

DISCUSSION PAPER

DISRUPTED FAMILIES:

The Gendered Impacts of Family Reunification Policies on Syrian Refugees in Germany



No. 23, April 2018

SABINE DAMIR-GEILSDORF AND MARTINA SABRA
PROGRESS OF THE WORLD'S WOMEN 2018

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SUMMARY

By the end of 2016, an estimated 6.5 million Syrian citizens were internally displaced and more than 4.8 million Syrians had fled to neighbouring countries. While roughly half of all displaced and refugee Syrians are female, around three quarters of the estimated 550,000 Syrian asylum seekers who have arrived in Germany since the outbreak of the conflict are male. This gender imbalance is mainly due to the dangerous flight routes to Germany and the high costs of smugglers. Because of financial constraints, and because they supposed that women and girls would be more vulnerable to violence, many Syrian families decided that a male family member should try to reach Germany first and get asylum, hoping to use the right to family reunification as a safer way to bring the remaining members of the family. However, due to changing German asylum policies and practices, lengthy procedures and bureaucratic obstacles, a growing number of Syrian families who had intended to reunite in Germany now remain separated for two to three years or even longer. Others were even forced apart post-arrival.

This paper examines the impacts of shifting policies in relation to family reunification and internal dispersal on the experiences of female Syrian asylum seekers in Germany. It is based on ethnographic fieldwork conducted in Germany in 2012–2016, comprising participant observation, extended informal talks and qualitative interviews with Syrian asylum seekers in

different stages of their asylum-seeking and family reunification processes. Through the analysis of women's accounts and of policy measures, it sheds light on how female Syrian asylum seekers and recognized refugees have coped with diverse challenges before arriving, during long-lasting separations, after subsequent reunifications in Germany or after arriving alone. How do they reconstruct their lives in a new environment, build new networks and deal with bureaucratic and legal restrictions? What does this mean for family roles, care arrangements and their capacity to claim and substantiate their rights? The authors show that increasing hurdles for official family reunification expose family members left behind, in particular women, to manifold risks and forms of violence. Living apart from extended family in Germany, because the distribution of asylum seekers within the federal states only considers minors and spouses as nuclear family, often has a negative effect on women's well-being and childcare arrangements. While prolonged separations can cause substantial changes in social practices, family roles and responsibilities, these changes are not always durable and can have disempowering as well as empowering effects. Whether Syrian refugee women and girls can use the opportunity to increase their agency and self-determination depends not only on their individual material and non-material resources but also on the legal framework and, in some cases, on sheer luck or chance in the course of forced migration.

RÉSUMÉ

On estime qu'à la fin de 2016, 6,1 millions de Syriens étaient déplacés dans leur pays et que plus de 4,8 millions de Syriens avaient fui dans les pays voisins. Environ la moitié de toutes les personnes déplacées et réfugiées syriennes sont des femmes, mais environ trois quart des quelques 550 000 demandeurs d'asile syriens arrivés en Allemagne depuis le début du conflit sont des hommes. Ce déséquilibre entre les sexes est

principalement lié à la dangerosité des routes vers l'Allemagne et aux coûts élevés imposés par les passeurs. Les contraintes financières et le fait que les familles estiment que les femmes et les filles sont plus exposées à la violence expliquent pourquoi nombre de familles syriennes pensent qu'il vaut mieux que ce soit un homme qui tente de rejoindre l'Allemagne en premier et obtienne l'asile dans l'espoir de faire jouer

le droit au regroupement familial pour ramener sans danger le reste de sa famille. Toutefois, en raison des modifications des politiques et des pratiques liées au droit d'asile, des longues procédures et des contraintes bureaucratiques en Allemagne, un nombre croissant de familles syriennes qui avaient l'intention de se regrouper en Allemagne restent désormais séparées pendant deux ou trois ans, voire plus. D'autres ont même été contraintes de se séparer après leur arrivée. Ce document examine les répercussions des nouvelles politiques en lien avec le regroupement familial et la dispersion des personnes à l'intérieur du pays sur les expériences des demandeuses d'asile syriennes en Allemagne. Ce document s'appuie sur un travail ethnographique de terrain mené en Allemagne en 2012–2016 incluant l'observation des participants, des discussions informelles élargies et des entretiens de qualité avec des demandeurs syriens à différentes étapes de leur demande d'asile et des processus de regroupement familial. Grâce à l'analyse des récits des Syriennes et des mesures politiques, ce document met en lumière la manière dont les demandeuses d'asile et les réfugiées syriennes ont relevé différents défis avant leur arrivée, pendant les longues séparations imposées, après les regroupements en Allemagne et une fois arrivées seules en Allemagne. Comment reconstruisent-elles leur vie dans leur nouvel environnement ? Comment créent-elles de nouveaux réseaux

et comment s'accommodent-elles des contraintes bureaucratiques et juridiques ? Quel est l'impact sur les rôles familiaux, les dispositifs de garde et les capacités de ces femmes à revendiquer leurs droits et à en justifier ? Les auteurs montrent que les obstacles grandissants au regroupement familial officiel exposent de nombreux membres de la famille laissés en arrière, notamment les femmes, à de multiples risques et violences. Vivre loin de la famille élargie en Allemagne – compte tenu des procédures de répartition des demandeurs d'asile dans les Etats fédéraux qui ne considèrent que les mineurs et les conjoints en tant que famille nucléaire - a souvent des effets négatifs sur le bien-être des femmes et sur les dispositifs de garde des enfants. Si les séparations prolongées peuvent modifier radicalement les pratiques sociales, les responsabilités et les rôles familiaux, ces modifications ne sont pas toujours durables, elles peuvent avoir des effets paralysants mais aussi autonomisants, engendrant une autonomie accrue. Les ressources matérielles et non matérielles des femmes et des filles réfugiées syriennes ne leur permettront pas à elles seules de saisir l'opportunité de renforcer leur pouvoir et leur détermination. Il faut aussi qu'elles puissent disposer d'un cadre juridique. Dans certains cas, c'est d'heureuses coïncidences dans le cadre de migrations forcées qui feront toute la différence.

RESUMEN

Se calcula que a finales de 2016 había 6,1 millones de ciudadanas y ciudadanos sirios en situación de desplazamiento interno y que más de 4,8 millones de sirias y sirios habían huido a países vecinos. Pese a que más de la mitad de las personas desplazadas y refugiadas sirias eran mujeres, en torno al 75% de las y los 550.000 solicitantes de asilo que se estima que han llegado a Alemania desde el inicio del conflicto son hombres. Este desequilibrio de género se debe, fundamentalmente, a los peligros que acechan en las rutas aéreas hacia Alemania y al elevado costo que imponen los traficantes de personas. Habida cuenta de las limitaciones financieras que sufren y dado que suponían

que las mujeres y las niñas serían más vulnerables a la violencia, muchas familias sirias decidieron que uno de sus miembros varones debería intentar llegar primero a Alemania y conseguir el asilo, confiando en el derecho de reunificación familiar como medio más seguro de reagrupar al resto de los miembros. No obstante, debido a los cambios en las políticas y prácticas de asilo alemanas, a la lentitud de los procedimientos y a los obstáculos burocráticos, un creciente número de familias sirias que tenían intención de reunirse en Alemania continúan separadas al cabo de dos o tres años, o incluso más. Otras se vieron separadas a la fuerza tras su llegada. En este artículo se examinan los efectos que

ejercen los cambios en las políticas de reunificación familiar y dispersión interna sobre las experiencias de las solicitantes de asilo sirias en Alemania. Se basa en un trabajo de campo etnográfico llevado a cabo en este país entre 2012 y 2016, que incluyó técnicas como la observación participante, charlas informales y entrevistas cualitativas a solicitantes de asilo sirias en diferentes fases de los procesos de solicitud de asilo y reunificación familiar. A través del análisis de los relatos de las mujeres y de las políticas, el artículo arroja luz sobre la forma en que las solicitantes de asilo sirias y las mujeres procedentes de Siria que han obtenido la condición de refugiadas hicieron frente a los diversos desafíos que encontraron antes de su llegada, durante los largos períodos de separación, tras la posterior reunificación en Alemania o cuando llegaron solas. ¿Cómo reconstruyen sus vidas en un entorno nuevo, cómo crean redes y afrontan las restricciones burocráticas y jurídicas? ¿Qué implicaciones tiene esto para los roles familiares, los mecanismos de cuidados y la capacidad de estas mujeres para reivindicar y sustanciar sus derechos? Las y los autores ponen de manifiesto

que las crecientes cargas impuestas a la reunificación familiar por la vía oficial exponen a los miembros de la familia que quedan atrás, y en especial a las mujeres, a numerosos riesgos y formas de violencia. El hecho de vivir separadas de sus familias ampliadas en Alemania, debido a que la distribución de solicitantes de asilo en el interior de los estados federales únicamente considera como familia nuclear a las y los menores y cónyuges, suele tener un efecto adverso sobre el bienestar de las mujeres y sobre los mecanismos de cuidado infantil. Pese a que las separaciones prolongadas pueden provocar cambios sustanciales en las prácticas sociales y en los roles y responsabilidades familiares, estos cambios no siempre son duraderos y pueden ocasionar tanto un desempoderamiento como un empoderamiento que conduzca a una mayor autonomía. La capacidad de las mujeres y niñas sirias de aprovechar la oportunidad de incrementar su nivel de independencia y libre determinación no solo depende de los recursos materiales e inmateriales que posea cada una de ellas, sino también del marco jurídico vigente y, en algunos casos, de puras coincidencias en el transcurso de la migración forzada.

e¹

1. INTRODUCTION

1.1

Syrian refugees: Conflict, forced migration and gender

According to the United Nations Refugee Agency (UNHCR), Syrians are currently the largest refugee population produced by a single conflict in a generation.¹ By December 2016, an estimated 6.5 million Syrian citizens were internally displaced and 4.8 million had fled to neighbouring countries.² Within five years, an estimated 400,000 Syrians³ – mostly men and boys⁴ – have been killed and an estimated 2 million have been wounded or mutilated. Due to the large-scale destruction of infrastructure, most Syrians have only limited access to water, electricity and food. Around 2 million of Syria's children are out of school.⁵ The health-care infrastructure has been severely damaged or has totally collapsed in many areas.

