹³⁵

Many of the families who fall at the hurdle of the 'long-stayer regulation' were also marginalised in Kosovo. Some parents have no educational history of their own and exist both socially and in terms of employment at the lower end of society. Advisers note that families from minorities that had once been well established in Kosovo - running a carpenters' workshop or a shoe store - have been able to capitalise on their experience and make the most of their lives in Germany. Such people have tended to be granted temporary residence permits.¹³⁶

Social marginalisation, which according to current research is a tenacious enough problem in normal circumstances, becomes an especially stubborn problem among disadvantaged families living a 'tolerated' existence. These families have lived in conditions intended to suffice only for a short-term stay that has now been stretched out over years and years, and have been subjected to restrictions that deliberately prevent integration in so many ways, rather than facilitating it - from segregated accommodation to restricted access to language courses, the labour market, vocational training and further education.

Integration in the German school system is a great opportunity for the children: their generation stands a chance of breaking through the social automatism that would otherwise dictate that their parents' excluded status be handed down to them. In this sense, the deportations threaten to terminate the integration which is now underway in Germany. The children could then be consigned in their turn to an existence on the margins, a fate conforming to stereotype.



3

THE SITUATION IN KOSOVO

3 The Situation in Kosovo

Verena Knaus

3.1 Repatriations to Kosovo

3.1.1 Political Context

Following a fact-finding visit to Kosovo in March 2009, Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, noted in his report that “Kosovo is under political pressure to accept these agreements, without having in place the budget or the capacity to receive these families in dignity and security.”¹³⁷ Alarmed by the prospect of 14,399 Kosovans, including 11,770 Roma, Ashkali and Egyptians, to be sent back from Germany in the coming years¹³⁸, by force if necessary, Human Rights Commissioner Hammarberg sent a personal letter to German Chancellor Angela Merkel on 25 November 2009, asking her to take all necessary measures to prevent the forced return of Roma in particular.¹³⁹

Political pressure on the government in Prishtinë/Priština to accept and accommodate increasing numbers of forced returns, including members of vulnerable minority communities like Roma, Ashkali and Egyptians, has increased since independence. For one, because countries like Germany, with sizable Kosovan minority communities are eager to return them. Secondly, because Prishtinë/Priština, is eager to fulfill the necessary conditions to start a visa dialogue that would lead to visa free travel for Kosovo’s citizens. The European Council Conclusions of December 2009 specifically state that Kosovo should also benefit from the perspective of eventual visa liberalisation once all the conditions are met; these include the signing of bilateral readmission agreements and a Law on Readmission.¹⁴⁰ Given that today Kosovo is still very isolated, and that Kosovan citizens can travel only to five countries without a visa, readmission agreements seem a price worth paying in return for an eventual lifting of visa restrictions.¹⁴¹

But who actually pays the price? This study takes a closer look at those hiding behind the figures and statistics on returns and repatriation. By doing so, it aims to shift the current debate about the expected forced returns of almost 11,700 Roma, Ashkali and Egyptians, of whom between 5,000 and 6,000 are children,¹⁴² from a purely technical and legal matter to one focusing on individual experiences and the best interests of the child, in particular.¹⁴³

3.1.1.1 Forced and “voluntary”

Between 2007 and end of May 2010, according to UNHCR statistics, a total of 9,980 individuals have been returned by force, mainly from Western Europe. Of those, 1,544 belonged to minority communities (about 15.5 percent), including Ashkali, Egyptian, Gorani, Bosniaks, Turks, as well as Serbs, Albanians in minority situations and recently also Roma.¹⁴⁴

In the last two years since independence, there has been a marked increase in ‘forced minorities’ returns’ from Western Europe; especially the number of forced returns of Serbs and Roma has increased dramatically. The number of Roma returned by force from Western Europe has more than doubled from 54 in 2008 to 127 in 2009.¹⁴⁵ In the first three months of 2010 alone, another 114 Roma and 72 Ashkali have been repatriated to Kosovo.¹⁴⁶

Table 1: Forced returns between 2007 and May 2010

| | 2007 | 2008 | 2009 | 2010 (Jan-May) | Total 2007- May 2010 |
|----------------------|-------|-------|-------|----------------|----------------------|
| Majority (forced) | 2,787 | 2,134 | 2,492 | 1,023 | 8,436 |
| Minorities (forced)* | 432 | 416 | 470 | 226 | 1,544 |
| Total | 3,219 | 2,550 | 2,962 | 1,249 | 9,980 |

Source: UNHCR OCM Prishtinë/Priština, May 2010

*Including all minorities, Ashkali, Egyptian, Gorani, Bosniaks, Turks, Serbs, Romas and Albanians in minority situations

Germany leads the statistics both in terms of readmission requests and actual repatriations. Between January and March, Germany submitted 596 requests – almost 48 percent – out of a total of 1,245 readmission requests received by the Kosovo Ministry of Interior. During the same period, Germany actually repatriated 283 individuals – almost 20 percent – out of a total of 1,429.¹⁴⁷

The Haziri Family

Many of those returned by force share the experience of Halime Haziri and her three children. The Haziri family was separated and the two oldest children still live in Germany.¹⁴⁸

At 3 AM one morning in 2006, seventeen German police officers knocked on the doors of the Haziri family. By that time, the family had been living in Germany for 15 years; the three youngest children, 14, 9 and 3 years old, were born in Germany. They were told that they had one hour to pack all their belongings and return to Kosovo. Halime’s husband had just died some months before; she was shocked and did not know what to do. Afraid that her two older sons, 16 and 14 years old, would try to run away, police handcuffed them. An hour later, the whole family was driven to Stuttgart airport and put on an old Macedonian-operated plane. By 3 PM the next day, the Haziri family arrived in Prishtinë/Priština.

After waiting for two hours, Kosovan police officers informed them that they would not be allowed to enter Kosovo. The family was put back on the plane, this time heading to Skopje. In Skopje, police would not let them leave the plane for hours. Eventually the

children were given some food and drinks. The next day, the family was told they would return to Germany. When they arrived in Frankfurt, CARITAS staff received them and provided accommodation and a medical check-up. Eventually, the Haziri family was sent back to the same apartment that they had left some nights before.

Three months passed. One night, at 4 AM in the morning police turned up again at their doorstep to return them to Kosovo. After waiting at the police station for several hours, CARITAS intervened and the Haziri family returned once again to their apartment. The children went back to school and tried to continue their life as before.

Two years later, on 28 March 2008, police turned up again at 3 AM in the morning telling them that they had 30 minutes to pack their things and leave. At the police station, on the way to the airport, the family was told if they signed a document declaring that they ‘agree to return voluntarily’ they could visit Germany as tourists, but if they refused, they could not come back for at least five years. The family nevertheless refused to sign; at 11.30 AM the next morning, they boarded a plane to Prishtinë/Priština. This time it was operated by Montenegro Airlines. Upon arrival, staff of URA, a German-funded reintegration assistance programme, interviewed them and accommodated them temporarily at the URA offices in Prishtinë/Priština. After three days, Halime’s uncle from Fushë Kosovë/Kosovo Polje offered them a few rooms in his house. Two years later, the thirteen-year old youngest daughter, Remzije, still misses her home and friends in Germany. *“I have nothing to do with Kosovo”, she tells us, “this is not my house. I feel terrible here. I miss my school friends in Germany.”*

Of the 40 families portrayed as part of this study, only one family declared to have returned voluntarily. Five families reported to have agreed to declare their ‘voluntary return’ under threat of being deported by force, in most cases at the police station en route to the airport.

Table 2: Forced and voluntary returned families

| Repatriation | | |
|------------------|----|-------|
| Forced return | 34 | 85% |
| Voluntary return | 6 | 15% |
| | 40 | 100 % |

Source: Face-to-face interviews with 40 returnee families

The 2008 EU Directive on repatriation procedures spells out clearly that “voluntary return should be preferred over forced return”¹⁴⁹ The notion of ‘voluntary return’, however, is often slightly misleading. While there are some who truly want to return, the majority of voluntary returns are not ‘voluntary’ in the literal sense of ‘acting of one’s own free will’. In most cases, families faced the choice of either returning ‘voluntarily’ (with the promise of some reintegration assistance) or – like the Haziri family – be picked up by police forces in the middle of the night,

given one hour to pack their belongings, put on a plane and deported by force.

The socio-economic situation in Kosovo today is such that very few minorities chose to return voluntarily. In fact, in 2009, with 14,200 cases, Kosovo ranked 5th in the number of asylum applicants in the EU-27, after Iraq, Somalia, Russia and Afghanistan.¹⁵⁰ Over the last three years (2007-2009), for every person that returned ‘voluntarily’, another 5 were sent back by force.¹⁵¹

Table 3: Total minority return to Kosovo (from Western Europe), 2007 – May 2010

| | 2007 | 2008 | 2009 | Jan – May 2010 | Total 2007 – May 2010 |
|------------------------|------|------|------|----------------|-----------------------|
| Minorities (voluntary) | 102 | 77 | 116 | 71 | 366 |
| Minorities (forced)* | 432 | 416 | 470 | 226 | 1,544 |
| | 534 | 493 | 586 | 297 | 1,910 |

*Including all minorities, Ashkali, Egyptian, Gorani, Bosniaks, Turks, Serbs, Romas and Albanians in minority situations
Source: UNHCR OCM Prishtinë/Priština, May 2010

From the perspective of the receiving community in Kosovo, it matters little if a family has been returned voluntarily or by force. Their human needs are the same and include at the very least the provision of housing, schooling, access to basic health care and some income opportunities.

