Caught between the local and the (trans)national:

EU citizens at the front-line of German welfare policy

Dr Nora Ratzmann

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Summary

❖ Welfare workers can actively impact the social integration of EU migrant populations in Germany, through their decisions on granting or constraining access to social support, which affect EU applicants' ability to meet their basic needs while living in Germany.

❖ EU citizens encounter informal barriers when seeking to access German basic subsistence benefits. The study revealed inconsistencies in treatment at local job centre level, entailing processes of bureaucratic discrimination against vulnerable EU claimants in marginal or no employment, especially if they are of Eastern European origin.

❖ There are issues at the institutional level which impact the rationing of benefits and services towards EU citizens, such as knowledge gaps on EU migrants' legal entitlements, formulaic equality of treatment despite varying needs and circumstances, and token diversity management.

❖ Forms of identity-based discrimination can also occur, in the form of stereotyped views of certain EU migrant claimant groups, which play into the restrictive application of the law.

❖ To enable EU citizens to substantiate their legal entitlements in practice, (i) EU citizens should actively be informed about their rights and obligations, (ii) job centres would benefit from cooperating more closely with migrant self-organisations, (iii) migrant claimants and employees should have access to an independent ombudsperson within the job centres; (iv) diversity should be valued in and of itself within employment administrations, backed by sustainable diversity management strategies (e.g. peer-to-peer coaching, supervision, and migrant representatives in leadership positions).

Introduction

This CASE Brief summarises Nora Ratzmann's doctoral research[1]. The research explored how administrative practices in local German job centres construct inequalities in access to basic subsistence benefits. The study focussed on European Union migrant citizens who constitute one of the largest yet overlooked immigrant groups in Germany. So far, scholarship has identified the various inequalities that shape EU migrant citizens' entitlements in law and policy but has focussed less of how processes of implementation shape substantive access to benefits and services. To that end, the analysis explored the interplay between front-line bureaucrats as gatekeepers who interpret and potentially subvert eligibility criteria, and EU migrants who engage or do not engage in a claim-making process, and how understandings of deservingness and belonging play into EU claimants' benefit access in practice.

Motivations for the project

On a personal level, my focus on the situation of EU migrants in Germany was not a mere coincidence. Part of the endeavour of this PhD was better to understand how a country like Germany, which, in the past, traditionally declared itself to be a non-immigrant country, now positions itself towards migration-related diversity in everyday life. What does it mean to be German nowadays? How can I make sense of my own identity as a German and European citizen?

Considering that questions of belonging are likely to affect all areas of life, including state bureaucracy, I chose to approach such broader issues from an angle of national public service provision. Access to the social safety net seemed particularly relevant in that regard. Claiming benefits can constitute one of newcomers' first points of contact with the German state.

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[1] http://etheses.lse.ac.uk/3982/. For a summary in German see: https://bibliothek.wzb.eu/artikel/2018/f-21223.pdf.

The research intended to contribute to the conversation around, and negotiation of, migrants' 'legitimate' rights to settle and meaningfully participate in their chosen country of residence.

The study has three significant implications. First, by unravelling the processes of administrative inclusion and exclusion of EU citizen claimants in local-level implementation, the research adds to existing empirical knowledge on the informal inequalities in access beyond the law. The discrepancies between policy-design and its implementation are of practical significance. Such a policy – implementation gap implies an unlawful denial of entitlements in practice. Findings have the potential to alert policy-makers to the needs of an ever-diversifying claimant population, which might assist them in designing more inclusive public services. Secondly, the unveiling of different forms of discrimination against EU claimants has important human rights implications. Processes privileging non-migrant nationals over migrant residents in redistribution entail broader moral questions of social (in)justice and (un)fairness. Social citizenship rights continuously appear to depend on the "unlucky draw in the economic lottery of birth" (Kingi 2017, 99)[2]. Thirdly, research on EU migrants' substantive welfare access speaks to the politically contentious debate between open borders and territorially bound conceptions of welfare rights. Intra-EU migration offers a compelling case. EU freedom of movement can be seen as a natural laboratory for the viability of transnational social citizenship. The focus on EU citizens allows this research to shed light onto how local administrations deal with the challenges of solidarity and fairness within an increasingly culturally diverse society.