Women and men experience the crisis in different ways due to the gendered division of roles, responsibilities and spaces in Syrian society. Gender ratios of Syrian refugee populations vary in different host countries. In neighbouring countries such as Jordan, Lebanon and Turkey, females account for roughly 50 per cent of all Syrian refugees. On the other hand, males comprise around three quarters of the adults from the estimated 550,000⁶ Syrian asylum seekers in Germany who arrived between the beginning of the conflict in 2011 and the end of 2016.

The fact that in the European Union (EU) in general women comprise only around one third of total asylum claimants can probably be traced to the fact that

they often face greater difficulties leaving their own country because they have fewer financial resources, have primary responsibility for childcare, are more susceptible to violence by smugglers, including sexual violence, or are not allowed to travel on their own.⁷

Since most Syrian asylum seekers come to Germany by crossing the Aegean Sea from Turkey to Greece and travelling onwards towards Western Europe through the Balkans, the gender ratio can be attributed to two main factors: (i) the high costs for smugglers make it impossible for many families to escape together and (ii) many families decide not to expose women and children to the dangerous journey, in particular the danger of drowning in the Mediterranean.⁸ When violence began to increase in Syria, many families hoped that if one male family member made it to Germany and got asylum, the remaining nuclear family members could follow by claiming their legally guaranteed right to family reunification. However, a growing number of Syrian asylum seekers and

1 UNHCR 2015a.

2 UNHCR 2016a; UNHCR 2016c.

3 United Nations Radio 2016. For the difficulties of obtaining accurate figures of people killed or injured in wars, see Hunt 2010: 551.

4 See VDC 2016a and former reports. This can be traced back to the fact that there are hardly any women in combat units (except in the Kurdish areas) and that few women have participated in public protests or actions against the regime.

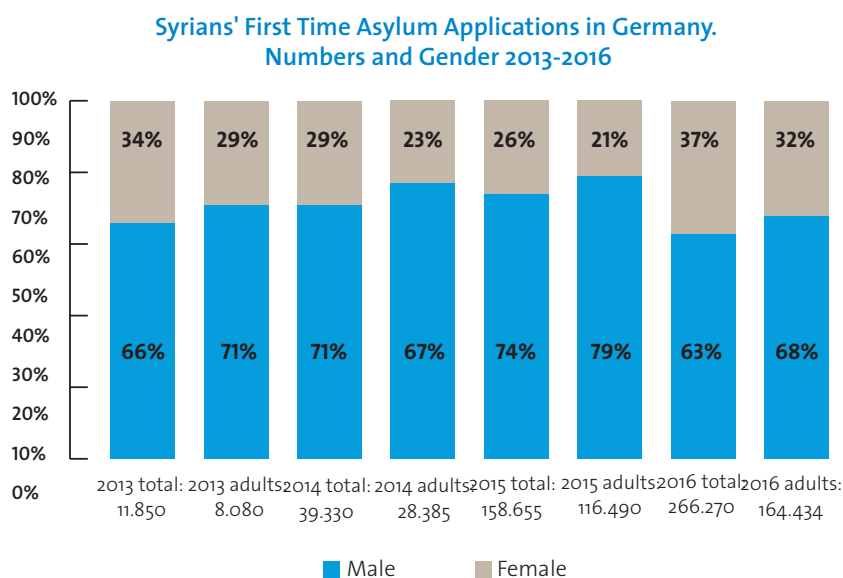
5 No Lost Generation 2016.

6 See Mediendienst Integration 2016; BAMF 2016c: 2; BMI and BAMF 2016: 281. The numbers of Syrian asylum seekers who arrived in Germany from 2011 until now are based on estimates, because precise data for arrivals of persons are only available since January 2017 (BMI 2017a) and the former registration system – EASY – has led to a lot of double counting. For further details on registrations, see section 3.3.

7 Brettell 2016: 61; Freedman 2016 a: 20.

8 According to estimates (of course no precise numbers are available), the proportion of those who died while attempting to cross the Aegean increased substantially from one in 1,072 in 2015 to one in 293 in 2016 (UNHCR 2017), although numbers of those who tried to seek international protection decreased significantly after the closure of the Balkan route and the EU-Turkey Statement. On the Central Mediterranean route between Libya and Italy, the likelihood of dying is even higher at one death for every 47 arrivals (ibid.).

FIGURE 1-1
Gendered Breakdown of Syrians' first time asylum applications



Source: EUROSTAT 2017 [migr_asyappctza]

Eurostat 2017. Asylum and first time asylum applicants by citizenship, age and sex Annual aggregated data (rounded), [migr_asyappctza], Last updated 26 April 2017, <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

Numbers are rounded and not taken into account are the numbers of persons whose sex was unknown. These were 570 persons in 2016, 235 persons in 2015, 15 persons in 2014 and 10 persons in 2013. See also Neske/Rich 2016: 4. According to the "SoKo" database of the BAMF, 52,9% of the Syrian adult first-time asylum applicants in 2015 were married. Rich 2016: 2-4.

refugees in Germany are separated from their families for lengthy periods (three years or more). This is particularly the case if they were split up during their flight or fled to Germany at different times.

As Figure 1-1 shows, applications for asylum by Syrian women increased from 21 per cent in 2015 to 32 per cent in 2016. At the same time, the number of Syrian children and minors increased from 27 per cent in 2015 to 37 per cent in 2016.⁹ Due to long waiting times for the asylum application interview, many of them are assumed to have already arrived by late summer/

autumn 2015.¹⁰ This is also supported by gender-disaggregated data on sea arrivals in Greece. As Kofman has shown in her analysis, a shift away from men towards a profile comprising a majority of women, children and families in Greece had begun before late 2015/beginning of 2016, but a more male adult profile re-emerged following the EU-Turkey Statement concluded on 18

⁹ See Eurostat 2017.

¹⁰ Due to the high influx of asylum seekers in 2014 and 2015, many were not able to file their applications for asylum immediately. According to data from BAMF (German Federal Office for Migration and Refugees) collected from a survey among asylum seekers and refugees, by October 2016 around 22 per cent of the asylum seekers who arrived between January 2013 and January 2016 had not yet had their interview for the asylum application (BAMF 2016b: 30). Recent government data shows that of the 745,545 persons who applied in 2016 for asylum in Germany, only 280,000 entered the country in that year, while the majority of the applications were from the around 890,000 asylum seekers who arrived in 2015 (BMI 2017b). In April 2017, asylum proceedings were still pending for 232,493 persons (BMI 2017a).

March 2016.¹¹ Although it is not clear whether more women and children arrived on their own because official family reunification was too difficult or impossible or whether they moved in family groups with husbands, it is evident that more Syrian women and children have been taking the perilous journey to seek international protection and safety.¹² In particular in 2015, when over 1 million persons from the Middle East and Africa entered Europe seeking refugee status after fleeing war, conflict and persecution – the majority of whom arrived by sea, where many others lost their lives – many politicians of European Member States and the European media increasingly referred to a “refugee crisis” and constructed “illegal” migration as an economic and security threat, with EU Member States gradually starting to try and close borders.¹³

Several studies show that recent changes in border and asylum policies and practices of European countries¹⁴ to limit the numbers of asylum seekers by restricting both entry and legally guaranteed family reunification have led to the increasing vulnerability of female asylum seekers. Furthermore, numerous reports and studies document the vulnerability of female refugees to gender-based violence during their voyage to Europe, where they often have families or friends with whom they want to reunite.¹⁵ Although the Common European Asylum System (CEAS) directives oblige EU Member States to take gender issues into consideration in both reception centres and in processes of determining refugee status, they still lack implementation in improving women’s access to protection in the national asylum systems where women face undue disadvantage when making claims for asylum and insufficient protection from

gender-based violence in reception centres.¹⁶ At the same time, dominant gendered constructions present women as more vulnerable asylum seekers than men, often reducing women to the status of passive victimhood, while young men in particular tend to be constructed as threatening and the less visible forms of vulnerability among men arising from physical and emotional trauma are neglected.¹⁷

1.2 Scope and research methodology

It is commonly understood that the long-term separation of families, particularly in a context of conflict and war, brings about substantial changes in roles, practices, responsibilities and care relationships across gender and generations.¹⁸ This paper deals with (changing) German asylum policies and practices and how they affect the experiences and needs of transnational Syrian refugee families who want to settle in Germany. Looking at the main stages in the process of separation and reunification, it focuses on the experiences of wives, mothers, daughters and sisters. How do Syrian female refugees in Germany deal with the loss of family ties and friendships? How do they reconstruct their lives in a new environment and build new networks and relationships? How do they deal with bureaucratic and legal restrictions as well as shifting asylum policies? How do policy changes affect their capacity to claim and substantiate their rights?

The paper focuses on women and girls while acknowledging that prolonged family separation also has a strong impact on men and boys and that the effects are often interconnected. The study was carried out on the basis of substantial desk research and data collected through empirical ethnographic fieldwork conducted in Germany between 2012 and 2016. For

11 See Kofman (forthcoming). We would like to thank Eleonore Kofman for providing us with the manuscript and data. Following the EU-Turkey Statement in March 2016, numbers crossing the sea to Greece from Turkey dropped drastically, with arrivals in October 2016 almost 99 per cent lower than in October 2015. For details on routes, see UNHCR 2017.

