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Caught between the local and the (trans)national
EU citizens at the front-line of German welfare policy

Nora Ratzmann

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Declaration of authorship

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Nora Ratzmann

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Foreword

History is the history of changing identities. (Liz Crossley)¹

As a researcher in the social sciences, and in the discipline of social policy, it would be illusionary to believe that my own lived experience would not influence the kind of questions I ask in my research. The latter certainly has been shaped by a personal motivation of trying to inform policy-makers of how to improve the livelihoods of some of the most vulnerable strata of society. My interests in gaining a better understanding of what works in practice inevitably led me into the field of policy implementation scholarship.

My focus on the situation of EU migrants in Germany was not a mere coincidence either. I have always been fascinated by the inter-cultural encounters, of what happens when individuals from different cultural backgrounds meet. This interest first led me to a school year abroad at a French high school at the age of 16, followed by a series of adventures in Thailand, Canada, the UK, Argentina and Rwanda. Living abroad, and experiencing being the 'other', fundamentally challenged my understanding of who I am. The former also sparked my interest in how outsiders to German society perceive their experience of living in my home country. 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 live, including the 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. Moreover, being aware of my own privileged position as a white, highly educated German, who is almost always considered an *expat* and not an *immigrant*

¹ South-African artist living in Berlin, who attempts to work within different cultural systems and bringing these systems into dialogue with one another.

when living abroad, the idealistic hope of contributing to improving the situation of less privileged migrant groups kept me going through the challenging days of my research. I believe in a life of dignity, as enshrined in the German constitution. This principle makes me ever question my understandings of equality and fairness when it comes to the lucky draw, of being born with the 'right' passport. This research intends to contribute to the conversation around, and negotiation of, migrants' 'legitimate' rights to settle and meaningfully participate in their chosen country of residence.

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This thesis is dedicated to all those who engage with, and embrace, the challenges of cultural diversity in their professional and personal lives.

Anybody who has ever attempted, and successfully completed a PhD, knows what a long engagement it is. It is an apprenticeship, as one of my supervisors pointed out early on. In this sense, the years since 2015 have probably been some of my most formative years so far. The PhD has been a journey. Each part of this research project has its own history, of how ideas have come into being, in conversation with whom and where; whether with colleagues, or friends, from the *Social Science Research Centre* Berlin or the *Hertie School of Governance*, Berlin, the *European University Institute*, Florence, my *alma mater*, the *London School of Economic and Political Science*, or *Goodenough College*, my home in the busy metropolis of London. Every step of the doctoral project carries its memory of the many people I met over throughout this journey. Those people made the PhD a unique experience, and I am truly indebted to them.

Special thanks go to my study participants and my supervisors Prof Hartley Dean and Dr Isabel Shutes, without whom this dissertation project would not have been possible. The latter were always there to guide me in this journey, never micro-managing or pressuring me, but always being available when I needed advice. The same goes for Prof David Soskice and Prof Nicola Lacey, who headed the *International Inequality Institute's* PhD Programme, as well as Prof John Hills and Dr Tania Burchardt from the *Centre for the Analysis of Social Exclusion*, who all provided invaluable support as mentors. I am also indebted to Dr Andreas Hirsland (*Institute for Employment Research*, Nuremberg), and Prof Kai Wegrich (*Hertie School of Governance*, Berlin) who supported me during the PhD process.

At the same time, one cannot underestimate the role of peer support. Without the endless conversations, and words of encouragement from my (PhD) colleagues, from the LSE and

beyond, the project might never have been successfully brought to an end. A big thanks goes to my fellow PhD students at the *Centre for the Analysis of Social Exclusion*, Ellie Suh, Elena Mariani, Kate Summers, Liz Mann, and Rana Khazbak, Katerina Glyniadaki from the *European Institute*, as well as Iona McKenzie's support in the editing state. Last but not least I would like to thank the many friends who accompanied me through the PhD journey with their indispensable academic and moral backing, including Daria Ukhova, James Peters, Sandya Fuchs, Verena Brändle, Stephanie Gordon, Holly McKee, Viviane Dittrich, Vladimir Bogoeski, Wiebke Raabe, Caroline Schultz, Pradyumna Bhagwat or Simran Kalra.

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Abstract

Immigration has changed the composition of Germany's resident population, turning the country into one of the most ethnically diverse European countries. The pressure of changing demographics have brought to the forefront of public debate questions about who belongs, and who should get access to public resources.