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[2] Kingi, Hautahi (2017): International Migration. The great trade-off. In David Hall (Ed.): Fair Borders? Migration Policy in the Twenty-First Century. Wellington: Bridget William Books, pp. 92-110.

Methods

To generate findings, this research relied on qualitative interviews and observation, which are both commonly used in organisational ethnography. I conducted a total of 103 semi-structured, in-depth interviews, which lasted between 15 and 180 minutes each, and another 14 unstructured conversations while I was in a fieldwork setting. I interviewed (i) key informants, including policy-makers, specialised service providers performing social and labour market integration services for the job centre, legal experts, migrant advisory and advocacy agencies (32 interviews), (ii) intra-EU migrants (16 interviews), and (iii) job centre staff (55 interviews). Inspired by policy ethnographic research, I also recorded observational data wherever possible and shadowed street-level bureaucrats in their work. Field notes from observation served as a backdrop when interpreting the interviewees' subjective accounts of their everyday working routines. The study examined the implementation processes in a select number of cases in Berlin, choosing depth over breadth. To complement this, I observed eight policy conferences and practitioners' workshops lasting between one to three days, either hosted for job centre staff or civil society. Observations of such meetings allowed for the extrapolation of the Berlin-based findings to a wider applicability.

Key findings

The research uncovered how less tangible processes of street-level filtering shape the real-life experience of EU citizens' claim-making. Despite similar legal entitlements, the data of this study highlighted the heterogeneity of the EU migrants' claiming experience concerning the allocation of welfare resources. The findings pointed to an implicit cultural conditionality embedded into the local claiming experience, which tends to informally stratify EU migrants' social rights based on their cultural dexterity within the host society. Respondents reported how their degree of familiarity with

German welfare bureaucracy, their pre-existing welfare expectations, and their available economic, cultural and social capital impacted their engagement with the German welfare bureaucracy. Notions of false entitlement, unrealistic expectations, and lacking procedural knowledge on how to claim seemed to be linked to, and exacerbated by, a lack of tacit knowledge of the typical scripts of action in the German societal context.

The analysis overall highlighted how the social assistance-type safety net is not necessarily intended for any migrant resident living in German territory. Instead, the current benefit system supports in their integration efforts those who, in a utilitarian sense, might be of economic value through their labour and who 'culturally fit'. Local variation in job centres, whether with respect to their geographical location or their (migrant) claimant profiles, did not seem materially to affect street-level bureaucrats' conduct and attitudes. In more detail, three key observations could be discerned:

Observation 1: Diminished EU social citizenship. The thesis illustrated how, in contrast to ideas of national citizenship or ethnicity, the concept of EU social citizenship generally remained too abstract to define membership in a welfare community in meaningful way at the local level. As alluded to in the title of the study, EU citizens who attempted to claim social benefits in Germany became caught in the web of local-level filtering practices which could contradict, challenge and subvert the national and EU legislative framework. EU citizens tended to experience similar types of disadvantage to those one would expect to arise for non-EU migrant claiming groups, which inhibited them from exercising their legal EU social citizenship rights. The experience of inequality related to their status as newcomers to German society, which played out in the form of a lack of knowledge about the tacit cultural rules and a lack of access to local social networks. As a result, EU citizenship appeared to lose part of its relevance once EU migrants had crossed the border, which offered them an unfamiliar domestic context of an EU member state other than their own.