12 See UNHCR 2016d and section 3.2.

13 Freedman et al. 2017: 5–9.

14 For the variety of changes in asylum laws and border controls of EU Member States during 2015 and 2016, see European Migration Network 2016.

15 See, for example, Human Rights Watch 2016b; UNHCR et al. 2016; Women’s Refugee Commission 2016b; Women’s Refugee Commission 2016c; Kofman (forthcoming).

16 Freedman 2016a: 20; Freedman 2016b; Kofman et al. 2005: 29; UNHCR et al. 2016a; Women’s Refugee Commission 2016a; Cheikh Ali et al. 2012.

17 Freedman 2015: 17; Kofman (forthcoming).

18 Rytter and Olwig 2011: 11. E.g., negotiations of positions and structures of authority, identities and notions of being and belonging.

collecting the empirical data, the following research instruments were used:

- Participant observation and extensive informal conversations of at least one hour each with around 100 Syrian refugees and asylum seekers, 29 of whom were met repeatedly. This took place in the context of voluntary work by the authors (translating between Arabic and German and assisting with administrative procedures in various stages of the asylum process) in reception centres, individual homes and local authorities, organized by grassroots organizations such as Facebook networks and community-based organizations or through personal encounters and networks.
- Semi-structured and narrative in-depth interviews, ranging between 50 minutes and two-and-a-half hours, with 15 Syrian female and male refugees and asylum seekers of different generations, marital status and educational and socio-economic backgrounds.
- Semi-structured interviews with nine volunteers assisting Syrian refugees with bureaucratic procedures during the asylum process.
- Semi-structured interviews with four state employees in charge of refugee affairs (camp management, housing, health care, education).
- Semi-structured interviews with seven representatives of charities and advocacy groups supporting refugees to obtain their human and social rights.

Although the random sample is not representative, the Syrians referred to and cited in this study (from either extended informal conversations with written notes afterwards or audio-recorded interviews) cover divergent backgrounds:

- Syrian women and girls who, due to legal reasons, are unable to reunite with other family members back in Syria or family members who live in Germany in different cities
- Syrian women who, after varying periods of separation, have reunited through official German reunification programmes with their spouses and/or children
- Syrian families whose members (female and male) arrived in Germany at different times because they fled separately and/or consecutively via the Balkan or Mediterranean route
- Single women and men who fled to Germany on their own.

All the names of Syrian asylum seekers and refugees referred to in this study have been changed in order to preserve their anonymity. The interviews applied a 'do no harm' approach in line with internationally accepted codes of conduct for research on trauma and sexual and gender-based violence.

2.

IMPACTS OF THE FLIGHT ON REFUGEES IN GERMANY AND THEIR FAMILIES IN SYRIA

2.1

Socio-economic changes and pressures on refugees and family members left behind

Most of the Syrian refugees in Germany met in the course of the study had to pay between 2,000 and 10,000 Euros to smugglers for the journey. They had to sell their homes, furniture, cars, jewellery or other property much below their real value. Some borrowed money from relatives and friends,¹⁹ and most arrived in Germany with little or no money and very few belongings.

A separation caused by armed conflict or other life-threatening conditions usually occurs under traumatizing circumstances and implies many informal arrangements within asymmetric power relations. Smugglers use their power to extort the highest possible amounts of money; state agents and secret services impose bribes. As a result, refugees and their families have often lost all their financial resources at the end of the flight. Some families were separated during the flight when they ran out of money, and all had left (extended) family members and friends behind.

Family members who stay behind in Syria waiting for reunification face difficulties to secure sufficient income to meet the family's basic needs. This applies particularly to women, who now account for 12–17 per cent of household heads in Syria.²⁰ With husbands, brothers, fathers and other male relatives as well as neighbours and friends killed, arrested, in hiding or out of the country, many women and girls in Syria have to cope with a range of additional responsibilities. Women are caretakers not only of their children but also of the elderly and family members with special needs due to injuries and disabilities. According to some estimates, between 10 to 25 per cent of the population suffer from injuries and disabilities.²¹

Women are thus under great pressure to ensure the survival of the family. An increasing number are pushed into work, mostly in low-skilled jobs in the informal sector where women represent the majority of the workforce.²² The increase in female labour is driven by steep inflation, loss of male income sources and displacement in war zones. Women with young children, however, are often not able to work outside the house and their older children are forced to work if no other support is available. An example is Maysoon, a housewife and mother of six children between 4 and 16 years. Her husband Wael is a tailor. When their house was destroyed and Wael fled alone to Germany in 2014, the oldest son (then 12) had to quit school and start to work to support his mother and siblings.

¹⁹ This impression, obtained in conversations and interviews with Syrian refugees, is also supported by a UNHCR survey of January 2016 among Syrians who were stranded on Greek islands, 41 per cent of whom reported that they had financed their journey by borrowing from friends (see UNHCR 2016c).

²⁰ Buecher and Aniyamuzaala 2015: 4.

²¹ See WHO 2014: 12, 15 and 35; Buecher and Aniyamuzaala 2015.

²² Buecher and Aniyamuzaala 2015: 15-16.

In addition, Maysoon is receiving small amounts of money from family members in the Gulf States and a monthly parcel with basic food and hygiene items from a charitable non-governmental organization (NGO). Wael sends her half of his monthly allowance in Germany. Since there are few jobs, many women depend on external cash injections.

2.2

Psychological impacts of the flight

The long waiting periods between family separation and reunification are often extremely distressing for refugees who have left their dependents behind. Wael is attending a German language course. His learning capacity is, however, seriously hampered by his constant worries about his family, which often prevent him from sleeping at night. Various studies document that the separation from their families of persons fleeing war and persecution affect language learning and integration²³ and may cause severe psychological problems.²⁴ Syrian spouses who have escaped and are more or less safe, while their wives or husbands back in Syria face life-threatening situations and have to cope with little or no income, are usually deeply distressed. In addition, many are afraid of government reprisals or forced conscription into the army or militias. Rihab, who had to leave her husband and two youngest children behind and has been separated from them for more than two years, stated: *“My husband is still eligible for conscription and might be recruited by force. Whenever he has to call on authorities to collect documents, I am deeply worried and feel guilty because I left him alone with the children.”*

Male refugees often feel guilt and fear for the lives of their wives and children who have to travel through Syria and neighbouring countries to reach a German embassy to fulfil family reunification procedures. Sexual harassment, sexualized violence and kidnapping are common incidents at the myriads of checkpoints

manned by either government forces, armed rebel groups or ordinary criminals. NGOs and activists have documented hundreds of cases involving arbitrary detention or enforced disappearance of civilians by government forces, pro-government militias or armed groups.²⁵ Rima (22), a housewife from Aleppo, remembers that she had to pass around 40 checkpoints on the road from Aleppo to Damascus when she travelled to the German embassy in Beirut. *“At each and every single one of them, I was afraid that I might be abducted or that something might happen to my three-year-old son,”* she says.

Some male refugees fear that their flight is considered as an act of disloyalty by the regime and may lead to reprisals or even the arrest of their family. Wael expressed his fears as follows:

“When I left, I instructed my wife to tell everybody asking about me that I went to Sudan for business. When they come to know that you have escaped to Germany, they immediately suspect you to be a regime opponent and this can be dangerous. Last time when my wife went to collect her monthly aid package from a charity, the staff there asked her about me. When she said that I had travelled to Sudan, they asked her for written proof. She was so frightened when she told me the story on the phone, and so was I. We do not know what will happen if they find out that I asked for asylum in Germany. Will she and the kids still be able to receive the aid packages? And will they be able to leave the country? We have been waiting to reunite for two and a half years now. This makes me so nervous that I cannot sleep at night.”

The majority of Syrian refugees in Germany have gone through extremely traumatizing experiences, both in Syria and during their journey. We have talked to parents who told us that their six-year-old child had to witness torture and death during the trip. In 2015, we met a Syrian woman in a reception centre at the train station who was incapable of changing her baby's

23 See McDonald-Wilmsom and Gifford 2009; Huddleston and Tjaden 2012: 58–60; Fonseca and Ormon 2008.

24 See Roussau et al. 2001; Schweitzer et al. 2006.

25 See Amnesty International 2015, 2016c; Human Rights Watch 2012; Office of the UN High Commissioner for Human Rights 2014; Independent International Commission of Inquiry on the Syrian Arab Republic 2015.

diapers in the rest room and asked volunteers to do it for her. She was too paralyzed to take care of the baby due to the guilt she felt after having been unable to save the life of her other daughter, who had drowned in the Mediterranean in front of her eyes.

2.3

Shifting gender roles and practices for women left behind in Syria

After husbands have fled the country, women sometimes face displacement. In March 2016, the Violation Documentation Center (VDC) estimated that women and children constitute 70 per cent of the thousands of families that were displaced by continuous Russian airstrikes and eventually got stuck in emergency shelters with disastrous living conditions at the closed Turkish-Syrian border.²⁶ The high percentage of women²⁷ among the displaced reflects the large number of men who have either left Syria or been killed or arrested.

Rima, who waited almost two years with her five-year-old son in the government-controlled part of Aleppo for family reunification with her husband in Germany, described how men have gradually disappeared from Aleppo, particularly from summer 2015 onwards:

“Waiting alone in Aleppo, a lot had changed. Only women and old persons were left. Except for those who study, all men have to join the army but many fled the country instead, mostly to Turkey but also to Germany. Only a few men remain and continue their studies. If you walk in the streets, you see only women and occasionally one man among them. It is a very unnatural situation.”