Table 4: Total Returns from all countries, 2007- Mai 2010

| | 2007 | 2008 | 2009 | Jan-May 2010 | Total 2007- May 2010 |
|--------------------|-------|-------|-------|--------------|----------------------|
| Voluntary returns* | 3,836 | 2,382 | 3,544 | 2,096 | 11,858 |
| Forced returns | 3,219 | 2,550 | 2,962 | 1,249 | 9,980 |
| | 7,055 | 4,932 | 6,506 | 3,345 | 21,838 |

*From all countries, including returns from FYROM, Montenegro and Bosnia Herzegovina, and IOM-assisted returns.
Source: UNHCR OCM Prishtinë/Priština, May 2010

The financial and institutional capabilities of Kosovo’s municipalities and central institutions to take care of all returnees – and to ‘receive them in dignity and security’ as Hammarberg called for – do not exist. At present municipalities and state institutions are unable to provide for even the most basic needs to such a large number of returnees. As the following chapter will show, it is above all the children who will bear the brunt of this decision.

3.1.1.2 Repatriated Children

‘I did not know what was going on at the beginning. We were dropped in Kosovo without any reasons. I left my school; I left my friends; I left everything behind against my will. We could not even say good-bye to our friends at school. It was terrible.’¹⁵²

This is how 19-year old Filloreta Krasniqi remembers her forced return to Kosovo in 2006. Living in a small village near Prizren, she still keeps contact with her old friends from her school in Germany.

According to estimates by the Auslaenderbehoerden in Stuttgart, Magdeburg and Muenster, the share of children among the 11,770 Roma, Ashkali and Egyptians considered 'ausreisepflichtig' (obliged to leave) ranges from 42 to 50 percent, or between **4,914** and **5,850** children.¹⁵³ Hiding behind this number are toddlers that just learned to walk, boys and girls attending primary school and teenagers dreaming of iPods and a future in dignity. An estimated three out of five, or between **3,000** and **3,500** of them have been born and raised in Germany, and like Nazmi Hyseni, consider Germany their home.¹⁵⁴

*'Look at me, I used to have a normal life, going to school every day, playing football twice per week in my school team. I had my dream for the future, and in the end, one day early in the morning, all of these good dreams were over and I suddenly found myself in a place where I have never been before. And then was told this is your country, where you are going to live. But this is not my country. I was born in Germany, I don't have friends here. Look at me now: I have nothing, no school, no friends. And now I end up on the street. This is not the kind of life I want to live.'*¹⁵⁵

As we have described in the previous chapter, many Roma, Ashkali and Egyptian children like Nazmi simply feel 'German'. They cheer for the German football team and celebrated with Eurovision winner Lena Meyer-Landrut. Many speak German with their own brothers and sisters at home. For most of them, Kosovo is a distant country they know only from stories told to them by their parents or relatives and from news reports. They hope for nothing more than the legal right to stay in Germany. And, those who have already been returned to Kosovo by force, dream of returning to what they consider their 'home'.

During our interview with fourteen-year old Fellona Berisha, she told us in perfect German:

*'Every night I cry and I want to go back, all of us cry every night, believe me. The only thing I would like in my life is to go back to Germany and continue my normal life, my school and everything I left there.'*¹⁵⁶

Fellona's parents left Gjakovë/Đakovica in 1992. Fellona and two of her siblings were born near Saarbrücken. She herself went to school in Wemmetsweiler. Until the day of her deportation, she had never been to Kosovo.

3.2 The Situation in Kosovo

3.2.1 Security and Rights on Paper

It is not inter-ethnic violence or outright discrimination that children like Fellona, Nazmi and Filloreta are afraid of. It is the socio-economic reality they inevitably face in Kosovo today that is threatening their future development.

The authorities in Germany argue, whenever challenged by NGOs or parliamentary inquiries, that the current legal system does not take into account poverty or socio-economic difficulties as sufficient cause for asylum or 'Bleiberecht'. Since 1999, Germany has also funded programmes like REAG (Reintegration and Emigration Programme for Asylum-Seekers in Germany) and GARP (Government-Assisted Repatriation Programme) to assist returnees. The Diakonie Trier provides vocational training opportunities to returnees and the Arbeiterwohlfahrt Nuernberg offers reintegration assistance to voluntary returnees from Germany.¹⁵⁷ Currently, the *Bund* and four *Laender* (Baden-Wuerttemberg, Niedersachsen, North Rhine-Westphalia and Sachsen-Anhalt) fund the reintegration programme 'URA-2', providing counseling, employment assistance and financial support to voluntary and forced returnees.

In fact, with regard to security and inter-ethnic relations, the situation in Kosovo has dramatically improved since 1999. The German government therefore also argues that from a security perspective, most parts of Kosovo are safe for the return of Roma.¹⁵⁸

Over 70 percent of Kosovo's Roma, Ashkali and Egyptians live in ethnically mixed communities. Relations are generally good and violent incidences rare. Trust in the Kosovo institutions is commonly high: 86 percent of respondents ranked Kosovan police as the most trusted institution to provide security, ahead of EULEX trailing at 3 percent.¹⁵⁹ Twenty-two percent of respondents felt discriminated to some degree by municipal institutions, but 62 percent did not feel any discrimination. Judicial institutions, one of the most challenging sectors in Kosovo are also trusted; 22 percent feel some discrimination, but 51 percent do not.¹⁶⁰

In terms of legal and constitutional provisions protecting the rights of its Roma, Ashkali and Egyptian minorities, Kosovo may even be setting a positive example in the region and parts of Europe. A Human Rights Coordinator in the Prime Minister's Office oversees the implementation of the Law on Anti-Discrimination. Human Rights Complaints can be filed with the Ombudsperson's office in Prishtinë/Priština. Twenty seats in the Kosovo Parliament are also reserved for minority representatives.

It is also true that, at least on paper, Kosovo guarantees the rights to education and health-care for all minorities. German authorities can also point to the Strategy for Reintegration of Repatriated Persons adopted by the Kosovo government on 10 October 2007, and the Action Plan approved in April 2008 containing detailed budgetary provisions and actions required by central and local authorities to accommodate and integrate returnees.¹⁶¹ On paper, and maybe from the perspective of the *Auslaenderzentralbehoerden* in Karlsruhe and Bielefeld, all seems fine. The reality on the ground, however, is very different.

3.2.2 Reality Check and Strategies of Integration

Until 2008, responsibility for the reintegration of repatriated persons rested with UNMIK, UNHCR, and implementing organizations like IOM. Starting in January 2008, readmission and repatriation competencies were gradually transferred to Kosovo institutions. In a letter sent to embassies and liaison offices on 15 October 2008, Kosovo's Ministry of Internal Affairs announced the official hand-over of all readmission and repatriation responsibilities from UNMIK. From 1 November 2008 onwards, the Kosovo government handled all readmission requests from host countries directly.

A year later, in November 2009, the OSCE published an assessment of the implementation record of the Strategy for Reintegration of Repatriated Persons in Kosovo's Municipalities.¹⁶² It concluded that 'Kosovo's local authorities fall short of fulfilling their obligations to support the reintegration of persons repatriated to Kosovo from host countries'.¹⁶³ The report also noted that 'concrete measures to facilitate the reintegration of repatriated persons in the key areas of health, education, employment and housing are still lacking, and no costs associated with the reintegration of repatriated persons have been included in the respective municipal budgets'.¹⁶⁴

The initial response by the government to the criticism levied by the OSCE was muted. In early 2010, however, the issue of reintegration was back on the agenda in the context of discussions about the opening of a visa dialogue between the European Commission and Kosovo. The European Commission specifically called for a review of the readmission and reintegration policies as one of the precondition to begin a visa dialogue. It was now the turn of the Kosovo Ministry of Internal Affairs to launch its own review to assess the implementation record of the Strategy of Reintegration of Repatriated Persons.

Little has changed since the publication of the OSCE report in late 2009; the review mostly confirmed the OSCE's findings. Its key critique concerned the continued lack of any budgetary provisions to implement the Strategy at the municipal and central level. The review stressed that 'financial means have been identified as the main challenge'. By March 2010, the only funds earmarked to cover the costs for implementing the Reintegration Strategy was a 100,000 Euro budget line in the Ministry of Labour and Social Welfare for two shelters to accommodate returnees.¹⁶⁵ None of the other line ministries and none of the municipalities had budget lines for the reintegration of repatriated persons.¹⁶⁶

The Strategy assigns the key coordinating role between central and local level institutions to municipal community offices and municipal return officers. They shall act as first contact point for all repatriated persons. The review noted, however, that the relevant municipal departments are largely unaware of the Strategy and their responsibilities. Few had even seen copies of the strategy; none had established policies or procedures to deal with the reintegration of repatriated persons.¹⁶⁷ Most municipal return officers interviewed were also not informed about the recent signing of a bilateral readmission agreement between Germany and Kosovo. Some simply do not feel responsible for forced returns. As the municipal return officer in Prizren explained:

*'How you expect me to help forced returnees from Germany when the municipal returns office here in Prizren has zero budget for them? My job is to deal with IDPs from Kosovo and Montenegro and with returnees from Serbia'*¹⁶⁸

In Gjakovë/Djakovica we were told that municipal return officers who tried to raise the issue with the municipal assembly failed.