Against this backdrop, the research explores *how administrative practices in local job centres construct inequalities in access to basic subsistence benefits*. The study focuses 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 explores 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.

To address these processes, the research comprises of 119 qualitative interviews with key informants, job centre staff and EU migrant claimants, along with participant observation in three Berlin-based job centres. The data revealed how claims to benefits and services of EU migrant citizens are filtered at street-level. This happens through administrative practices of enabling or blocking access, entailing processes of bureaucratic discrimination against EU claimant groups when observed in marginal or no employment, especially if of Eastern European origin.

The study explains the inequalities in access through the interplay between, first, street-level perceptions of EU citizens' social legitimacy in claiming German social-assistance type benefits or lack thereof, and, second, institutional constraints, such as the prevailing economic accountability logic, legal uncertainties or token diversity policies. The analysis unravels the implicit normative 'cultural conditionality' logic, which contributes to shaping the inequalities in access observed at the local level. Such ideas about socio-

cultural adaptation find their expression in expectations of EU migrants to demonstrate belonging to substantiate their social entitlements, in the form of German language skills and acquiescence to dominant societal and bureaucratic norms.

The findings contribute to an enhanced understanding of the links between social protection regulation and internal governance processes of EU migration, by highlighting how welfare administrators are involved in shaping the settlement of EU migrants in a borderless European space.

1 Introduction

We asked for workers. We got people instead. (Max Frisch)

Immigration has drastically changed the composition of Germany's resident population. The arrival of almost one million refugees between 2015 and 2016 is a case in point of increasing migration-related diversity. After the launch of the guest-worker programme in the 1960s, the country quickly became one of the most ethnically diverse European countries, with migrants accounting for 25 per cent of its resident population². The pressure of the changing demographics have brought questions to the forefront of the public debate regarding who belongs, who should get access to public resources and under what conditions.

Against this backdrop, this thesis engages with the central question of belonging. So far in literature, attention primarily has been focussed on the integration of third-country nationals, or non-EU citizens, into German society and the labour market. The socio-economic situation of intra-European Union migrants³ (hereafter called EU migrants, or EU citizens/nationals) has continuously remained overlooked. However, with about 4.8 million EU nationals, Germany hosts more EU migrants on its territory than any other member state (Bundesamt für Migration und Flüchtlinge 2018b). In 2017, 67 per cent of all immigrants to Germany came from another European member state (Bundesamt für Migration und Flüchtlinge 2018a). EU citizens constitute 56 per cent of the country's foreign national workforce (Jerolmack and Khan 2014).

In law and policy, EU citizens constitute a particular group of migrants, as they enjoy a privileged legal status compared to third-country nationals (Bruzelius et al. 2014; Mass 2017; Paul 2015). EU citizens can move to, and reside mostly without restrictions in another EU country, work there without a work permit or visa, and enjoy equal, non-

² About 25 per cent of Germany's resident population has a 'migration background' (see Chapter 3.2 for the definition), of which the majority are of Turkish or Polish descent (<https://www.destatis.de>, also Loch 2014; Schierup et al. 2006).

³ An intra-European Union migrant citizen is defined as a national of an EU member state other than Germany, who immigrated to Germany and has settled there for more than three months (but generally less than five years, which marks the permanent residency threshold).

discriminatory treatment with nationals in accessing employment and associated social advantages⁴ (*Articles 18 and 21, Treaty on the Functioning of the European Union*, and associated case law, see Chapter 2.2). Their social and economic rights are also protected by the *Race Equality Directive (2000/43/EC)*, which prohibits discrimination on the grounds of race and ethnic origin.

In the light of the aforementioned legal frameworks, a common pretence seems to prevail among EU and state-level policy-makers that EU citizens living in another member state are treated as non-discriminated co-nationals with equal rights to national citizens (European Commission 2010). As the findings of this study demonstrate, EU citizens' experiences of settling in Germany are not free of discrimination. In this thesis, it is argued that the EU citizens' settlement process, when they seek to access public welfare benefits and employment-related service, is characterised by intricate patterns of inclusion and exclusion.

According to recent statistics, in mid-2018 approximately 55 per cent of EU nationals residing in Germany were employed (Brücker 2018). However, while EU citizens might be off the labour market for reasons other than unemployment, only 7.5 per cent of the EU nationals (EU-28) were registered as unemployed (see Table 1.1). About 10 per cent of the non-German EU citizens residing in Germany received the subsistence-securing *UB II* benefits as unemployment support or in-work income supplement. This is half of the recipient rate of foreign nationals overall, and similar to the rate of residents in Germany altogether (Brücker 2018).