Rana, 66, explained: *“The young men in Syria all leave. Men have to join the army, women don’t.*

Once in the army, men are sent to the front and have to kill. If they refuse, they will be killed. What shall they do? Of course they all hide or flee; it is their right to defend themselves.”

Some families manage to reunite with parts of their extended families or social networks in remote areas. In most cases, however, displacement entails a total loss of the former structure of social relations. This is harder for women to cope with than for men because traditional norms and the gendered division of spaces provide plenty of opportunities for men to go out and communicate with the outside world whereas women are largely confined to the house, which restricts their opportunities to choose whom they want to relate to.

The absence of husbands and fathers forces (and enables) women and girls to adopt responsibilities that were formerly assigned to males. Moreover, the non-availability of male refugees as providers and protectors has increased women’s labour participation rate, which stood at a low 22 per cent before the crisis.²⁸ Both change factors have triggered shifts in traditional gender roles. Some authors argue that shifts in roles through war may open up new spaces for women’s agency.²⁹ Other researchers are more cautious, citing findings that indicate changes in gender roles are often incomplete as women remain in charge of most household duties while men who lose their role as sole breadwinners often feel emasculated – a development that may create or exacerbate family conflicts.³⁰

The flight of male refugees also entails a loss of social control and protection. Some women experience this as a chance to gain more freedom. Most women, however, say that they feel lonely, isolated, overburdened with responsibilities and vulnerable³¹ because they fear that people might start gossiping and harm their reputation. To remain in conformity with social norms, some families appoint a male family member

²⁶ VDC 2016b: 16–18.

²⁷ As Freedman et al. (2017: 2) stress, women make up the majority of those displaced by the Syrian conflict, but exact numbers are not available and some figures mix together women and children.

²⁸ Buecher and Aniyamuzaala 2015: 15–16.

²⁹ See Snyder 2009.

³⁰ Buecher and Aniyamuzaala 2015: 14; CARE 2016: 5. Social workers in Syrian refugee camps in Jordan told us the same.

³¹ See UNHCR 2014b: 45–50.

to replace the father during his absence, usually a brother or the oldest son.

Despite modifications in gender-related practices that offer women more role and career options than before, prevalent gender norms and stereotypes seem to change at a much slower pace.³² Certain ideas, such as that women and girls should not live alone, continue to prevail. Many men and women subscribe to the notion that women and girls are in need of male 'protection' and 'control' to preserve their 'honour' and the reputation of the family. There are many variations in how these notions are translated into practice,

but at least in conservative families women are still expected to confine themselves largely to private spaces and to limit their interaction with male strangers.

In addition, the lack of male protection increases women's and girls' fears – and actual risks – of being sexually harassed, abducted or raped. Cases of sexual and gender-based violence are reported not only from checkpoints but also from collective shelters for internally displaced persons (IDPs) and at different kinds of aid supply facilities.³³ Fearing stigmatization, rejection and exclusion, most women and girls never talk openly to their families about these experiences.

³² Breslin and Kelly 2010.

³³ Interviews with social workers and activists who need to remain anonymous for their safety. See also SREO and SJAC 2015.

3.

FAMILY SEPARATION AND GERMAN IMMIGRATION POLICIES

3.1

Legal framework and asylum policies

In Germany, the Basic Law (Grundgesetz), the Asylum Act and the Residence Act are the main laws related to refugee claims. The increasing numbers of refugees and asylum seekers have triggered significant changes in the Constitution and asylum legislation at several stages, particularly in 1993, 2015 and 2016. In addition, several modifications have been made to bring German legislation into conformity with EU directives. In 1993, Article 16 (GG Art. 16a/§1) of the German Constitution was substantially changed when the so-called ‘Third State Rule’ was introduced: thenceforth, refugees who had passed through another EU State or a safe non-EU State on their journey to Germany were no longer eligible for asylum status.³⁴ Since 2003, the ‘Third State Rule’ has been further restricted by the introduction of the so-called ‘Dublin II’ and ‘Dublin III’ regulations of the EU, which prescribe that refugees have to apply for asylum in the country through which they entered the EU, regardless of whether they want to stay there or to continue their trip to another EU State.³⁵

The Dublin regulations affect many refugees heading for Germany via the Mediterranean and Balkan routes. Refugees arriving in Italy, for instance, have to

apply there for asylum even if they have relatives in Germany whom they want to join. If they continue their journey, the German authorities are allowed to send them back to Italy. The German Government announced the suspension of the Dublin procedure for Syrian refugees in summer 2015 but started to apply it again in November 2015. Since then, many refugees in Germany have been notified that they will have to return to the EU State where they were first registered. Although most of them have not actually been sent back,³⁶ the lack of certainty about their future remains a severe source of distress for many Syrians, who are still waiting for asylum and hope to bring their family too.

The authority for receiving and processing applications for asylum is the German Federal Office for Migration and Refugees (BAMF),³⁷ which distinguishes between four different kinds of protection:

- i. According to Article 16a of the German Basic Law and on the basis of the international obligations arising from the 1951 Refugee Convention, persons are entitled to *asylum* when they are persecuted by a State on political grounds and would be subject to serious human right violations should they return to their country of origin. For this right of asylum, which has constitutional status, only persecution emanating from the State is considered. Exceptions apply if non-state persecution can be attributed to

³⁴ This meant that only persons who directly arrived at a German airport, coming from an “unsafe third state” outside the EU, would have a right to apply for asylum

³⁵ No. 604/2013 of the European Parliament and of the Council of 26 June 2013. For details on the problematic nature and failure of Dublin III, see Human Rights Watch 2016b.

³⁶ For details on suspension of transfers see Kalkmann 2015: 29–30.

³⁷ BAMF website in English: <http://www.bamf.de/EN/DasBAMF/dasbamf-node.html>.

the State or if non-state persecution itself has come to replace the State (quasi-state persecution).

- ii. *Refugee status* in accordance with Article 1 of the Geneva Convention as defined in Article 2(e) of Directive 2011/95/EC is granted by section 3, subs. 1 of the German Asylum Act for persons who are persecuted or have a well-founded fear of being persecuted by state or non-state players because of their ethnicity, nationality, political opinion, fundamental religious conviction or membership of a particular social group.
- iii. According to section 4, subs. 1 of the German Asylum Act, persons are granted *subsidiary protection status* when they are entitled neither to refugee protection nor to asylum but would face a real risk of suffering serious harm by governmental and non-governmental players if they returned to their home country. Such serious harms include the imposition or enforcement of the death penalty, torture or inhuman or degrading treatment or punishment, or a serious individual threat to the life or integrity of a civilian as a result of arbitrary force within an international or domestic armed conflict.
- iv. According to section 60, subs. 5 and 7 of the Residence Act, for a person to whom none of the three above-mentioned forms of protection apply, a *national ban for deportation* (permission to stay for humanitarian reasons) can be issued if a return to the country of origin constitutes a breach of the European Convention on Human Rights (ECHR) or a considerable concrete danger to life, limb or liberty. Considerable concrete dangers are often health reasons.³⁸

From 2013 onwards, procedures usually lasted more than a year; some had to wait 10 months or more even for a formal appointment with the BAMF.³⁹

The right to privileged family reunification is only for those with recognized asylum or refugee status and

is restricted to core family members such as spouses, minor children and parents of minors. Across EU Member States, modalities for family reunification are governed by the Council Directive of 22 September 2003 on the right to family reunification, but implementation at national levels differs. Several studies hint at inadequacies in procedures for beneficiaries of international protection and show severe practical obstacles throughout Europe, leading to prolonged separation.⁴⁰ In 2015, UNHCR identified nine areas where current practices of some Member States lead to obstacles: “restrictions in scope and time; limited family definition; difficulty in tracing relatives; insufficient information about the procedure; difficulties accessing embassies to lodge an application; difficulties documenting family links and dependency; problems securing travel documents and visas from remote and/or insecure areas; financing travel; and meeting integration requirements.”⁴¹ Bathily and Atger (2014) have added the following to these obstacles: lengthy procedures and waiting times; costly processes for translation and verification of documents, visa fees etc.; deadlines in time periods during which applicants should lodge their request; and discrimination on the basis of different protection statuses when ensuring the right to family reunification.⁴²

In Germany, refugees can file an application for family reunification with the Foreign Office via a special online system within three months of notification of their protection status.⁴³ If they fail to apply within the stipulated period, they have to pay for the travel expenses and livelihoods of their relatives, a condition that they usually cannot meet. Although Article 3(2) of EU Directive 2003/86/EC does not include the right to family reunification for a beneficiary of subsidiary protection, the European Commission stresses that Member States should not interpret the Directive as an obligation to deny beneficiaries of subsidiary protection this right since Council Directive 2001/55/EC explicitly entitles beneficiaries of temporary protection to reunite with their family members.