*'The Office for Returns has proposed to the Municipal Assembly to add a budget line to the Directorate of Social Welfare for help returnees and people with health problems, but the municipality rejected this arguing they are not responsible for these things.'*¹⁶⁹

The persistent lack of awareness at the municipal level is compounded by great weaknesses in the 'referral and coordination mechanisms between central and local levels'. Within the Ministry of Local Government Administration nobody has yet been appointed to coordinate all repatriation-related activities. There is also no direct line of communication between the Ministry of Internal Affairs and the Ministry of Local Government to coordinate reintegration efforts. In fact, none of the municipalities in Kosovo have received advance notice from the central level about forthcoming incoming returns.¹⁷⁰

The situation is no better in the other line ministries with key responsibilities for repatriated persons. The Ministry of Labour and Social Welfare, responsible for all immediate needs of repatriated persons, including admission, provision of basic information and temporary housing, has outsourced the operation of its 'Transit Housing Centres' to a local NGO. The reporting system between the NGO and the Ministry of Labour and Social Welfare, however, is unclear and not transparent.¹⁷¹ Few, if any, employment officers or social welfare centre have proactively informed repatriated persons about existing social schemes or training programmes. As the OSCE study found, 'employment programs specifically targeting repatriated persons do not exist in any of the regions of Kosovo'.¹⁷² Repatriated persons are mostly referred to international organizations for advice and help concerning employment and professional training.

The Ministry of Health has also failed to do its part; the designated office within the Ministry of Health to coordinate mobile health teams, the provision of medical services and registration of medical needs upon arrival, has not yet been established. Neither the Ministry of Education nor the responsible Municipal Education Departments have made any practical or budgetary provisions to organize language and catch-up classes for returnee children, provide for children with special needs or plan for their integration in the education system as is foreseen in the reintegration strategy. The Ministry of Education is usually only informed about needs related to children's education by the Municipal Directors of Education, after the arrival of repatriated children.¹⁷³

In general, the review identified a series of 'information-related' shortcomings. There is a lack of reliable and up-to-date information about the numbers, the needs and the characteristics of repatriated persons. The problem starts already in repatriating countries. 'Host countries do not present sufficient information on potential repatriated persons', the review notes, and 'this is most worrying with regards to repatriated persons with medical and special needs as well as with criminal backgrounds'.¹⁷⁴ The database on repatriated

persons within the Department for Citizenship, Asylum and Migration (DCAM) is also incomplete and not up-to-date. According to the OSCE, less than half of all municipalities collect data on repatriated persons, and then only from those who directly approached the municipalities for assistance.¹⁷⁵

As a result, the majority of forced returns arrive in their respective municipalities without anyone taking notice. With the exception of URA, the German-funded re-integration programme, none of the other donor-funded assistance programmes targets forced returns.

The AWO (Arbeiterwohlfahrt Nuernberg) assistance programme for returnees from Germany, for example, is open only to voluntary returns. The International Organisation for Migration (IOM), which implements most internationally funded return and reintegration programmes in Kosovo, also does not provide any assistance to forced returns – on the basis of principle. The various programmes in IOM's portfolio, from employment assistance support to tailor-made packages for individual returnees, are not available for forced returns. This lack of financial and institutional support for the most vulnerable group of returnees has been criticized by the OSCE. The report notes that 'while the vast majority of international assistance in the field of return is aimed to support voluntary returns, repatriated persons upon their return to Kosovo often remain without any assistance by either Kosovo institutions or international organizations.'¹⁷⁶

3.3 Return as seen and experienced by children

In search of an answer to how Roma, Ashkali and Egyptian children experience their repatriation from Germany, the research team met and interviewed 116 children younger than 18 years. Given that most of the families have been living in Germany already since 1991/1992 in, approximately two-thirds of the returnee children had been born in Germany and had spent all their childhood in towns like Muenster, Ulm or Stuttgart. They felt at home in Germany.

Among the 116 children, 66 were of school age between 6 and 18 years. While most children had attended school regularly in Germany, once they returned to Kosovo, three quarters dropped out of school, mainly due to poverty, language barriers and the lack of school certificates from Germany. Of these 66, only 17 children continued to attend school in Kosovo. Research also showed that 48 children were not registered in Kosovo at all and thus do not appear on any official statistics. These findings suggest that there is clearly a wide gap between what exists 'on paper' and what actually happens - according to the different strategies, laws and reintegration programmes - and how children actually experience their return and repatriation to Kosovo.

Table 5: Key findings concerning children returnees

| | | |
|-------------------------|-----------------------------|------|
| 173 family members | 116 children (0-18) | 67 % |
| 116 children (0-18) | 69 born in Germany | 59 % |
| 116 children (0-18) | 48 not registered in Kosovo | 41 % |
| 116 children | 66 school age (6-18) | 57% |
| 66 school aged children | 17 attend school | 26 % |

Source: Face-to-face interviews between February – May 2010

3.3.1 Getting to Germany

For most Roma, Ashkali and Egyptian families interviewed, their journey began almost two decades ago. The peak years of migration to Germany were the difficult early 1990s. During those years Milosevic was rolling out his policy of repression in Kosovo, following the forceful revocation of Kosovo’s autonomy, the closing down of Albanian-language schools and the mass dismissals of more than 80,000 from public service jobs. More than half of the 40 interviewed families left between 1991 and 1992. This also reflects the history of migration flows from Kosovo; according to official German government data, between 1991 and 1993, 10,412 Kosovan citizens arrived in Germany, more than during the worst years of the war (1998/99) when 7,470 arrived in Germany.¹⁷⁷

Table 6: Migration patterns to Germany

| Years of Emigration to Germany | |
|--------------------------------|----|
| 1988-89-90 | 6 |
| 1991 - 92 | 21 |
| 1993 - 96 | 4 |
| 1999 | 6 |
| 2003 -2006 | 3 |
| Total | 40 |

Source: Face-to-face interviews with 40 returnee families, February – May 2010.

The story of Selim Selimaj speaks for many who left Kosovo in those days. Selim Selimaj packed his bags in the winter of 1992 and together with his pregnant wife and eleven-year-old daughter embarked on their journey. Like most, Selim had lost hopes that he could provide for his family in Kosovo. They went from Suharekë/Suva Reka to Skopje, and with their last savings, bought their bus tickets to Germany. What was meant to be a two-day trip, turned into a four-week long nightmare. First, the bus broke down in Bulgaria. Then, the bus got stuck in no-man’s land between Romania and Moldova due to heavy snow. All passengers were forced to wait for several days in the cold; there was not enough food for the children. Eventually all passengers were transferred to a different bus. After two more weeks erring through the Balkans, the bus finally arrived at the Austrian border where the police offered medical aid. The next day, the bus continued to Düsseldorf. After

a few weeks of uncertainty, the Selimaj family ended up being accommodated at an asylum centre in Laer, near Muenster. For the next fifteen years, this was their home.

As of 30 June 2009, the three *Laender* with the highest concentration of Kosovan citizens were North Rhine-Westphalia, Baden-Wuerttemberg and Bavaria.¹⁷⁸ Meanwhile, the largest communities of Roma to be repatriated live in North Rhine-Westphalia, Baden-Wuerttemberg and Niedersachsen.¹⁷⁹ It is thus no surprise that among the 40 families interviewed almost 90 percent had also lived in those three *Laender*.

Table 7: Place of residence in Germany of returnee families interviewed

| District of Residence in Germany | | |
|----------------------------------|----|-------|
| North Rhine-Westphalia | 19 | 47.5% |
| Baden-Wuerttemberg | 11 | 27.5% |
| Niedersachsen | 5 | 12.5% |
| Hamburg | 1 | 2.5% |
| Bremen | 1 | 2.5% |
| Berlin | 1 | 2.5% |
| Saarland | 1 | 2.5% |
| Bayern | 1 | 2.5% |
| | 40 | 100% |

Source: Face-to-face interviews with 40 returnee families, February – May 2010.

In Germany, most of the interviewed families lived, as we described in the previous chapter, in great uncertainty about the next extension of their '*Duldung*', partly dependent on social assistance, often struggling to overcome illness and psychological problems, but in general relatively well integrated in their local communities.

On average, the families we portrayed lived in Germany for 14 years. Long enough to put down roots and feel at home, especially the 69 children interviewed that were born and raised in Germany. Most of them had never been to Kosovo until the day they were deported.

Table 8: Year of return of returnee families interviewed

| Year of Return to Kosovo | |
|--------------------------|----|
| 2003 | 1 |
| 2004 | 2 |
| 2005 | 2 |
| 2006 | 5 |
| 2007 | 8 |
| 2008 | 6 |
| 2009 | 8 |
| 2010 | 8 |
| Total | 40 |

Source: Face-to-face interviews with 40 returnee families, February – May 2010.

Sanije's Story

'My mother tongue is German and my home is Olsberg in Germany. I don't know why they brought me here'.

This was Sanije Kryeziu's reply to our question where home is. Sanije was born in Germany in 1995, the same year her father died of a heart attack. Stress and illness had also taken a toll on her mother's health; Sanije's mother suffers from asthma and experienced two heart attacks while living in Germany. Sanije had just turned twelve, when police turned up in the middle of the night to send them back to Kosovo. The mother required medical supervision throughout the trip due to her frail state.

When the parents left Kosovo in 1992, they had sold their house, thinking they would never return. Sanije now lives with her sick mother and older sister Florentina at their uncle's house. It is uncertain how long the uncle will continue to house them; occasionally he asks them to leave.

In Germany, Sanije went to school regularly. She was highly motivated and a good student. Back in Kosovo, she stopped going to school. She simply could not write in Albanian and had troubles speaking it. Nobody was organizing any language courses or catch-up classes to help her. Her sister Florentina is very worried about her; Sanije is withdrawn, disoriented and very lonely. Neither the mother, nor the two daughters have any civil documents. Officially, they do not exist. Nobody from the municipality has been in touch with them or tried to help. Without civil registration, Sanije's mother also cannot apply for social assistance or invalid's pension, even if she were to qualify as a single mother with serious health problems. The mother and two daughters live from hand to mouth.