Observation 2: The role of identity-based deservingness in local claims-processing. The second key finding of this study concerned the role ideas of deservingness of foreign national citizens to claim nationally bound social security could play in local policy implementation. The findings underlined the highly value-laden nature of implementation, bringing to the forefront the tensions between 'the legal' and 'the moral'. Moral ideas of deservingness tended to guide street-level bureaucrats when interpreting the often abstract and ambiguous legal categories of entitlement, such as the EU citizen's 'worker status'. The analysis revealed how identity-based hierarchies of inclusion apply to benefit receipt. Policy legacies of ethnicity[3], as a marker of symbolic belonging, continued to play a role in the form of a 'cultural conditionality' (i.e. the assimilationist cultural expectations street-level workers tended to convey towards EU migrant applicants, whereby EU citizens were expected to demonstrate belonging through cultural markers such as language or familiarity with norms at street-level). Substantive social rights became linked to EU citizens' recognition as legitimate claimants and potential members of German society.

The exploration further uncovered how street-level perceptions of nationality could often become intertwined with ideas of welfare fraud. The latter speaks to the 'ethnicisation' of EU citizenship, of attributing certain behaviour as a defining and immutable trait to a group. In practice, the value judgements passed about EU migrant claimants when observed in marginal (self-)employment, of primarily Eastern European origin, pointed to underlying welfare chauvinistic preferences (i.e. in-group favouritism in social redistribution processes). Welfare chauvinistic attitudes could guide local implementation in Germany to a degree, whereby certain characteristics, such as an unwillingness to work, were attributed to certain

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[3] The German conception of nationhood relates closely to what Anderson (1983) has captured by the term *imagined community.* He described the latter as a symbolic political community, or as unit of solidarity generated through shared values, and a common language and descent. Ethno-cultural markers of shared origin continue to define belonging as a full citizen to Germany in policy. Such an ethnocentric belief also created an implicit hierarchy of worthiness between German born and bred nationals and immigrant communities of German and non-German citizens, based on ethnic belonging.

national groups, resulting in generalising allegations of certain nationalities to commit benefit fraud. Some EU nationals often appeared to be seen as less deserving because of their perceived allegedly intrinsic characteristics. Such group-based stereotypes tended to guide administrators as cognitive maps to make sense of perceived unorthodox claimant behaviour.

Observation 3: Everyday bordering through social policy practice. This study of the street-level practice of EU social citizenship rights thirdly illustrated the intertwining of social policy and migration governance. The data yielded strong suggestive evidence for a subtle, immanent logic of control over EU migration through the regulation of EU citizens' access to communal welfare resources. The findings highlighted how national governments seek proactively to shape flows even in borderless spaces such as the Schengen area, by creating functional administrative borders. By adding to the hidden costs of compliance, local welfare workers could deter EU applicants who they considered undeserving. Administrative hurdles filtered access to basic income benefits, preventing those EU migrants framed as 'unproductive welfare tourists' from securing their subsistence in Germany. Welfare workers, in their implicit role as everyday 'bordercrats', could mediate policy and politics by their decisions in practice, which could impact EU migrants' integration and their meaningful participation in German society.

Implications for policy and practice

Findings point to the need to integrate migrant-sensitive practices into organisational processes. This could include a range of options, such as an equity audit concerning the potential barriers to substantive benefit receipt for foreign national claimants, mentoring and supervision for current staff on diversity-related issues, or the evaluation of prospective employees' intercultural skills during the hiring process. The provision of interpreters for the most frequent EU languages, along with training on equality and human rights frameworks might also constitute potential avenues for

change. Such initiatives could counteract the risk of a token diversity management, which may fuel stereotyped representations of EU claimant groups.

To address some of the organisational issues, knowledge exchange within and across job centres could be enhanced and institutionalised. This could include the creation of a knowledge repository platform, which stores best practice examples on legally complex claims. Respondents also proposed shadowing colleagues in their work, which would enable them to gain insights into different ways of processing claims. Job centres would equally benefit from cooperating more closely with welfare advice and migrant advocacy organisations, which tend to have an aggregated overview of migration-related diversity topics. Their specialised knowledge has mainly remained untapped, as exchanges have rarely been institutionalised. Moreover, greater legal clarity on what constitutes 'genuine and effective employment', or 'a burden to the national welfare state', may mitigate the potential erroneous application of the law during local implementation. While such interpretations of status rest on EU law, which ought to be applied to the individual case, the prevalent legal uncertainty creates the space for informal discretion, whereby street-level bureaucrats can enact their own moral ideas about what they perceive to be fair.