38 See BAMF 2016d; Bitoulas and Juchno 2016: 3; Ostrand 2015: 259; Kalkmann 2015: 13.

39 See BAMF 2016g.; section 1.1 and reference 10.

40 For more details on the European level and its legal framework, see Bathily and Atger 2014; UNHCR 2015b.

41 UNHCR 2015b: 3.

42 Bathily and Atger 2014: 9–10, 12–14.

43 See Auswärtiges Amt 2016a.

Underlining that the humanitarian protection needs of persons benefiting from subsidiary protection do not differ from those of refugees, the Commission encourages Member States to adopt rules that grant similar rights to refugees and beneficiaries of temporary or subsidiary protection. This is also confirmed in the recast Qualification Directive 2011/95/EU.⁴⁴

In October 2015, the German Government changed the laws and extended the right to privileged family reunification to asylum seekers who were granted subsidiary protection. Only a few months later, however, the laws changed again. The so-called ‘asylum package II’, which came into force on 17 March 2016, suspended the right to apply for family reunification until 16 March 2018 for all those with subsidiary protection up to 17 March 2016 (Section 104 subs. 13 of the Residence Act).⁴⁵ At the same time, the BAMF changed the decisions it took in the asylum applications of Syrians. While before almost 100 per cent of Syrians were obtaining full refugee status, in

2016 around 40 per cent were granted only subsidiary protection (see Table 3-1).⁴⁶

Many refugees who had already spent a year or more in Germany waiting for their turn to formally apply for asylum and later for family reunification were shocked to realize that they would no longer be able to reunite with their wives and children left in Syria if they were only granted subsidiary protection. Samir, a husband and father of three children, who has been granted only subsidiary protection, feels trapped:

“If I go back, they will kill me. We didn’t come to let our wives and children die in the war. I read in the decision that I couldn’t convince them in the interview that I am a refugee. What else shall happen in Syria? It is clear for everybody that Syria is destroyed and that I didn’t come here as a tourist but fled from death and murder and war. It is my duty to be with my family. Why do they separate us?”

TABLE 3-1
Decisions of the BAMF on Syrians’ first time asylum applicants from January 2014 to March 2017 in numbers and percent

Year	Total number	Asylum Status	Refugee Status	Subsidiary Protection	National ban on deportation	Denial of protection	Other proceedings
2014	25,027	1,467 (5.9%)	18,093 (72.3%)	2,941 (11.8%)	57 (0.2%)	10 (0.0%)	2,459 (9.8%)
2015	101,937	1,141 (1.1%)	96,515 (94.7%)	57 (0.1%)	140 (0.1%)	22 (0.0%)	4,062 (4.0%)
2016	291,664	748 (0.3%)	164,178 (56.3%)	120,612 (41.4%)	570 (0.2%)	158 (0.0%)	5398 (1.9%)
01/2017-03/2017	39,340	177 (0.4%)	12,595 (32%)	24,353 (61.9%)	138 (0.3%)	44 (0.1%)	2059 (5.2%)

Source: BAMF 2017a:7; BAMF 2016e:7; BAMF 2015:7; BAMF 2014:6.

44 This is also confirmed in the recast Qualification Directive 2011/95/EU. See European Commission 2014: 24–25.

45 See Grote 2017: 15

46 BAMF 2016c: 2. See also ECRE 2016; PRO ASYL 2016b). At the same time, officials of BAMF estimated that around 500,000 family members of Syrians might arrive via reunification, which was often cited by xenophobic right-wing groups as a sign of failed politics.

Up to October 2016, almost 20,000 refugees, mostly Syrians, had filed official complaints against the subsidiary status with German courts. By November 2016, more than 1,400 court verdicts had been issued ruling that the subsidiary status was not in line with German and EU legislation. In response, the BAMF has started to appeal against the judgments,⁴⁷ which imposes time-consuming lawsuits on many refugees. Some human rights and migrant support organizations suspect that the German Government is trying to reduce the number of refugees by undermining the right to family reunification through deliberately delaying family reunification procedures and introducing more bureaucratic obstacles.⁴⁸

As previously noted, however, the right to privileged family reunification covers only spouses and minor children as well as parents of unaccompanied minor refugees.⁴⁹ Children over 18 years and other family members are not permitted to enter Germany via official family reunification, although organizations such as the UNHCR advise the revision of narrow definitions of family and dependents to facilitate family reunification for extended family members to provide protection and better opportunities for refugees to rebuild their lives.⁵⁰

Since winter 2016, there has been a hardening in decision practices for family reunification of unaccompanied minors with refugee status. In several cases, federal states have allowed parents to be brought in but not minor siblings. Parents who are eligible for family reunification and have other minor children are subject to an either/or choice: either they decide which child they want to take care of or

they have to separate and only one parent comes to Germany while the other one stays behind with the other dependents. When the German embassy in Cairo entitled a Syrian couple in Cairo to reunite with their minor son in Germany but denied the right for his siblings, the notice of rejection stated (almost cynically): “*There is also the possibility that they take care separately for their children, in particular until the minor in Germany reaches the age of majority.*”⁵¹ Such decisions consciously increase the long-term separation of families.

3.2

Obstacles to reunification and risks involved for family members left behind

In parallel to the Syrian refugees’ applications for family reunification filed in Germany, family members abroad have to apply online for an appointment to submit their own written applications and have a personal interview at a German embassy.⁵² Since the German embassy in Damascus has been closed since 2012, Syrians have to cross the border and turn to German embassies in Jordan, Lebanon, Turkey or elsewhere in the region. Going to Jordan or Turkey has become extremely difficult for Syrians because of the need for entry visas. Since at least mid-August 2015, Turkish border guards have pushed back Syrians trying to reach Turkey and in some cases even fired at traumatized men, women and children fleeing the war.⁵³

Another major obstacle to exercising the legally guaranteed right to reunite with family is the very long waiting period for family reunification interviews in neighbouring countries. In autumn 2015, Syrians had to wait for up to 16 months for their interview with the German embassy in Beirut.⁵⁴ As a result of the time-consuming and extremely bureaucratic procedures, some families end up being separated for as long as four years. Ahmad, a 43-year-old former university lecturer, arrived in Germany in 2014. His wife’s interview

47 Informationsverband Asyl & Migration 2016.

48 Flüchtlingsrat Niedersachsen 2016.

49 According to Section 36 (2) of the German Residence Act, other family members can only apply for family reunification if the rejection of their application would present an “exceptional hardship”, which cannot be based on reasons such as displacement or financial stress but on the proof that the relative needs care that can only be provided by family members in Germany (Auswärtiges Amt 2016b). There are no official numbers available of successful applications for these cases, but probably they are very few since, as a whole, until the end of September 2015 only around 18,400 Syrians entered via family reunification (Deutscher Bundestag 2016).

50 UNHCR 2014a: 28; UNHCR 2015b: 4–5; UNHCR 2016e: 11; Bathily and Atger 2014: 10.

51 PRO ASYL 2016a.

52 Auswärtiges Amt 2016b.

53 Human Rights Watch 2016a.

54 Deutscher Bundestag 2016.

with the German embassy in Beirut was scheduled for summer 2017, which means that her reunification visa should be issued some time in 2018. In some cases, the interview appointment comes too late. Ahmad's friend Jabbar, for example, who arrived in Germany in 2015 and has not yet been recognized as a refugee, learnt in August 2016 that his wife and two children had been killed by an airstrike in Aleppo.

After the family members have succeeded in submitting all the documents and completing the interview, they have to go back to Syria or to their current places of residence. There, they have to wait again because the processing of the submitted files may take eight months or more. During this time, they need a valid telephone number and an email address to be able to communicate with the embassy.

The collection of the documents required for an application for family reunification can entail life risks or be totally impossible. For example, Syrians with passports issued after 1 January 2015 in the Raqqa, Hasaka or Deir ez-Zour provinces, which are governed by Islamic State or other insurgent groups, are requested to bring a new passport issued by an authority in a different province. However, meeting this request is in many cases impossible for persons living in these areas. In other cases, family members who have fled to neighbouring countries have difficulties in renewing their expired passports. There are documented cases of women with children who had to leave relatively secure shelters in Turkey and travel back to Syria to renew their passports.⁵⁵ In other cases, family members have problems collecting personal status documents such as marriage or birth certificates. All documents are not only required to be translated into English or German but also need a pre-certification stamp from the Syrian Ministry of Foreign Affairs that has to be issued no later than 2012.⁵⁶ For Syrians from rebel-held areas and those who are listed as opponents of the regime, the appearance in a government institution to apply for documents and stamps can be extremely risky.

55 Ibid.

56 See Deutsche Botschaft der Bundesrepublik Deutschland Beirut 2016.

As Laila, a 53-year-old medical doctor, explained: *"You never know... for some of my friends it was no problem to ask the authorities for something but others were detained."* For Randa (26), the required documents made it impossible for her to follow her husband to Germany via the official reunification programme. They had married only shortly before her husband deserted from the Syrian Army with no other choice than to leave the country. Due to the fact that army conscripts in Syria are not allowed to marry during their military service, Randa and her husband resorted to a customary form of marriage called *zawaj 'urfi* at a religious leader, which is quite common in Syria and does not require official registration.⁵⁷ Couples often decide only later to register an *'urfi* marriage. Randa, however, could not register her marriage since the Syrian Government considers her husband a criminal. Lacking registered marriage documents, she could not file for family reunification and had to flee to Germany on her own via the Mediterranean and Balkan route. As several studies show, this route is even more dangerous for women and girls travelling alone, because they can be exposed to various forms of sexual and gender-based violence.⁵⁸ Zein (29), who had to face similar problems, expressed her frustration:

"So many people left without anything and they do not know if they will ever come back. When you leave your house, you don't plan to go and of course you don't have everything you need with you. Some come back and find their house damaged or destroyed. I got married in 2013 when I was in a rebel-held area. How am I supposed to get a marriage certificate?"

Family members who have managed to collect and submit all necessary documents and finally obtain their reunification visa usually travel to Germany as soon as possible. The journey represents another hurdle for many families, because the German Government does not cover the travel expenses or provide loans.