There are many such families, like the the Sanijes, among the Roma, Ashkali and Egyptian children returned from Germany in the past few years. Many face the same problems like her: poor living conditions, difficulties with civil registration, health issues and problems with schooling because of language and poverty.

3.3.2 Civil Registration

Like in the story above, one particular problem that many children who were born in Germany face upon their return concerns the lack of original birth certificates and school certificates from Germany. According to the Law on Civil Status Registries (2000/13) to be registered in Kosovo, all Kosovan citizens born abroad must provide their original birth certificates from the country where they were born.¹⁸⁰ In other words, children born in Germany cannot be registered in Kosovo without providing an original German birth certificate. As our research confirmed, many children return to Kosovo without their birth certificates and thus simply cannot be registered.

As a result, of the 173 individuals interviewed as part of this study, 65, including 48 children, are not registered and do not possess any Kosovan documents. In other words, 38 percent are de-facto stateless in their own state. This problem is also confirmed by the KFOS survey data: of the 49 returnees from the West covered by the KFOS survey, 20 percent were not registered or did not have any documents.¹⁸¹

If one takes a closer look at the situation of children, the figures are even more alarming. Among children (under 18 years) that have not left, i.e. remained in Kosovo in the past, 18 percent are not registered, but nearly half of all children between 0-17 years of age (42 percent) that have lived abroad during or after the war are not registered today. These figures reflect the fact that children born abroad lack birth certificates causing many difficulties.

Table 9: Civil registration among returnee and non-returnee children

| | Lived abroad | Have not lived abroad |
|--------------------------------------|--------------|-----------------------|
| Children (0-17 years) not registered | 42 % | 17.5% |
| Children (0-6 years) not registered | 37 % | 14 % |

Source: *The Position of Roma, Ashkali and Egyptian Communities in Kosovo, Baseline Survey (KFOS – SOROS), COMPASS Research & Consulting Company, 2009.*

Without civil registration, children simply do not appear in any official statistics. The responsible authorities cannot track them to ensure at least compulsory education, they risk being left out of national vaccination programmes and also do not count if their parents want to apply for social assistance.¹⁸² All applicants for social assistance benefits must be in possession of a valid Kosovan ID card and able to provide birth certificates for all family members younger than 16 years.

Recognising this problem, the review conducted by the Ministry of Internal Affairs, specifically called on sending countries to provide 'as much information as possible on the number of persons to be repatriated, their gender, ethnic background, age group, municipality of origin, medical records, criminal background

records'¹⁸³ and to 'supply them with civil documents, especially children that were born in the requesting countries and those that attended school'.¹⁸⁴

Without school certificates, children also face big problems getting registered at the appropriate grade back in Kosovo. When Alexander Bobic, for example, tried to register his 15-year-old son Saša at school without school leaving certificates, the teacher turned him back. Also 16-year-old Rasim and his younger brother Sinan Kastrioti in Prizren, had to repeat their classes twice because they did not have any school certificates to prove their grade and because of problems with the Albanian language. Luljeta and Eliza Hyseni had completed four years of primary school in Dortmund, before they were sent back to Banja e Pejës. The director of the local primary school, however, refused to register them in the 5th class and forced them to start all over at first grade. As a result, both Luljeta and Eliza dropped out of school at the age of 11 and 10 respectively.

Most of the time when families are picked up in the middle of the night by police forces and only allowed to pack one bag per person, parents are under shock and may not think about birth and school certificates first. They also may not even have them ready at home. As our interviews confirmed, forced returns took place all year round – without consideration of the school calendar – and many children got pulled out of school in the middle of the school year. It was thus impossible for them to have a school certificate, proof for the ongoing school year.

Practitioners, including the director of the German-funded URA-2 reintegration assistance programme, also confirmed the practical difficulties caused by the lack of birth and school certificates. Occasionally, URA staff have been trying to assist families obtain birth certificates from Germany, but as procedures vary greatly in different German municipalities, a consistent policy by the responsible authorities in Germany is needed to ensure that returnee families have all the documents they need for a new start in Kosovo.¹⁸⁵

3.3.3 Kosovo's Poverty Trap

At present, almost half of the whole population in Kosovo is considered poor. This makes Kosovo the poorest country in Europe and by far the poorest country in the region; poverty rates in Kosovo are four times higher than in Serbia and Montenegro and two times higher than in Albania, Bosnia Herzegovina and Macedonia.¹⁸⁶ Children are the most vulnerable to poverty; nearly one in two children in Kosovo (49 percent) live in poverty (below the World Bank poverty line of 1.42 Euros per day), and nearly one in five (19 percent) live in extreme poverty – below the food poverty line of 0.93 Euros per day.¹⁸⁷

Table 10: Poverty levels in Kosovo

| | All | Children under 19 years |
|---|--------|-------------------------|
| Food Poverty Line (93 cents per day) | 17.5 % | 19 % |
| Total Poverty Line (1.42 euros per day) | 46 % | 49 % |

Source: *Child Poverty in Kosovo: Analysis of the 2006/2007 Household Budget Survey*, University of York, Social Policy Research Unit, Yekaterina Chzhen, December 2008

There are significant differences in child poverty rates by ethnicity and by region. According to the UNDP Development Report in 2004, 37 percent of Roma, Ashkali and Egyptians in Kosovo live in extreme poverty, compared to 13 percent among Kosovo-Albanians and 4 percent among Kosovo-Serbs.¹⁸⁸ As confirmed by various studies, extreme poverty is highest among children belonging to non-Serb minorities, including Roma, Ashkali and Egyptian children.¹⁸⁹

Table 11: Poverty rates by type of household

| Ethnicity of household head | Child poverty rate (food) | Child poverty rate (total) |
|-----------------------------|---------------------------|----------------------------|
| Albanian | 18.5 % | 48.5 % |
| Serb | 18.0 % | 40.5 % |
| Other | 30.5 % | 60.5 % |

Source: *Child Poverty in Kosovo: Analysis of the 2006/2007 Household Budget Survey*, University of York, Social Policy Research Unit, Yekaterina Chzhen, December 2008

Whereas 18 percent of Albanian and Serb children live in extreme poverty, close to 31 percent of non-Albanian and non-Serb minority children live below the food poverty rate.¹⁹⁰ There are also several concentrated pockets of poverty where more than two out of three children live below the poverty line. These include Kaçanik/Kaçanik, Vushtrri/Vučitrn, Lipjan, Ferizaj/Uroševac, Shtime/Štimlje and Mitrovicë/Mitrovica.

Table 12: Pockets of Child Poverty in Kosovo

| Municipalities | Child poverty rate |
|---------------------|--------------------|
| Kaçanik/Kaçanik | 92% |
| Vushtrri/Vučitrn | 71 % |
| Lipjan | 68 % |
| Ferizaj/Uroševac | 67 % |
| Shtime/Štimlje | 66 % |
| Mitrovicë/Mitrovica | 64 % |

Source: *Child Poverty in Kosovo: Analysis of the 2006/2007 Household Budget Survey*, University of York, Social Policy Research Unit, Yekaterina Chzhen, December 2008

3.3.4 School dropout

Poverty is also a prime cause for school dropouts among the Roma, Ashkali and Egyptian families surveyed. As our research confirmed, the lethal combination of poverty, disorientation, language barriers and lack of school certificates resulted in a dropout rate of 74 percent among the 66 returnee children of school age interviewed. Only 17 Roma children continued to attend school upon their return to Kosovo.¹⁹¹ From a German point of view, this is worrying. All the money and efforts by the *Bund*, the *Laender* and communes, in providing education to Roma, Ashkali and Egyptian children during their stay in Germany, risk being lost once they return to Kosovo. Another generation of Roma, Ashkali and Egyptian children is deprived of the skills and tools to escape poverty; consequently, poverty ends up being inherited from one generation to the next.

The responsible institutions in Kosovo fail to prevent poverty-related school dropouts; on paper, municipal education departments and the Ministry of Education are responsible to identify children in need, offer schoolbooks or transport for free and provide remedial and catch-up classes for repatriated children. In practice, as confirmed by our research and as the OSCE pointed out in its report, “municipal education departments have no plans for the reintegration of repatriated children; they don’t hold any special language courses for children that might not know their mother tongue or any other local language.”¹⁹² In general, there are no educational or extra-curricular activities targeting returnee children.

The reason is not the ‘lack of interest’ (or ‘Bildungsferne’) of Roma or Ashkali parents. On the contrary, most parents interviewed were proud of their children’s educational achievements in Germany and worried about the fact that language problems and lack of money forced them to quit school. Almost all of the children missed their schools and friends in Germany. When we met 13-year-old Albana Gashi in Gjakovë/Đakovica, she actually still carried her school bag and told us:

“I miss my school, my school friends, and my books. I still carry my schoolbag with me, waiting for my father to send me back to my old school.”¹⁹³

Her younger sister, Fatmire, interrupted her, to let us know that:

‘This is not my home, my home is in Steinfurt, and here I have no friends. I miss my friends and my teacher Frau Wegmann. I want to go to my school; I have done all my homework. Why did my father bring me here? I have to show my homework to my teacher’

Children with special needs are most disadvantaged. Farije and Mehmet Aliu were born deaf and mute. In Blomberg, in North Rhine-Westphalia, where they grew up, they both attended a special school. Their father Zenun Aliu considered them “lucky to be born in Germany, where they could get proper treatment and were able to go school, make friends and have a normal life just like other children.”¹⁹⁴ This is not the case in Kosovo. There is no school for children with special needs in Fushë Kosovë/Kosovo Polje, where the family lives since 2007. The only school for Farije and Mehmet is in Prizren. The father managed

to register them both at the school in Prizren, but very soon, he had to take them out again as he just could not afford to pay for daily transport or accommodation costs in Prizren. Farije and Mehmet were 13 and 7 at that time.