Overall, public welfare services provision could become more inclusive, which would assist EU migrants and other claimant groups alike. Quality services tend better to respond to individual needs. Small, specialised teams with lower caseloads can provide tailor-made services, which has proven successful in pilot projects. Job centre staff's current inability to respond to individual claimant needs also raises a more fundamental question on their role ascriptions. With the current constraints created by the organisational structure, they tend to act as bureaucratic officials who rely on standardised claims-processing. To be able to engage with individual claimants' needs comprehensively as welfare professionals, accountability structures would need to change. This could include

performance indicators measuring the quality rather than the quantity of service provision.

On the EU claimant side, more accessible and transparent information policies could address some of the misconceptions which appear to prevail among some EU claimant groups. Ways forward could include active outreach and close cooperation with local diaspora groups, for instance through the respective consulates in Germany, or municipalities in the countries of origin. This could take the form of information campaigns, pre-departure and post-departure counselling, orientation courses or more institutionalised formats such as migrant resource centres to inform emigrants and recent immigrants about local labour market dynamics, their rights, and social entitlements. German job centres could also redress some of the information asymmetries by assisting EU foreign claimants with an ombudsman, who could serve as a point of call and mediator in cases of conflict.

Concluding comments

Part of what we see playing out in local-level implementation relates to the unresolved contradictions implied in the 'open borders' paradigm of the European Union and the tension it creates with nationally organised welfare states. The findings of this research offer insights into ideas about the 'imagined community' of Social Europe and its reality on the ground, when it comes to delivering substantive social rights for EU migrants, from other member states, in Germany. EU and national policies, conjointly with local-level administrative practices, construct inequalities in EU migrants' access to basic subsistence-securing benefits.

The inconsistencies in treatment EU citizens may experience in local job centres in Germany could be seen as an expression of a political contestation around the principles of what constitutes a fair and socially just redistribution within an economically and socially unequal European Social Union. The EU level has continuously pushed member states to grant

some tax-financed, basic subsistence-securing benefits to migrants, which countries like Germany, characterised by a comparatively generous welfare state, historically underpinned by the insurance principle, try to limit in practice. The findings illustrate how the paradox is solved on the ground, and thus may point to some of the fundamental limitations of the social European community ideal. Whereas solidarity based on reciprocal social insurance arrangements may be a feasible transnational social security arrangement, the former reaches its limits when it comes to tax-financed social assistance arrangements. Those who become socially constructed and 'othered' as 'foreigners' are commonly not seen as part of the community of solidarity. Pan-European social citizenship appears to remain linked to ideas of nationhood and nationally bound solidarities, not least within a climate of growing populism.

Editorial note

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Nora completed her PhD in Social Policy in fall 2019 at the LSE, where she was based in the Centre for Analysis of Social Exclusion and the Department of Social Policy. She was a Leverhulme Doctoral Fellow, being funded through LSE's International Inequality's Institute. Nora now works at the Expert Council of German Foundations for Migration and Integration, and as a research fellow in the 'Migration and Social Protection' project, University of Tübingen, which explores the role of not-for-profits in providing social protection to migrants with little or no access to regular social provision.

Dr Nora Ratzmann is happy to be contacted with any comments and questions, and for press enquiries. She also welcomes opportunities for potential collaboration.

Email: n.ratzmann@lse.ac.uk.

LinkedIn: https://www.linkedin.com/in/nratzmann/.

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UK+20 7955 6679   j.dickson@lse.ac.uk   sticerd.lse.ac.uk/case