Asylum seekers who arrive in any EU Member State and have a core family member with refugee status

57 Van Eijk 2016: 144.

58 UNHCR et al. 2016: 7–8; CARE 2016: 7; BAMF 2016a:27.

are entitled to legal reunion under the EU's Dublin Regulation, but procedures are slow and not prioritized, similar to those for reunification with family members back in countries of origin.⁵⁹ Because of the Dublin Regulation, around 60,000 refugees (most of them Syrians) have been stranded in Greece since the closure of the Balkan route at the beginning of 2016. According to a UNCHR survey there in January 2016, almost half of them arrived seeking reunification with family members in other EU countries.⁶⁰ Some who were stranded in Greece after the closure of the border with the Former Yugoslav Republic of Macedonia have been separated en route.⁶¹ Refugees in Greece interviewed in July 2016 by Amnesty International had been given appointments for 2017,⁶² which meant that reunification was still far away. These long waiting periods deprive refugee children – who have often already been out of school for months or even years due to the war – of their right to education for even longer.

3.3

Family separation within Germany

In Germany, the suitable and fair distribution of asylum seekers across the 16 federal states is regulated by the EASY (Initial Distribution of Asylum Seekers) quota system in line with the so-called 'Königsteiner Key' (see Figure 3-1).⁶³ This system determines on an annual calculated basis what share of asylum seekers is received by each state. Once they arrive in that state, they are accommodated in its reception centres (according to capacities).⁶⁴

However, particularly in 2015 when many asylum seekers arrived in Germany, data collected by EASY turned out to be insufficient for providing precise

numbers of asylum seekers and their distribution to the federal states. Since EASY collects only the two variables 'country of origin' and 'receiving German state', it caused double counting when some of those registered by the system did not arrive at their allocated reception facilities and were registered again in another location.⁶⁵ Since February 2016, the Government has limited 'free movement' and multiple registrations through the introduction of arrival certificates and a centralized data system (Kern-datensystem) in which all registration data that were previously collected separately are now centralized. At the same time, the free mobility of asylum seekers has been increasingly limited.

In contexts of forced migration, the dynamics of the flight as well as chance tend to determine where people finally arrive. Scholz (2013) has shown, for instance, that when an undocumented migrant runs out of money or is detected by the authorities of a country that was only intended to be a transit country, this country may eventually become the destination country.⁶⁶ Amira (42), for example, a single French teacher at a school in Damascus, fled on her own in 2015 from Syria to Europe and intended to apply for asylum in Strasbourg. She chose Strasbourg because she thought that her excellent French language skills would help her start a new life there. However, she had to apply for asylum in Germany because police stopped her at a train station in the country and transferred her to a reception centre where she became registered.

Dynamics of flight and chance often also determine in which German city asylum seekers finally arrive. Between 2013 and 2015, some refugees were able to make their own way to other cities in Germany or even other countries, while others were stopped by police and had to apply for asylum in cities where they had not intended to settle. Particularly in 2015,

59 Amnesty International 2016a, 2016b: 14–16; Karas 2016.

60 UNHCR 2016b.

61 Kofman (forthcoming).

62 Amnesty International 2016b: 16–17.

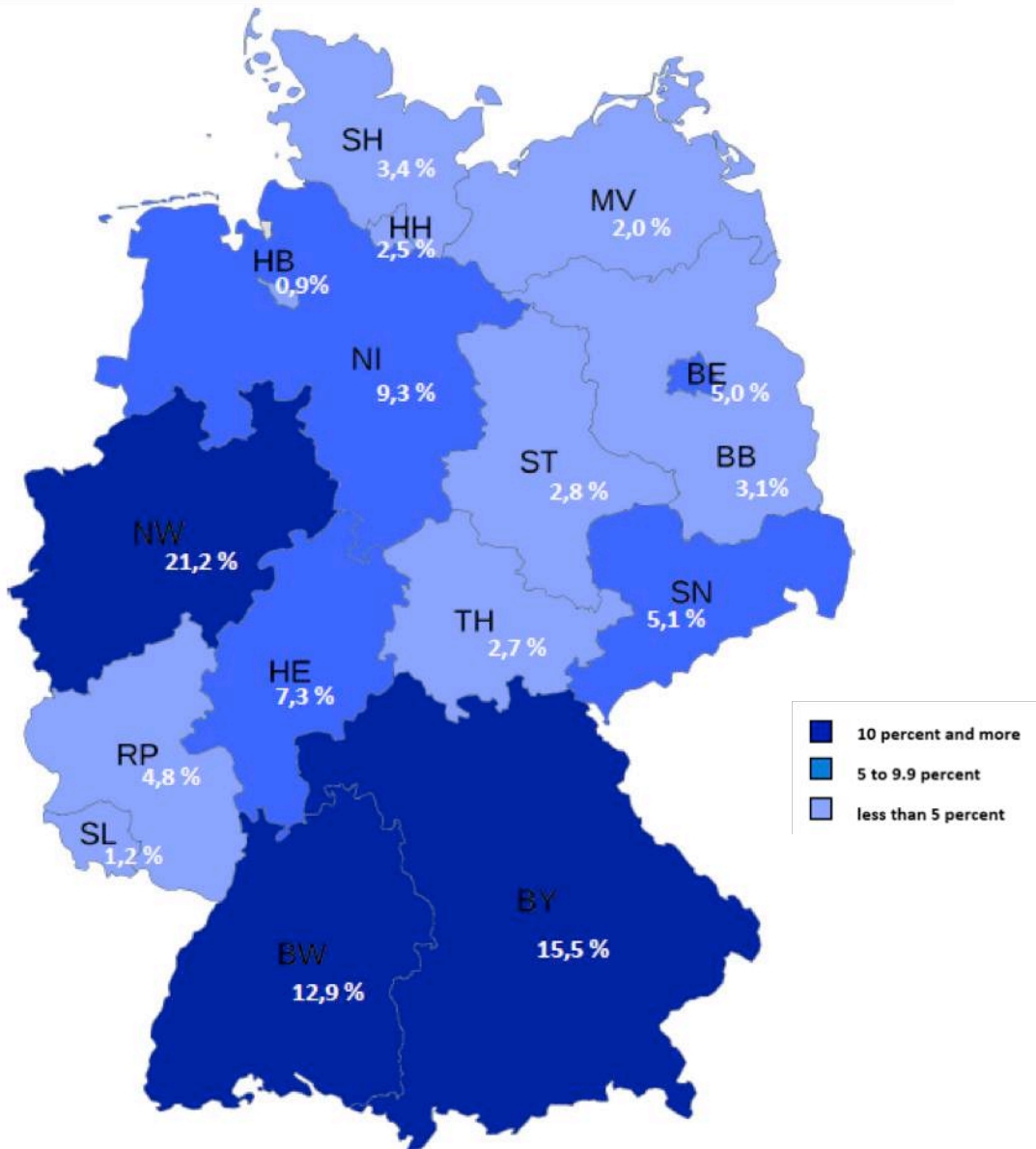
63 The Königstein key is calculated on an annual basis by the bureau of the Federation-Länder Commission. The key for the respective budget year is based on tax revenue and population numbers from the previous year.

64 BAMF 2016c: 16–17; BAMF 2016f.

65 Contrary to reports of 1.1 million asylum seekers who arrived in Germany in 2015 and were registered by EASY, the number was revised in September 2016 by the Ministry of Interior to 890,000, explaining that some may have been registered multiple times. Furthermore, the asylum procedure could not proceed for around 50,000 of the newly calculated 890,000 asylum seekers because they were thought to have travelled onwards or returned to their country of origin (Federal Ministry of Interior 2016).

66 Scholz 2013: 84–85, 122–23.

FIGURE 3-1
Distribution of Asylum-Seekers across Germany's 16 Federal States in 2016, according to the EASY Quota System and the "Königssteiner Key"



Source: BAMF 2016f

when many asylum seekers arrived, officials often did not know how to react and did so in different ways. As Eule (2016) has shown, the application of immigration laws by individual caseworkers and processes of decision-making by street-level bureaucrats⁶⁷ can be chaotic, improvised and sometimes arbitrary.⁶⁸ This is exacerbated when laws are ambiguous and changing, as is the case with the German immigration system.

For example, between September 2015 and April 2016 around 30,000 asylum seekers arrived at the train station at the Cologne/Bonn airport from the Austrian-German border after crossing the Mediterranean and Eastern Balkans. They were all supposed to be transferred by bus to different reception centres in the federal state of North Rhine Westphalia. In most cases, the newly arrived did not even know the name of the city. Nagat, who arrived in November 2015, was shocked when she realized that she had been sent to the north-west although her husband was staying close to Munich in the south. With the help of volunteers, she was able to buy a train ticket to Munich. Many others who arrived at this station had similar experiences. According to the estimates of volunteers, around 20 per cent of the asylum seekers continued travelling on their own to other federal states or cities,

mostly in order to join relatives or friends.⁶⁹ Others tried to continue to other destinations in Europe or Scandinavia. Since the end of 2015, they included an increasing number of women and children.⁷⁰ With the introduction of the 'Datenaustauschverbesserungsgesetz' (Data Exchange Improvement Act), which came into force in February 2016, this free movement was limited at this train station and elsewhere.

However, from 2014 onwards it was already difficult for newly arrived asylum seekers who entered Germany from the Balkan route to reunite with their spouses. Due to (i) overburdened administrative bodies in charge of the registration, reception and distribution of the growing number of asylum seekers, and (ii) lack of capacity in reception centres, it often took months before living together was arranged. Zein, for instance, who arrived at the end of 2014, was happy when her husband managed to escape from Syria at the beginning of 2015, but she had to wait for six months after his arrival in Germany before she could settle with him in the same location. Siwar (28), who arrived in Germany a year and a half after her husband, was sent to a shelter about 100 km away from him.

Other changes in asylum policies since the beginning of 2016 that restrict the mobility of asylum seekers and refugees have severely affected the family life of refugees in Germany and have made it increasingly difficult to reunite with extended family and sometimes even with closest relatives. On 6 August 2016, a new 'integration law' came into effect to ensure equal distribution among the federal states and to avoid social imbalances in certain areas. One important

67 The concept of 'street level bureaucracy' – the autonomy of caseworkers to disobey the orders of legislators and impose their own implementation of rules – was elaborated by Lipsky (1980).