3.3.5 Health Problems

Poor families, dependent on social assistance or the help from neighbours and relatives, like the Aliu family in Fushë Kosovë/Kosovo Polje or the Berisha family in Pejë/Peć, just cannot pay for any medical costs or health treatments.

'I used to take my medicaments every day in Germany, but now, since we are back I have not even been to a doctor. I still can't believe that I have to live here.'

Lulzim Berisha is 16-years-old; he was born in Rothenberg and lived there all his life – until his forced return early this year. Lulzim has diabetes, his mother suffers from a mental disorder and his older brother Nazmi tried twice to commit suicide due to a severe depression. The family budget is barely enough to buy bread; medicine or a doctor's visit is simply beyond reach.

As we have shown in the previous chapter, the traumas of war, the stress that comes with a life of great uncertainty (*'auf Abruf'*), poor living conditions in general and the great difficulties faced upon return, result in a relatively high concentration of chronic diseases and psychological problems among the Roma, Ashkali and Egyptian community both in Germany and in Kosovo. Every second returnee family interviewed, had between 1 and 3 family members suffering from some chronic or recurring illness, including asthma, depression and other psychological disorders, kidney or heart problems.

On paper, the Ministry of Health and the municipal health departments are responsible to inform the responsible authorities which health care services currently cannot be provided in Kosovo, provide emergency medical services, register special needs, and provide health care services, including mobile health teams, to repatriated persons. As of today, as the review by the Ministry of Internal Affairs and our research confirmed, none of this has happened. As a result, poverty and a general lack of healthcare provisions prevent many repatriated families from accessing basic health care and essential medicines. Certain treatments are also simply not available in Kosovo today; the lack of personal documents and complete medical records of returnee children also create additional problems in terms of follow-up treatments and registration in health institutions. Lulzim Berisha and his family are thus left alone to fend on their own.

3.3.6 Housing

Another challenge most returnee families face concerns housing. According to the government Strategy for Reintegration of Repatriated Persons, municipalities have the primary responsibility to provide housing either by assisting financially to renovate houses, to provide social accommodation or temporary shelter.¹⁹⁵ A Draft Law on Special Housing Programmes also foresees the use of municipal and state properties for persons in need and the Housing Strategy by the Ministry of Environment and Spatial Planning foresees the reconstruction of houses for people in need, including repatriated persons. Besides, the Kosovo Property Agency manages a rental scheme of properties across Kosovo. In practice, however, municipalities lack the funds to provide for any housing for repatriated persons, the Law on Special Housing Programmes is stuck in Parliament, the Housing Strategy has not yet been approved and the KPA rental scheme does not provide for low income families dependent on social assistance. Apart from a few donor-funded projects like the Roma Mahalla reconstruction project for Internally Displaced Persons in Mitrovicë/Mitrovica, there are no funds or donor money for housing for repatriated persons.¹⁹⁶

The task is daunting: according to data provided by municipalities there are already 41 Temporary Collective Centres in Kosovo today, accommodating 4,503 persons. Another 8,677 families – or an estimated 37,000 persons - are in need for reconstruction assistance of social housing.¹⁹⁷ Alarmed by the present situation, the Ministry of Internal Affairs, in its review of current repatriation practices, rightly calls for 'better and more sustainable planning in view of the increased needs by an expected influx of repatriated persons, particularly vulnerable categories (disabled, elderly and children in need).¹⁹⁸

The lack of housing and funds for repatriated persons is a particular cause for concern – and as such has also been raised by Council of Europe Human Rights Commissioner Thomas Hammarberg. Among the 40 returnee families interviewed, about half live in their own homes; while the other half is staying with relatives, either for free or paying rent. For lack of alternatives, however, three families interviewed ended up living in one of the camps for Internally Displaced People (IDP) in North Mitrovicë/Mitrovica and Leposaviq/Leposavić. In fact, during our research, we met 20 persons, including 9 children, who have been returned from Germany and ended up living in one of the three IDP camps in Mitrovicë/Mitrovica region.¹⁹⁹

The living conditions in the camps are catastrophic. Due to the proximity of the Zvečan/Zvečan lead smelter, especially children living in the two camps in Mitrovicë/Mitrovica North, in Osterode and Qesmin Llug, have been confirmed to have elevated lead levels in their blood, which has been qualified by the World Health Organisation as a medical emergency requiring evacuation.²⁰⁰

Table 13: Housing situation of returnee families interviewed

| Housing situation | | |
|-------------------|----|------|
| Own house | 16 | 40% |
| Free/relatives | 10 | 25% |
| Rent/relatives | 10 | 25% |
| Camp | 3 | 7.5% |
| Other | 1 | 2.5% |
| | 40 | 100% |

Source: Face-to-face interviews with 40 returnee families, February – May 2010.

The Leposaviq/Leposavić camp, on the border with Serbia, used to be a warehouse and storage for tanks of the Yugoslav Army. Today, it accommodates 36 families, mostly Roma displaced from Mitrovicë/Mitrovica South. They are housed in makeshift rooms built of cheap wood panels. UNHCR supplied wooden stoves for heating and cooking. Families have to fetch water from pipes in the courtyard; there is no running water in the rooms and no hot water anywhere. There are no proper toilets in the camp. The room where Elvira Mesini lives with two sons, Arland and Afrim, has no furniture. They sleep on sponges rolled out on the wooden floor. The Mesini family used to live in the Roma Mahalla in South Mitrovicë/Mitrovica. Their house was destroyed during the war. When the Mesini family returned to Kosovo in October 2009, they had no place to stay. Eventually, Skender Gushani, leader of the Roma, Ashkali and Egyptian Community in Mitrovicë/Mitrovica accommodated them in the Leposaviq/Leposavić camp.

“I see no future and perspective for my children here in Kosovo’, Elvira told us. ‘The children are frustrated and scared. My son Arland told me, if we do not return to Germany, he will commit suicide because he cannot live like this, here in the camp.’”

Like Sanije, also thirteen-year old Arland and twelve-year old Afrim dropped out of school. The local school director refused to accept them, telling Elvira that they are ‘too old’. They are also both not registered and now live in Kosovo without any civil documents.

“In Germany, all my children went to school, they speak the language perfectly and they were good at school. They were fully integrated, had friends and never made any problems. Now that we returned, they have problems with the language, since they don’t speak Albanian or Serbian,” explains Elvira

As we are leaving the camp, Elvira tells us quietly:

“The only thing I want is to go back to Germany where my children can continue their education and have a normal life.”

Not far from the camp, in Kamin village, Mira Bobic lives with her parents and five brothers and sisters. They returned to Kosovo in March 2010. Upon their return, the reintegration programme URA assisted them. URA staff provided transport from Prishtinë/Priština to Kamin, money for food and helped Mira's father find a job for six months. Most of the windows in the house they live in are covered in plastic sheets; there is no running water, no toilet and no bathroom. The family also does not have a fridge. Mira struggles to come to term with this new reality:

*"I feel lost, with nothing left. It is better in prison in Germany than in this house. I hate this place; Germany is my home, my country. I feel like a tourist here, I can't believe that I am back here. I just don't want to believe it."*²⁰¹

3.4 The challenge of reintegration

URA-2 is a follow-up programme funded by the *Bund* and four *Laender* (Baden-Wuerttemberg, Niedersachsen, North Rhine-Westphalia and Sachsen-Anhalt). It is the most extensive programme providing reintegration assistance to returnees in Kosovo open to both voluntary and forced returnees from Germany, provided they are sent back from one of the contributing *Laender*. Its assistance package includes psychological counseling, subsidies for rent, financial support to purchase food, medicine or furniture, as well as support for business start-ups and employment subsidies payable up to six months. Many returnee families interviewed as part of the study have been assisted by URA upon their return; the following findings reflect their personal experiences and additional insights based on interviews with the management of URA-2 in Prishtinë/Priština.²⁰²

By its design, the URA-2 reintegration assistance programme focuses almost exclusively on the needs of parents and does not pay much attention to the needs of returning children. In the past, URA-2 offered some Albanian language courses for children, but as children are sent back by force at different times throughout the year and as courses were offered only in Prishtinë/Priština, few children from other parts of Kosovo attended. In general, URA's centralized structure – there is only one office in Prishtinë/Priština – means that providing consistent support to families across Kosovo as well as monitoring the programme's reach and effectiveness is difficult. The programme's one-year funding cycle also makes it difficult to plan long-term and enter into partnerships with NGOs or local authorities.²⁰³ Considering that an estimated 42 to 50 percent of expected Roma, Ashkali and Egyptian returns from Germany will be children under the age of 18, the lack of attention to the specific needs of children – from education to health and child-centered reintegration measures – is surprising.