Table 1.1: (Un)Employment statistics per resident group in Germany (2018)

<i>Rate per resident group</i>	All resident groups	Foreign nationals (EU and non-EU)	EU citizens (EU-28)
Employment rate	67 per cent	49 per cent	55 per cent
Unemployment rate	6 per cent	13 per cent	7.5 per cent
<i>UB II</i> recipients	9 per cent	21 per cent	10 per cent

Source: Bundesagentur für Arbeit (2018); Brücker (2018).

To illustrate the contributors to creating obstacles to EU migrants' welfare in practice, the

⁴ The right to free movement also applies to the countries of the *European Economic Area* which includes the EU member states and Iceland, Liechtenstein and Norway. Switzerland is part of the single market and therefore Swiss nationals equally enjoy free movement rights.

study engages with the following research questions:

1. *How do administrative practices in German job centres construct (in)equalities in access to benefits and services among EU migrants, and in what ways do EU migrant claimants respond?*
2. *In what ways are ideas about deservingness and belonging implicated in local implementation processes?*

Based on 119 in-depth qualitative interviews and field notes from participant observation in three local job centres, the study addresses the inequalities in access that EU migrants from various national and socio-economic backgrounds experience when claiming welfare benefits and associated services in local job centres. The data reveal how EU migrants' claims to benefits get filtered at street-level, entailing processes of bureaucratic discrimination against EU claimants when observed in marginal or no employment, especially if they are of Eastern European origin (rather the extent of inequalities in access relative to other claimant groups). The analysis offers some comparative insights regarding the inconsistency of treatment within the EU migrant resident group, highlighting inequalities of access between claimants of Western versus Eastern European origin⁵, even though the exploratory study design could not offer an exhaustive comparison.

The findings explain such inequalities emerging during local claim-making through two interrelated factors. First, the empirical analysis demonstrates how EU citizens' differential access to subsistence-securing benefits stems from blind spots, concerning EU claimants' needs at the institutional level, and organisational constraints, as forms of institutional discrimination. Second, the analysis shows how ideas about belonging and deservingness among the policy-implementing street-level bureaucrats are implicated in local-level implementation, in the form of identity-based discrimination. And while the institutional setting tends to amplify individual bias, favourable views of non-citizen applicants can also be distorted by structural constraints.

Overall, the thesis draws attention to why and for whom social rights, granted by the principle of freedom of movement, do not always translate into the reception of monetary benefits. To this end, the study opens the so-called black box of policy implementation

⁵ While inequalities relative to German and non-EU nationals were not part of the research design.

between inputs and outputs, and highlights the consequences policy recipients experienced (see Easton 1965). The starting point is the street-level encounter between administrators and EU migrant claimants. The study disentangles the factors that shape this interactive process, including the institutional framework, and (inter-)subjective ideas of belonging and deservingness. The concept of deservingness helps to capture perceptions about the social (il)legitimacy of benefit receipt by different target groups (van Oorschot and Uunk 2007; van Oorschot 2008; van Oorschot and Meuleman 2012). So far, administrators' moral perceptions on extending welfare support to non-nationals, and the role of such judgements in claims-processing, have remained understudied.

In this research, the group of recipients is defined as working-age, intra-EU migrants who are nationals of an EU member state other than Germany⁶. The study focuses on EU citizens' substantive access to *Unemployment Benefit (UB) II* benefits, as an in-work top-up or as an unemployment benefit, and the subsidiary social-assistance type benefits under the Social Code *SGB XII*, which should cover those who are unable to work. The aim of the means-tested, working-age income support is, according to the German constitution, to ensure a life of dignity for every resident⁷. The case of EU citizens in marginal employment with limited working hours serves as a paradigmatic example to this end. The former constitutes a legal category of applicants who are granted full entitlements to subsistence-securing benefits under EU law, while, as this research shows, they are often being prevented access in practice. Their case allows shedding light onto the different ways administrators interpret and implement the law, which might conflict with their perceptions of the applicants' social legitimacy in making a claim.

Empirically, the study addresses the broader question of why a gap between policy and implementation arises, i.e. of why EU citizens' formal social entitlements might not always translate into substantive rights. So far, studies examining Germany have analysed the legal restrictions regarding migrants' access to social security (European Migration Network 2014; Frings 2010). However, *de jure* eligibility does not necessarily map onto the *de facto* access to benefits and services. Similarly, existing scholarship on EU social citizenship has mostly examined the stratification in access through the legislative

⁶ See Chapter 4.1 for details of the sampling approach and the selection criteria.