68 Eule 2016:61. Likewise Schammann (2015) has shown in a comparative case study of two cities in Germany on the implementation of the German Asylum Seekers' Benefits Act (*Asylbewerberleistungsgesetz*) that defining the purpose of ambiguous law is delegated to local levels, which gives rise to contrary on-site implementation. Riemer's study on integration courses for refugees in Germany also shows that the complex different levels of government (federal, state and municipal) affect the way migration issues are treated on local levels and result in discrepancies from one state to another and even from one municipality to the other. Furthermore, tensions are also caused by the division of competences among ministries (Riemer 2016). Many Syrian asylum seekers and recognized refugees repeatedly expressed their irritation about contrary information and decisions from different employees at sometimes the same offices. This applies to divergent issues such as the question whether they need a permission at certain stages of their asylum process to travel within Germany to visit relatives, whether they can open a bank account, etc.

69 See also Janecek 2016. Not only at the station Cologne/Bonn, but also at other stations where trains with asylum seekers from the Balkan route arrived, volunteer groups assisted those who intended to travel onwards. Rosalie, for example, one of the founding members of the volunteer group at Cologne/Bonn station explains that before their assistance, some asylum seekers had just tried to walk on the highway to other cities.

70 This was the personal impression of volunteers at this station; official gender-disaggregated data are not available. According to volunteers assisting and talking to the newly arrived asylum seekers, the shift in the gender ratio probably happened due to the announced new restrictions and time-consuming procedures for family reunification.

part of this new law (German Residency Act §12a/1)⁷¹ prescribes that all asylum seekers who have been accepted as refugees after 1 January 2016 are required to stay in the federal state to which they have been assigned for a period of three years. This obstructs the reunification of families with members who came to Germany separately and at different times.

Human rights and advocacy organizations such as PRO ASYL are criticizing the new regulation as hampering integration and as violating Article 26 of the Geneva Convention as well as Article 33 of EU regulations, which stipulate that refugees and persons who have received subsidiary protection status have the right of freedom of movement.⁷² The European Court of Justice (ECJ) ruled in spring 2016 on the Residency Act concerning a person with subsidiary protection that restrictions on the right of freedom of movement needed to be based on substantiated justifications. For example, the integration needs of refugees and other migrants have to be considered, and it has to be proved that restrictions of movement do not hamper the integration process.⁷³ PRO ASYL warns also that the assignment of a compulsory place of residence can counteract any integration measure because refugees are more likely to enter the labour market or attend integration classes if they have access to information and assistance provided by family members and other networks.⁷⁴

The restrictions on mobility create various problems for many Syrian families, especially when core family members did not flee as a group and arrived in Germany at different times in different places. In this case, families may be subjected to long-term separation within the country. The family of Majeda (24), a former student of economics in Syria, is an example. Due to separation during the flight, she, her parents, two sisters and a brother arrived in Germany in the beginning of 2015 at different times in different federal states. Majeda, her mother and her disabled sister Ola (14) were assigned to one state, her other

sister Khitam (22) to a second state and her 28-year-old brother and father – who became blind during the flight – to a third state around 600 km from where Majeda lives with her mother and sister. The individual family members eventually obtained refugee status at different dates in different states between December 2015 and October 2016. The new residence regulations thus apply to some but not all of them. In principle, it is possible for nuclear family members to reunite in cases of exceptional hardship. However, this was not applicable to Khitam and her brother because they are over 18 and therefore not legally considered as nuclear family members and not eligible for reunification. Only with the help of social workers and committed volunteers did the family eventually manage to obtain an exceptional reunification order on the grounds that both the youngest sister and the blind father are in need of care by family members. However, as of November 2016, the family had not yet been reunited in one place due to the unavailability of suitable housing.

Another case is Ayat (56), a teacher and women's rights activist from Damascus. Being divorced, she was sharing a flat with her 25-year-old daughter Wiam in Syria. In 2013, Wiam managed to flee to Germany. When Ayat was threatened with imprisonment in early 2016, she decided to escape to Germany as well. She was not eligible for family reunification because her daughter was over 18. When Ayat arrived in Germany, she was assigned to a different state than the one where her daughter lives. Following the new immigration law, it will probably take her around three years to be able to move to her daughter's location.

Almas (24), a housewife and mother of three from the suburbs of Damascus, arrived in Germany two years ago with her husband and three children (3, 5 and 9 years old). During the first year, they stayed in a sports hall and were then transferred to several other shelters. With the help of friends, they found a flat in another state in Germany and moved there in February 2016. Recently, they were notified that they will have to move back within weeks to the state where they applied for asylum. Almas is desperate because she finally felt a kind of stability in her life and fears to

71 See Integration Act 2016, http://www.gesetze-im-internet.de/aufenthg_2004/BJNR195010004.html.

72 PRO ASYL 2016c.

73 EDAL 2016.

74 PRO ASYL 2016c: 5.

be transferred back to a mass shelter with 100 people in one room.

Others try to circumvent the bureaucratic obstacles. Samira (46), who arrived in Germany with her six-year-old daughter, has two other grown-up daughters who arrived several months before and were accommodated in two different parts of Germany at a distance of roughly 500 km. One of her daughters, Nour (21), was ill and more than once had to spend several weeks in hospital. Since Nour lived alone with her two children and had nobody to take care of them during her stay in hospital, Samira decided not

to register and to stay some weeks illegally in Nour's city to take care of her daughter and grandchildren. German friends of Nour offered her a place in their home. Originally, Samira only wanted to pass through Germany as a transit country in order to join her husband and son who escaped to Sweden, but when Nour fell ill, she decided to stay in Germany to help her daughter. When she registered some weeks later, she was sent to an accommodation in a city around 200 km away from Nour. Knowing that it might take three years before she could join her daughter again, she left the reception centre and travelled (illegally) to her husband in Sweden.

4.

GENDER-RELATED IMPACTS AND COPING STRATEGIES AFTER REUNIFICATION

4.1

Common problems after reunification

In general, family reunification entails enormous emotional and psychological challenges. After two or three years separation, family members no longer share the same experiences and may feel alienated. The family member who arrived in Germany first will have built networks of friends and acquaintances that are completely unknown to the newcomer(s). Distrust may develop between spouses as to whether the partner has been loyal during the long period of separation. They may feel insecure as to whether they are still attractive to their partner and able to resume sexual relations after such a long time. Many refugees feel a strong wish to revive the past and find it difficult to accept that they are not the same as before in light of radically different circumstances. Some women may have become more self-confident after having adopted the role of breadwinner and head of the family for a prolonged period of time. In some cases, the oldest son has assumed the role of the father during the separation. In other cases, the oldest daughter has become the only interlocutor with the outside world and the most important source of support for the family.

Most women and girls who have just arrived in Germany experience the challenges resulting from

these changes as distressing. They are glad to finally be in a safe place and expect to return to 'normal' life as soon as possible. However, they often come to realize that returning to any kind of normality takes much longer than expected for emotional reasons, but also due to practical constraints. Many are surprised by the lengthy bureaucratic procedures and find their living conditions very far from what they expected. *"Everything is difficult and slow,"* says Fatema, a 32-year-old mother of four children. *"It took us half a year to place my teenage daughter in a school and one year to find a kindergarten place for the 4-year-old twins. I have to care for them and have no time to learn German."* Nevertheless, Fatema is lucky because she is living in a decent apartment.

Due to the shortage of proper housing facilities, many newly reunited refugee families continue to be sent to crowded mass accommodation shelters. Housam (39) and Mariam (29), a couple from Qamishli, arrived in Germany in 2015 and were placed with their three children (2, 3 and 5 years old) in a sports hall, where they could hardly bear the noise and lack of privacy. Plenty of refugees are still being sent from one reception centre to another for weeks and months.

As the majority of persons accommodated in sport halls are male, men dominate the space while women usually do not have any specific spaces for retreat, and although showers are gender segregated, they often

cannot be locked.⁷⁵ The lack of privacy creates protection risks for women and girls and exposes them to sexual and gender-based violence and other violations of their rights.⁷⁶ Counselling offices have reported cases of sexual harassment, in particular if single women arrive alone.⁷⁷ In 2014, only around half of the 16 German federal states had minimum standards for the accommodation of asylum seekers and refugees, and even in states where these exist, many of them are voluntary and not rigorously monitored.⁷⁸ Women with headscarves have to wear the scarf there all the time, and pregnant women often have to sleep for months on camp beds. Hanin, a volunteer who takes care of pregnant women in sport halls, describes their situation as follows:

“Most women I met who arrived pregnant appear depressed and apathetic; some cry the entire day. In most cases, this changes after giving birth and the housing office manages to offer them a flat or at least a separate room in another accommodation when they leave the hospital. But sometimes, they have to return to the sports hall, which is a nightmare for them. One fell ill immediately and had to return to hospital for two more weeks. It is also very difficult to organize the preparations for delivery. In the hospital there is not always a translator. Since it is not common in Syria that husbands accompany their wives to hospital to give birth, many women without an extended family come alone. Even if the husband would like to join her, he is often unable to do so because he has to take care of smaller children that he cannot leave with extended family members.”