A key pillar of URA's assistance programme focuses on income generation and efforts to help returnees integrate in the local labour market. This is a hugely challenging task, especially given the lack of skills among many Roma, Ashkali and Egyptian returnees and the difficult employment situation in Kosovo in general. The unemployment rate among the Roma, Ashkali and Egyptian community presently living in Kosovo – estimated at 58 percent – is well above the national average of 43 percent (or the average among Kosovo's

Serb community of 30 percent).²⁰⁴ A sample done by the International Labour Organisation of 12,126 workers employed in more than 1.500 enterprises also showed that the share of Roma, Ashkali and Egyptian workers was only 0.1 per cent.²⁰⁵

As of December 2009, URA provided employment assistance (*Arbeitsvermittlung/Lohnkostenzuschuss*) to 77 returnees and provided funds to another 13 to start a small business (*Existenzgruendung*).²⁰⁶ As our research showed, the URA-2 programme struggles to meet its own objectives to help families integrate in the labour market. Of the 14 heads of households that participated in the URA-funded job placement programme, eight claim that they never actually worked (the employer just received the subsidy, paid the salary for six months and did not ask them to work), three completed the six-months turn and ended up being unemployed again and two were still in the initial six-months employment programme at the time of the interview. Female-heads of households almost by default are excluded from this programme, due to childcare duties and lack of skills.

Table 14: Participation in employment programmes among returnee families interviewed

| Employment Programmes/Job placement | |
|---|----|
| No participation/No employment assistance | 26 |
| URA job placement programme | 14 |
| Of those - never actually worked | 8 |
| Of those - finished/no more working | 3 |
| Of those - still working | 2 |

Source: Face-to-face interviews with 40 returnee families, February – May 2010.

Few of the families interviewed have a regular income; almost half make ends meet on social assistance and the occasional per diem work carrying bricks, unloading trucks or collecting cans and scrap metal. Coping strategies of poor families also include the collection of iron, searching through garbage and begging.²⁰⁷ Most families dependent on social assistance and per diem work are condemned to a life on the margins and in poverty. The average social welfare benefit per family in Kosovo today is 61 Euros per month.²⁰⁸

Table 15: Main source of income among Roma, Ashkali and Egyptian returnee interviewed

| Main source of Income | | |
|--|----|------|
| Per diem work | 8 | 20% |
| Social Assistance | 8 | 20% |
| Private sector (car repair/petrol station/radio station) | 4 | 10% |
| Remittances | 3 | 7.5% |
| URA (employment programme) | 2 | 5% |
| Self-employed (seasonal drum player) | 2 | 5% |
| Charity | 1 | 2.5% |
| Unable to provide answer | 12 | 30% |
| | 40 | 100% |

Source: Face-to-face interviews with 40 returnee families, February – May 2010.

Our findings thus mirror the results of the KFOS Baseline Survey published in 2009; it found that low-skill, low-wage and seasonal professions dominate among Kosovo’s Roma, Ashkali and Egyptian community. They include physical work, cleaning, construction, the collection of cans and scrap metal, working for municipal garbage companies, sellers, smiths, drum or flute players at weddings, some farming and a few low-skilled jobs in the education sector (see table below).

Table 16: Overview of 10 most common professions among Roma, Ashkali and Egyptian community

| | Percentage | Gender |
|---|------------|---------------|
| Physical work | 25.7 % | male |
| Cleaning | 10.5 % | male/female |
| Construction | 7.6 % | male |
| Collecting cans & scrap metal | 7.6 % | male/children |
| Working for Municipal Garbage Companies | 7.0 % | male |
| Selling | 5.8 % | male/female |
| Smith | 4.7 % | male |
| Playing music (drums, flutes) | 3.5 % | male |
| Farming | 2.9 % | male |
| Education sector | 2.3 % | male/female |
| Total | 77.6 % | |

Source: *The Position of Roma, Ashkali and Egyptian Communities in Kosovo, Baseline Survey (KFOS – SOROS), COMPASS Research & Consulting Company, 2009.*

The KFOS research also showed that families that have lived in the West and returned to Kosovo are poorer than families that have experienced displacement in the region or have not been displaced at all. Those who have returned have an average monthly income of 88 Euros; in other words, they live in extreme poverty.

Table 17: Average monthly income among Roma, Ashkali and Egyptian community (KFOS, 2009)

| | Average monthly income |
|--|------------------------|
| Families having lived in the West | 88 Euros |
| Families displaced internally or within the region | 118 Euros |
| Families that have not experienced displacement | 123 Euros |

Source: *The Position of Roma, Ashkali and Egyptian Communities in Kosovo, Baseline Survey (KFOS – SOROS), COMPASS Research & Consulting Company, 2009.*

3.5 Cutting the Lifeline

In 2006, the European Stability Initiative published a report titled ‘Cutting the lifeline’.²⁰⁹ It looked at the impact of migration on family structures in Kosovo and described the important role that remittances play in substituting for the absence of a welfare state in Kosovo.

Kosovo’s social assistance scheme has received much praise from international observers for being ‘fool-proof’ and resistant to ‘leakages’. It is true that very few people in Kosovo receive social assistance undeservedly, but it is also true that many people in Kosovo in need do not receive any social assistance at all. Coverage of the existing social assistance scheme is limited; among the poor, only one out of five (19 percent) and less than one in four children (23 percent) living in poverty receives social assistance.²¹⁰

This is due partly to the fact that the application process is both complex and costly. Eligibility criteria are strict, and include illogical provisions such as making social assistance dependent on having at least one child under six years old, not taking into account that costs incurred for children actually increase as children reach school age. Recipients must also reapply every six months, and repeat the same costly and time-consuming procedure.

The average monthly social welfare benefits of 61 Euros leaves nearly all (95 percent) of children in households depending on social assistance for the poor.²¹¹ Past trends are not very promising; instead of increasing the scope and depth of its social protection system, Kosovo has actually decreased the number of recipients and the overall amount spent on social assistance. As the poorest country in the region, Kosovo spends the smallest share of its GDP on social protection²¹²: a mere 7.5 percent compared to 15.9 percent in Bosnia Herzegovina or 17.5 percent in Montenegro.²¹³

The absence of an effective welfare state in Kosovo led UNHCR to conclude recently that with regard to repatriated persons, the existing “social system does not provide for adequate protection.”²¹⁴ As the number of forced returns is set to increase in the coming years, Kosovo’s already limited social assistance scheme and financial resources will be unable to cope. Most returnees are likely to receive little or no assistance from the state.

Following the internal review of the implementation of the Reintegration Strategy, the government has taken a few first steps in the right direction. In May 2010, a revised Reintegration Strategy has been approved and the establishment of a special fund to pay for parts of the costs to provide for returnees and for their reintegration. The government is hoping that donors will also come forth and contribute to the fund. Unfortunately, the potentially positive effect of this special fund is likely to be offset – inter alia – by the impact of the perspective of an increased number of repatriations from Western Europe, and especially from Germany, to Kosovo.

The ‘lifeline’ that remittances represent is an important aspect that is easily forgotten in the debate about forced returns. Despite their own economic difficulties, many Roma presently living in Germany send money home to support their families in Kosovo. Every second family with relatives in Germany receives help; 52 percent of Roma, Ashkali and Egyptian families with relatives abroad depend on remittances as their main source of household income.²¹⁵

According to the KFOS Baseline survey, the difference in average income between families with relatives abroad and those without is 31 Euro a month. This may seem small at first glance, but over a year, the difference is the equivalent of seven months of social assistance.²¹⁶ As Table 19 shows, diaspora connections directly increase average incomes. The share of families with more than 121 Euros is 48 percent among families with relatives abroad compared to 31 percent otherwise.²¹⁷ Far fewer families with diaspora connections depend on social assistance (30 percent compared to 70 percent). The share of families that do not have enough money to buy food is also twice as high among Roma, Ashkali and Egyptian families with no relatives abroad. Families with diaspora connections are also a lot more optimistic about the future; 54 percent believe that life will get better compared to 36 percent in general.²¹⁸ Remittances really help to reduce poverty overall; it goes without saying that children are key beneficiaries.

Table 18: Average monthly income among families with/without diaspora

| | Average Monthly Income |
|-----------------------------------|------------------------|
| Families with relatives abroad | 145 Euros |
| Families with no relatives abroad | 114 Euros |

Source: *The Position of Roma, Ashkali and Egyptian Communities in Kosovo, Baseline Survey (KFOS – SOROS), COMPASS Research & Consulting Company, 2009.*

Table 19: Average income among families with/without diaspora

| | With diaspora | Without diaspora |
|----------------|---------------|------------------|
| 0-80 Euros | 35% | 49% |
| 81-120 Euros | 17% | 21% |
| 121-300+ Euros | 48% | 31% |

Source: *The Position of Roma, Ashkali and Egyptian Communities in Kosovo, Baseline Survey (KFOS – SOROS), COMPASS Research & Consulting Company, 2009.*

Remittances are even more effective in terms of social protection than a private sector job.²¹⁹ They are also crucial when it comes to education.

Table 20: Main source of household income & child poverty rates

| Main source of household income | Children in poverty |
|--|---------------------|
| Social Assistance | 95 % |
| Pension | 67 % |
| Daily labour (per diem work) | 66 % |
| Private sector income | 43 % |
| Remittances | 38 % |
| Public sector income | 37 % |
| Family business (excluding farming/day labour) | 26 % |

Source: *The Position of Roma, Ashkali and Egyptian Communities in Kosovo, Baseline Survey (KFOS – SOROS)*, COMPASS Research & Consulting Company, 2009.