⁷ As, in this case, eligibility to non-contributory benefits has been extended to non-citizens, the benefit claims-processing is likely to bring the tensions between solidarity and belonging more clearly to the forefront than the case of contribution-based schemes, which entail clearly defined entitlements through previous financial contributions (Rudiger, Spencer 2003; Zimmermann and Rice 2016).

framework, but has paid insufficient attention to the gap between legally granted and actual rights.

The dissertation's main theoretical contribution lies in exploring how understandings of belonging and deservingness are articulated in practice at street-level, and how such ideas might impact the rationing of public benefits and services. The notion of belonging aims to capture differentiations by citizenship status. As the analysis shows, nationalistic readings of non-citizens' rights play into the interpretation of legal entitlements, and the exercise of discretion, revealing a more or less conscious bias against EU citizens. By shifting the focus to the local level, the research shows how ideas about deservingness and belonging influence processes of implementation on the ground. The findings add nuance to the existing policy implementation literature, showing how processes of bureaucratic discrimination towards non-nationals can occur at both the institutional and the individual level. The evidence substantiates Lipsky's (1980) claim that local administrators are more than mere implementers of the law, and instead acquire a role of active, *de facto* policy-makers.

Ultimately, the analysis relates to two fields of enquiry whose link has remained understudied, namely policies of social security and of internal migration governance, regulating immigrants' stay in a destination country. While welfare workers have a long-standing tradition for discriminating between deserving and undeserving claimants, their complicit role in regulating who can afford to settle and meaningfully participate in German society is insufficiently understood. The outsourcing of migration control functions to welfare bureaucracies expands their role beyond their traditionally social mandate. Welfare workers can actively impact the societal integration of EU migrant populations in Germany. Administrative decisions on social support affect EU applicants' (in)ability to meet their needs while living in Germany. Furthermore, due to the entanglements of welfare and residence rights, social administrators can contribute to the immediate expulsion of EU citizens from the national territory (see Lafleur and Mescoli 2018). The analysis illustrates such processes of the outsourcing of migration control functions, when local welfare institutions become implicated in the day-to-day internal management of diversity in a borderless European space.

1.1 Relevance of the research

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 aforementioned discrepancies between policy-design and its implementation are of practical significance. Such a policy implementation gap implies an unlawful denial of entitlements in practice. Substantive inequalities in access also entail substantial societal costs, as the former can harm the social fabric of the entire society (Wilkinson and Pickett 2009). In fact, access to social security can serve as a vehicle to social integration, as the former protects vulnerable (migrant) population groups against poverty and allows them to participate in society meaningfully (Graauw and Vermeulen 2016). Against this backdrop, the findings have the potential to alert policy-makers of the needs of an ever-diversifying claimant population, which might assist them in designing more inclusive public services. The results present the experience of EU nationals, whose situation has remained overlooked by national politicians. Yet, the findings also pertain to the needs of an increasingly diverse claimant population more widely.

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 (Collins 2017; McGovern 2012; Pécoud and Guchteneire 2007). Excluding some EU citizen groups from access to subsistence-securing benefits on the ground runs counter one of the fundamental principles enshrined in the German constitution, namely a life of dignity to every resident on German territory (*Article 1, German Basic Law*). Processes of administrative exclusion also violate international agreements such as the *International Labour Organisation's Recommendations on a National Protection Floor*, which seek to ensure a minimum level of protection for all through means of social security (Hujo et al. 2017). Social citizenship rights continuously appear to depend on the “unlucky draw in the economic lottery of birth” (Kingi 2017, 99; also Shachar 2009).

Thirdly, the research on EU migrants' substantive welfare access speaks to the politically contentious debate between open borders and territorially-bound conceptions of welfare

rights (see Banting and Kymlicka 2006; Banting, et.al. 2007; Banting and Kymlicka 2012; Kymlicka 2007, 2011). Intra-EU migration offers a compelling case. According to Trenz and Triandafyllidou (2016), EU freedom of movement can be seen as a natural laboratory for the viability of transnational social citizenship. However, little attention has been paid to how the tension between national welfare resources and free movement affects local level implementation. The focus on EU citizens allows the research to shed light onto how local administrations deal with the challenges of solidarity and fairness within an increasingly culturally diverse society.