Many women we met miss their kin and friends. Care in a broader sense, defined as “multidirectional flows of emotional, personal, practical and financial support via the circulation of people, ideas and material objects”⁷⁹ varies in form and structure in different families.⁸⁰ The focus on the immediate nuclear family,

75 See Rabe 2015: 10.

76 See Commission on Human Rights 2006.

77 See Rabe 2015: 10.

78 For further details, see Rabe 2015: 12 and Aumüller 2015: 23.

79 Merla 2014: 129.

80 See Bernardes 1986.

which is not only emphasized in German asylum policies but also in general in Western concepts and social constructions of the ‘family’, ignores the importance of extended family members and kin in general.⁸¹

Bureaucratic requirements are time-consuming and exhausting. Refugees often feel lost in what they perceive as a jungle of bureaucracy. The system is neither transparent nor efficient, involving many different bodies that do not communicate with each other so that procedures are extremely slow. This creates an atmosphere of uncertainty and insecurity, of powerlessness and disappointment. The huge number of voluntary helpers who assist refugees in bureaucratic procedures and daily life has an important mitigating effect,⁸² but their number is not sufficient and decreased during 2016 due to spreading Islamophobic and xenophobic tendencies as well as exhaustion among many volunteers who felt that they were substituting for state obligations.⁸³

Many women feel isolated. Zein and her husband first stayed for six months in shared accommodation with wooden walls between families’ beds and were then transferred to a small three-room flat in a little village at the Belgium border that they have to share with two other couples. Zein describes not only the previous distressing lack of privacy: “*Since one year my husband and I have never been alone in a house and I find it hard that I never can be alone in a room*”, but also the equally distressing social control in the new accommodation by their fellow residents. One of the two couples is very religious and criticizes her for neither praying nor wearing a veil, while the other couple are enthusiastic supporters of the Assad regime:

“They represent exactly what made me flee and now I have to live with them without any

81 See Georgas et al. 2001; Fonseca and Ormon 2008: 106; Baldassar and Merla 2014.

82 For motives of volunteers and structures of volunteer work, see Karakayali and Kleist 2015 and 2016, who conducted surveys in 2014 and 2015 among volunteers assisting refugees.

83 Personal impression of the authors. See also Bagfa 2017: 30. Bagfa is an umbrella organization for volunteer work in German NGOs and grassroots and community-based organizations.

privacy. I try not to have confrontations, only hello and good-bye. When the man enters the kitchen, I go out.”

Since she will only be entitled to attend language courses after her recognition as a refugee, and no volunteer language courses are available in the little village, she and her husband have nothing to do but to wait: *“It’s like you escaped from a prison and come to be in another prison. It’s just a more sophisticated prison.”*

Zein worries a lot about the future; she fears that after her recognition as a refugee, the new integration law will force her to stay another three years in that village with hardly any work opportunities instead of moving to the city where her parents and siblings are. This – as well as the traumatizing memories of the atrocities she saw in Syria that are now haunting her nightmares – make her feel stuck, wasting her life with waiting: *“My patience is running out because so much time is being wasted. You’ve gone through hell for five years, escaped death and come here to stay alive and start a new life. It got me to a dead-end and I have to start all over again from zero. I have to make so much effort to establish myself and get the government to like me as a ‘good person’. This is insane. I need support.”*

A month ago, she and her husband were able to move and stay at her parents’ house, but she is not sure if they are actually allowed to do so or if they are breaking a law, because they received contradictory information from different officials, which she finds extremely confusing.

Sometimes, families are re-separated after reunification. This is the case with Ibtisam, a 40-year-old Syrian woman who has a physical impairment that limits her mobility. When she arrived in Germany, it was obvious that she needed to be with her husband to help her with all the daily tasks. However, she was placed in a shelter at one end of the city and her husband in another shelter about 15 km away that is difficult to reach by public transport. When we met her, she had already been in this situation for three months, with no solution in sight. Ibtisam said: *“I lost hope. Without my husband, I cannot attend a language course and*

transportation is too costly for him to come every day and pick me up.”

Husbands, fathers and brothers, on the other hand, who escaped to Europe on their own are having very different experiences. Some arrive in Europe with pre-conceived ideas and prejudices about the lack of sexual morality there due to the acceptance of extramarital sex. But after having overcome a first ‘culture shock’, their perceptions are questioned and they develop some different perspectives. Wael, for instance, anticipates that the difference in experiences will become an issue when his family arrives. He tries to prepare himself as well as his wife and children: *“I tell them that they may be shocked by certain things that they will see when they arrive. [...] To be frank, I would also like my wife to be a bit more modern. She wears a headscarf and a long jacket, and I find this good but I would like her to wear more modern clothes when she comes to Germany, like blue jeans. And I would like to teach her how to ride a bike.”*

4.2

Gender-related effects and re-orientation

Some authors argue that gender relations become more egalitarian as a result of (forced) migration⁸⁴ because women’s economic power tends to increase while men’s financial contributions to the family income are often reduced as a result of unemployment or low-paid jobs.⁸⁵ They conclude that, as a result, men lose the ability to maintain complete control of decision-making in the family and may gradually become more involved in domestic tasks.⁸⁶ The study findings, however, suggest a more complex picture, with conditions and effects that differ from family to family. Some women in fact do experience an improvement of their gender status, such as Nadine (25), who was the first in the family to be offered a language course. Her husband is now taking care of the children while

84 See Pease 2009; Hondagneu-Sotelo and Messner 1994; Hondagneu-Sotelo 1992; Kofman et al. 2000: 22; Shahidian 1999.

85 Pease 2009: 80.

86 Hondagneu-Sotelo and Messner 1994; Pease 2009: 94.

she is at school. Mariam, who had been living with her husband and children in a sports hall, decided to get a divorce when she realized that the monthly allowances for her and her children are independent from those of her husband and that living alone with children in Germany is much easier than in Syria.

Other refugee women feel isolated and more restricted in their freedom than in Syria. Ubayda (49), for example, is a rather conservative woman and so is her husband. In Syria, she frequently visited kin and neighbours. In Germany, she often feels lonely and complains that her husband does not take her out of the house. The radically different social environment is difficult to adapt to for many women and may produce both empowering and disempowering effects.

Rihab expresses the ambiguity she feels about her experience. When asked whether the prolonged separation from her family has increased her agency, her answer is mixed: *“On the one hand, I feel more free and more respected,” she says. “When I need to go out, I do not have to ask anyone for permission.”* On the other hand, she feels restricted and powerless because of her refugee status:

“For months, I did not know whether I would be sent to Italy. I am a recognized asylum seeker now, but I have been separated from my daughters for more than two years. This has all been extremely exhausting. Sometimes I feel sad and depressed and so guilty that I fall ill. I cannot sleep and I am unable to follow up on my German. This is a big problem, because I feel extremely powerless when I do not understand the language. I have been here for two years and I still depend on other people’s goodwill when I have to deal with papers and documents. Each time when they ask me about what I want to do in the future, I think about the life that I lost. I loved my work, to earn my own money and to support the family. Now I depend on social aid, and I find it is against my dignity”.

To overcome her depression and feelings of guilt, Rihab is trying to build a new network of friendships and

social contacts. She also keeps herself busy sewing for friends and works sometimes as a volunteer at a kindergarten next door.

Asma, 28 years old and a mother of four, has seized the opportunity to break free of the patronizing and oppressive control over her actions and movements that her parents-in-law had imposed on her in Syria and tried to continue to impose in Germany. She came to Germany with her husband and children in 2015, and they were soon joined by his parents. Social workers tried to find permanent accommodation for the entire family to allow for more flexible family care arrangements. However, neither Asma nor her husband was willing to stay with the parents. Asma explained to a social worker that her father-in-law was a violent person and that back in Syria she had wished that he would live in a different place. In the end, the two nuclear families were separated and placed in apartments in different and distant parts of the city. Asma was satisfied with this arrangement. Her main problem now is the language. *“I have a lot of housework and the children need much energy and time,” she says. “If I knew German better, I would certainly feel stronger.”*

5.

CONCLUSION AND POLICY IMPLICATIONS

This paper has demonstrated that changing German asylum policies and practices increasingly restrict reunification prospects for newly arrived Syrian family members. New regulations for subsidiary protection effectively deprive a large number of Syrians of their right to safely bring in their wives and children, and the lengthy bureaucratic processes severely obstruct reunification for increasing numbers of families who have the right to apply for it.

Family members left behind in Syria are mostly women and children who live in the difficult and dangerous circumstances of armed conflict that expose women in particular to many risks and human rights violations. Bureaucratic requirements for family reunification, such as the obligation to collect official documents, expose them to even greater risks, particularly in war zones and in cases in which the husband has fled from state persecution. The concept of the 'nuclear' family prohibits the reunification of extended families, although these often play an important role in the family's care arrangements. Being separated in Germany itself has a particularly negative effect on women, who can no longer rely on the help of siblings and other extended family members for childcare and other domestic duties. Furthermore, it can also increase their distress, reduce their ability to overcome traumatic experiences and hamper integration.

Many Syrian refugee women and families in Germany cannot find appropriate accommodation and have to spend from months up to a full year in mass shelters

without sufficient privacy and protection. Only limited psychological help is available for women who experienced traumatizing events back home and/or during the flight. Emotionally and physically exhausted, many women find difficulties in studying German while others have no access to language courses, which constitutes an obstacle for them to know their rights, take their own decisions and make use of the opportunities that may come along with the forced migration.

Simplifying family reunification procedures and dropping requirements that put the lives of applicants in danger would help many refugees. Newly reunited families should not be placed in mass shelters either but in individual apartments or housing units that are in line with their special needs. The concept of the nuclear family as a basis for reunification should be revised. Women who travel alone with children should be offered housing in women-only units, where they can move more freely and cook their own meals. Arabic-speaking, professionally trained female social workers to accompany women and girls on their arrival in Germany are rarely available and should be employed in reception centres and shared accommodation. The same applies to badly needed counselling for spouses and parents to help them prepare for and cope with potential challenges after reunification in the new environment. Self-help groups where women and girls can exchange experiences could also have a positive psychological effect.

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