Remittances help to pay for school materials, reduce school dropouts and thereby increase overall levels of education. There is also a strong correlation between having relatives abroad and having higher levels of education. The share of those who have completed only 1-4 years of education is ten percentage points higher among those without relatives abroad than those with family in Germany. The share of those who completed secondary education or more is twice as high in families with diaspora connections.²²⁰

Table 21: Education levels with/without diaspora

| | With diaspora connections | Without diaspora |
|---------------------------------|---------------------------|------------------|
| Illiterate | 19% | 20% |
| Between 1–4 years of education | 15% | 25% |
| Between 5–8 years of education | 48% | 41% |
| Between 9–12 years of education | 13% | 12% |
| 13 years of education or more | 5% | 2% |

Source: *The Position of Roma, Ashkali and Egyptian Communities in Kosovo, Baseline Survey (KFOS – SOROS), COMPASS Research & Consulting Company, 2009.*

Remittances also greatly improve living standards at home; families with relatives abroad live in more spacious houses, can afford modern bathrooms, have more electric cookers and central heating, have 10 percent more washing machines and twice as many computers than Roma, Ashkali and Egyptian families without help from abroad.²²¹ In short, remittances are an irreplaceable source of family income and the most effective protection against poverty.

The possible large-scale return of Roma, Ashkali and Egyptian families from Germany and other European countries risks cutting the important lifeline and safety net that remittances represent for many families today even if it was to take place in a phased manner as German authorities affirm.²²² Since Kosovo’s welfare system is unable to pick up the bill, poverty levels amongst Roma, Ashkali and Egyptians in Kosovo will inevitably increase, with negative consequences for children if the possible loss of remittances is not compensated for.

3.6 Sustainability

Keeping track of people that are no longer in Kosovo is difficult, to say the least. Locating or counting families that have returned to Germany is impossible. There are many indications pointing to the fact that many Roma and Ashkali families that have been returned by force do not stay in Kosovo. The director of URA described this problem as the ‘revolving-door-phenomenon’; he personally encountered many who after a few months, packed their things again and left the country. The UNHCR’s own estimates of families ‘re-migrating’ is about 60 percent. A municipal community officer in Ferizaj/Uroševac personally knows of 23 families that have been returned, but then left again. Skender Gushani, leader of the Roma, Ashkali and Egyptian community in Mitrovicë/Mitrovica, told us bluntly:

‘I guarantee you that families, especially those with children that were born in Germany and are now young adults, will never stay in Kosovo. They will emigrate legally or illegally to get to Germany or another Western country for a better life.’²²³

According to a municipal community officer in Pejë/Peć, 86 families that have been sent back between 2006 and 2010 left Kosovo again. The majority went to Montenegro, some

left for Serbia and maybe 20 percent headed for Germany. "You cannot force people to live in a place where they feel like foreigners"; he tells us. His colleague in Prizren also wondered "how anyone can seriously expect that you can just send people back, who were born in Germany and lived there for more than 20 years?" In the course of the research, we have personally witnessed the case of a father returning to Kosovo to take back his children and wife who ended up living in a camp after being returned by force. The family today lives in Germany again, without residence permit.

Those who end up migrating to Germany again are forced to do so clandestinely. In Germany, they will try to live beneath the radar screen of public institutions. The children will have lost several years of schooling, and will very likely not be able return to school in Germany. They will lack the skills and the means to integrate formally in the labour market. Entire families will be pushed into illegality, with all its negative consequences for the individuals and the German state.

The children interviewed in the course of the research were very clear about their own wishes for the future: they all wanted to go back to Germany. In the words of six-year-old Leon Osmani: "I don't like Kosovo, because there is so much rubbish and the streets are not clean. I want my Nesquik for breakfast again to become strong and big."

Seventeen-year-old Bujar Besholli also felt strongly about going back. "If we do not go back to Germany and I can continue my life sooner or later, I will commit suicide"; he told us when we meet him in Gjakovë/Đakovica. As we say good bye to teenager Lulzim Berisha, he says, "If only I could go back to Germany, I would feel like being born for a second time."



RECOMMENDATIONS

Recommendations

Placing emphasis on the best interests of the child:

In decisions on resident permits for long-term tolerated individuals, greater weight should be given to the best interests of the child, so that Aliens Authorities can take this aspect more into account when exercising their administrative discretion. It is not sufficient to rely on the State Hardship Case Commissions to compensate for the considerable blindness of the regulations to the best interests of the child. The burden of looming deportation, prolonged in many cases over years, has already inflicted harm on large numbers of children and young people socialized in Germany, since it discourages them from pursuing long-term goals in their school careers or professional training. Section 104b of the German Residence Act, whereby the children of parents to be repatriated are afforded the possibility of a temporary residence permit, fails to conform to the principle of the best interests of the child since it can lead to the breaking up of families.

Greater emphasis on the best interests of the child also means taking a more flexible approach to the other conditions that persons with toleration status are required to fulfill before they can acquire a residence title, for example, in cases where residence has been interrupted or where people have been convicted of more minor infractions of the penal code. In such cases Aliens Authorities should be given a broader scope to reach a decision on an individual basis, rather than having their hands tied by strict regulations. In this respect, the regulations in Section 104a of the Residence Act – which have been characterized as ‘kinship punishment’ by many experts – should be reconsidered, so that family members living together with someone who has been convicted of a crime do not all forfeit their right to a residence title.

Offering better prospects to children and young people:

Children and young people who have grown up in German society need the certainty that they will be allowed to remain in Germany so they may concentrate their energies on their schooling and professional training, and in order for them to be able to call the land in which they have spent their entire lives, their own. Social workers have observed that young people with a prospect

for secure residence are more likely to invest in professional and vocational training than chose to earn money in short-term jobs. The stability afforded by secure residence also encourages young women to reinterpret their traditional cultural roles, to complete their education and undertake professional and vocational training.

Targeted support for young people from Kosovan Roma, Ashkali and Egyptian families would also constitute an investment in future generations: young people from these ethnic groups who are successful in the employment market send a signal to those who follow them that they are welcome and that they have prospects. A positive self-perpetuating dynamic would be activated.

Releasing potential:

A series of measures have proven successful in reducing the unnecessarily high rate of referral of children from Kosovan Roma, Ashkali, and Egyptian families to special schools in Kosovo. **Mentoring programs** provide children from families lacking educational tradition with the kind of support their parents cannot offer. **Combined elementary schools** with an inclusive educational provision hold open the door for children with special needs to the regular school system, and protect them from stigmatization. **Better informing teaching staff about the children's overall situation** can allow teachers to more accurately assess the children, and to provide better individual support for them.

Children and parents who have suffered the traumas of war and the burdens of life as refugees and 'tolerated' individuals need fully equipped and accessible counselling facilities where specialists trained in migration psychology can offer therapy. Measures such as these will likely lead to savings in other areas: patients rendered unable to work could be supported to achieve a state where they can rejoin the workforce; specialists have also reported that therapy often reduces reliance on medication and medical aids to cope with such psychosomatic illnesses.

Preventing impoverishment:

Children and young people who are already repatriated must be protected from falling into permanent poverty or a marginal existence. Programs to support repatriated persons must be strengthened, with special emphasis placed on the needs of children. Most urgently, children must have uncomplicated access to education, so even more time is not lost. Accessible language courses and bridging classes are a necessity. One should also explore the possibility of allowing children who have not attended school since their deportation to make up for the classes and certificates they have missed. Beyond that, consideration must be given to children with special educational needs.

Children repatriated to Kosovo must have direct access to documents issued in Germany relating to their personal situation or their school career. Germany and Kosovo need to undertake the appropriate bilateral measures to ensure that repatriated children

are automatically registered and schooled in Kosovo on the basis of the school grades and certificates attained in Germany.

The local authorities in Kosovo must be supported in integrating repatriated families into society and in taking responsibility for the best interests of the child. As a matter of priority, the responsible offices and sources of the necessary financing are to be identified. All children and young people must be registered with the local authorities. Further, regular monitoring that these measures are in place will be necessary over a long time to come.

In the name of the best interests of the child, responsibility must be taken for the physical and psychological health of children and young people in Kosovo. Given the presence of widespread psychological and psychosomatic illness, there is not only a need for medical treatment and medication, but also readily available psychological counseling.

Support programmes for repatriated persons must take into account the needs of children. Forced repatriations of Roma, Ashkali und Egyptian children from Germany to Kosovo should be restricted as long as the best interest of these children cannot be adequately ensured.

Authors

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Verena Knaus is a founding member of the European Stability Initiative (ESI), a non-profit research facility based in Berlin. From 2001 to 2004 Verena Knaus served as support for the EU commissioner for economic development within the UN administration in Kosovo. From 2004 to 2007 she was in charge of the ESI office in Istanbul. Since 2007 she has commuted between Istanbul and Priština. Her research and publications deal with the Europeanisation of Turkey, economic development in southeastern Europe, the expansion policies of the EU, as well as reports on the condition of women and minorities in transitional countries. Aside from her research work, Verena Knaus was instrumental in the production of a ten-part, award-winning ESI/3-SAT documentary film series, **Balkan Express – Return to Europe**. She is also the co-author of the first English language travel guide to Kosovo. Verena Knaus graduated from Oxford University with a degree in history, followed by a graduate program at the Johns Hopkins University. In 2007 she was named a 'world fellow' by Yale University, and in 2009 she was designated a 'young global leader' at the World Economic Forum in Davos.

Hil Nrecaj is a lawyer by training, an expert on European minority questions as well as a long-standing authority on the Roma, Ashkali, and Egyptian communities in Kosovo. From 2005 until 2009 he led the legal department of the Civil Rights Programme in the Mitrovicë/Mitrovica region, an implementation partner of the UNHCR.

From 2003 to 2005 he researched topics including the effects of migration on rural development in Kosovo's villages, as well as city planning and economic development policies in the post-war period. In autumn 2007 he was a human rights fellow at Yale University. In 2005 he attended an intensive course in European law at the Alpbach European Forum, and in 2004 he completed the 'total law program' at the Central European University in Budapest.

Laura Xhelili spent two years as project coordination manager of the NGO 'Civil Emancipation – EC ma Ndryshe'. She was primarily involved in the protection of cultural heritage and European integration. From 2008 to 2009 she worked as an analyst for the Kosovo Stability Initiative (IKS). Since 2009 she has worked, among other responsibilities, for Peace Kosovo – AFPK – a multi-ethnic organisation based in northern Mitrovicë/Mitrovica. Laura Xhelili is soon to complete her studies on public management policies at the University of Prishtinë/Priština.

Endnotes

- 1 Throughout the report this is short for Kosovo under UN Security Council Resolution 1244.
- 2 To describe the readmission of individuals from one country to another, the term 'repatriation' is commonly accepted among experts. Unless otherwise noted, this term will be used interchangeably to reflect cases of both deportation and repatriation.
- 3 The term 'tolerated' individuals is according to UNHCR Germany the translation for those who have received a 'Duldung' according to German law. A toleration status means that the affected individual is legally obliged to leave the country as no residence status was granted, but that deportation is temporarily suspended. According to UNHCR Germany's assessment, many of the tolerated individuals from Kosovo should have been granted refugee status though, but have due to a rather restrictive recognition practice never received a status in accordance with UNHCRs recommendations.
- 4 On the identities of the ethnic groups see Elena Marushiakova et al., *Identity Formation among Minorities in the Balkans: The Cases of Roms, Egyptians and Ashkali in Kosovo*, Sofia 2001. Although the boundaries between the groups are not always clear, Kosovan Ashkali and Egyptians do regard themselves as distinct ethnic groups. One element of this distinction lies in language: as a rule Kosovan Ashkali and Egyptians speak Albanian and not Romany.
- 5 German Government answer to the parliamentary question lodged by deputies Ulla Jelpke, Sevim Dağdelen, Kersten Naumann, Jörn Wunderlich and the parliamentary group of 'Die Linke' (BT-Drs 16/14129 of 12.10.2009), pages 1-4; German Government answer to the parliamentary question lodged by deputies Ulla Jelpke, Sevim Dağdelen, Wolfgang Neskovic, other deputies and the parliamentary group of 'Die Linke' (BT-Drs 17/423 of 10 January 2010), page 2.
- 6 Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Kosovo on the Transit and Acceptance of Persons (Readmission Agreement) signed on 14 April 2010.
- 7 Cf Convention on the Rights of the Child, article 3. In agreement with the Federal States, the German Federal Government published a reservation supplement to the ratification, providing for different treatment of German and non-German children, despite the stipulations of the Convention. This reservation was subsequently withdrawn by a decision of the Federal cabinet on 3 May 2010. Cf also press release of the German National Committee for UNICEF Kinderrechte für alle Kinder in Deutschland verwirklichen!, 3.5.2010.
- 8 Directive 2008/115/EC of the EU Parliament and Council 16 December 2008 on 'Common standards and procedures in member states for returning illegally staying third-country nationals', preamble 22 and article 5.
- 9 According to information from the German authorities, in 2009 there were a total of 541 repatriations from Germany to Kosovo, including 76 Roma (BT-Drs [German parliament publication] 17/2089). There were a further 53 Roma among the 213 repatriations from January to April 2010. In interviewing 47 of the Roma repatriated in this 2009-2010 period, the study managed to include 36% of all the Roma returned to Kosovo from Germany. During the period of January to April 2010, 25 Roma in families were repatriated, 47% of the total repatriated Roma.
- 10 The Position of Roma, Ashkali and Egyptian Communities in Kosovo, Baseline Survey conducted at the request of and with funding from the Kosovo Foundation for Open Society, (KFOS – SOROS), COMPASS Research and Consulting Company, 2009.
- 11 BT-Drs [German parliament publication] 16/14129 of 12.10.2009, p. 5f.
- 12 Statement from the Magdeburg Aliens Authority of 8.2.2010.
- 13 Statement from the Public Policy Office Stuttgart of 12.4.2010 and from the Refugee Council of Saxony-Anhalt of 8.2.2010.
- 14 Interview with Hans-Joachim Schlumm, director of the Office of Aliens Affairs, Münster, 26.3.2010; Interview with Martin Treutler, Public Policy Office, Stuttgart, 11.3.2010; Interview with Ines Rudolph, acting director of Aliens Authority, Magdeburg, 16.3.2010. A toleration temporarily halts deportation proceedings against a for-eigner. The 'toleration' status remains in place.
- 15 BT-Drs [German parliament publication] 16/14129 of 12.10.2009, p. 6-8.
- 16 Interview Schlumm; Interview Treutler; Interview Rudolph.
- 17 Interview Esat and Erdzan, Münster, 22.2.2010.
- 18 BT-Drs [German parliament publication] 16/14129 of 12.10.2009, p. 9.
- 19 Federal Government answer to the parliamentary question lodged by deputies Josef Philip Winkler, Marieluise Beck, Volker Beck, and others as well as the Bündnis 90/Die Grünen parliamentary group (BT-Drs [German parliament publication] 17/692 of 11.2.2010), p. 5f.
- 20 BT-Drs [German parliament publication] 16/14129 of 12.10.2009, p. 8.
- 21 BT-Drs [German parliament publication] 17/423 of 10.01.2010, p. 18.
- 22 Statement from the Public Policy Office, Stuttgart of 12.4.2010; the Special Citizens' Department, Magdeburg of

- 22.4.2010, the Office of Aliens Affairs, Münster of 27.4.2010.
- 23 Statement from the Baden-Württemberg State interior ministry of 3.2.2010, the North Rhine-Westphalia State interior ministry of 1.2.2010 and the Saxony-Anhalt State interior ministry of 22.4.2010. The respective authorities were asked about the age ranges of those with 'toleration' status, since the cities investigated for this report were in these States. Corresponding information was received from the State ministry of Bavaria on 2.3.2010 and from the Berlin State Office for Public Policy Affairs on 22.1.2010.
- 24 BT-Drs [German parliament publication] 17/423 of 10 January 2010, p. 17.
- 25 BT-Drs [German parliament publication] 17/423 of 10 January 2010, p. 9f and p. 16.
- 26 BT-Drs [German parliament publication] 17/423 of 10 January 2010, p. 16.
- 27 The quota agreed under the Königstein Agreement is calculated anew each year and goes back to the Königstein States Treaty of 1949. The quota was originally designed for the distribution of scientific research centres, but is applied today in a variety of political contexts wherever the individual States' allocations of common Federal undertakings is evaluated. On the Königstein quota for 2010, see the website of the Joint Science Conference of Federal States and the Federal Government (GWK) at www.gwk-bonn.de/fileadmin/Papers/koenigsteiner-schluesel-2010.pdf (15.6.2010).
- 28 Schlumm Interview, Treutler Interview, Rudolph Interview.
- 29 Schlumm Interview, Volker Maria Hügel Interview, GGUA (a non-profit organisation supporting asylum-seekers), Münster, 23.2.2010.
- 30 Collection of the resolutions approved for publication from the 167th meeting of the Conference of Federal Interior Ministers and Senators of 10 May 2001 in Schierke/Harz. The conference's resolutions approved for publication since 2005 are available online at www.bundesrat.de/cln_051/nn_8758/DE/gremien-konf/fachministerkonf/imk/imk-node.html__nnn=true; resolutions since 2002 can be seen at www.berlin.de/sen/inneres/imk/beschluesse.html (at the time of writing on 12.4.2010).
- 31 Collection of the resolutions approved for publication from the 170th meeting of the Conference of Federal Interior Ministers and Senators on 6 June 2002 in Bremerhaven, the 171st meeting on 6 December 2002 in Bremen and the 172nd meeting on 15 May 2003 in Erfurt.
- 32 Record, collection of the resolutions approved for publication from the 174th meeting of the Conference of Federal Interior Ministers and Senators on July 2004 in Kiel, the 175th meeting on 19 November 2004 in Lübeck and the 180th meeting on 5 May 2006 in Garmisch-Partenkirchen.
- 33 According to German Criminal Law, criminal sanctions can be imposed by imprisonment or a monetary fine. A fine is imposed in daily units. The court shall base its calculation of the amount of the daily unit on the one-day net income of the offender or the average income he could achieve in one day. The number of daily units is dependent on the sentencing, which is generally based on the guilt of the offender.
- 34 Long-stayer resolution of the Interior Ministers' Conference of 17.11.2006, in: collection of the resolutions approved for publication from the 182nd meeting of the Conference of Federal Interior Ministers and Senators of 17 November 2006 in Nuremberg.
- 35 Act to Implement European Union Directives Regulating Residence and Asylum of 19 August 2007, Bundesgesetzblatt 2007, Part I No. 42, 27.8.2007, p. 1970-2115.
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- and that attention would be paid by the German authorities to ensure an ethnic balance among the repatriated persons. Source: Kleine Anfrage der Abgeordneten Ulla Jelpke u.a. und der Fraktion DIE LINKE, Abschiebungen in den Kosovo, BT-Drucksache 16/14084, Zu 4, p. 2
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Katalogimi në botim – **(CIP)**
Biblioteka Kombëtare dhe Universitare e Kosovës

341.234(496.51)

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Integration Subject to Conditions : a report on the situation of Kosovan Roma, Ashkali and Egyptian children in Germany and their repatriation to Kosovo / Verena Knaus, Peter Widmann. - Prishtina : UNICEF, 2010. - 92 f. : ilustr. ; 30 cm.

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ISBN 978-9951-601-00-9



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ISBN 978-9951-601-00-9