1.2 Structure of the thesis

Chapter 2 provides the legal and policy context. The chapter first summarizes the existing literature on the different types of inequalities (EU) migrants might experience when settling in Germany. The chapter then describes the EU and the national legal frameworks which stratify EU citizens' social entitlements formally, and the behavioural expectations embedded into the case study context of active labour market policies, which define benefit reception on the ground. The literature review highlights some of the research gaps in policy implementation dynamics when local welfare administrators decide on the access of non-nationals to public benefits and services.

Chapter 3 addresses the front-line implementation of EU social citizenship, which has hitherto remained understudied. The chapter considers the findings of research on street-level practices in both social security and migration policies, and the underpinning theoretical literature on implementation scholarship. Considering the study's focus on EU migrants, it also engages with the German legal and administrative categories of *the migrant*. Against the backdrop of the literature on policy implementation, the chapter develops a conceptual framework on street-level implementation processes towards non-citizens, which helps to explain the inequalities in access to benefits and services among EU migrants.

Chapter 4 focuses on the methodology of this qualitative investigation. The chapter outlines the research design, i.e. data sources, case study selection, sampling, and its ethical implications, data collection and analysis techniques, i.e. thematic analysis of interviews and field notes taken during participant observation, and finishes with a

reflection of the researcher's positionality.

Chapter 5, as the first findings chapter, analyses how the daily administrative practice of assessing claims constructs different types of inequalities in access among EU citizens. The chapter documents the complex patterns of administrative inclusion and exclusion that EU migrants can experience at local job centre-level, which pertain to instances of direct and indirect discrimination, from an EU claimant perspective. In a second instance, the chapter explores the strategies EU citizens have developed to satisfy their welfare needs in the light of the insecurities they face in accessing state-funded support.

Chapter 6 moves the focus from the EU migrants' experience to the administrative side of the claiming process. The chapter unravels the first of two interrelated mechanisms which could explain EU migrants' unequal treatment at street-level. The chapter focuses on the institutional constraints which shape job centre administrators' exercise of discretion in decision-making. With a focus on structural implementation bias and organisational-level blind spots, the analysis highlights the occurrence of institutional discrimination towards some EU migrant claimant groups, while taking local implementation variance into account.

Chapter 7 illuminates the second component of the explanatory mechanisms, namely how ideas of belonging shape situational judgements of a claimant's deservingness. The analysis uncovers the administrators' everyday constructions of the figure of the (un)deserving EU migrant, which they mobilise to justify their discretionary decisions on benefit and service receipt. The chapter also discusses the larger policy rhetoric with respect to its policy signalling effects for local implementation. Last, the chapter examines how social divisions of age, gender or geographic origin are reflected in administrators' ideas of deservingness and belonging.

Chapter 8 synthesises the main empirical findings. The analysis conceptualises the interplay between the institutional structure and perceptions of EU migrant citizens' deservingness of claiming benefits. These two interrelated mechanisms explain the administrative exclusion of certain EU migrant claimants. Next, the chapter raises awareness for the significant and surprising role of so-called 'cultural brokers' in generating substantive benefit and service receipt. The analysis develops the empirical insights outlined in Chapter 5, with respect to what distinguishes the mediators of two

national and bureaucratic cultures from other types of brokers. The chapter then formulates the implications of the research findings on welfare administrations' implicit role in migration policy. It discusses the suggestive evidence for an inherent logic of administratively excluding EU migrant citizens in marginal employment. Such processes of bureaucratic discrimination could be qualified as a form of migration politics through welfare, which is enacted by a supposedly apolitical street-level bureaucracy.

Chapter 9 concludes by summarising the main ideas of each chapter and their contributions to knowledge about (i) EU social citizenship, (ii) street-level bureaucracies interactions with foreign nationals, (iii) non-conventional bordering practices through social policy, and (iv) the role of 'cultural brokers'. The chapter ends with identifying avenues for future research. It also provides several practical policy recommendations.

2 A Review of Social Entitlements in Law and Administrative Practice

To provide a background for the analysis of EU migrants' access to local social benefits and services, this chapter outlines the policy and legal landscape. Aim is to summarise the existing knowledge on the inequalities of treatment migrant citizens experience compared to German-born nationals.

The chapter starts with an account of the existing research on the different types of social inequalities EU citizens and other migrants face in Germany. Faist (2013) defined such inequalities as the unequal material and symbolic distribution of resources and power perceived as unjust by one of the parties involved. The second part of this chapter outlines the legal framework of social entitlements for EU citizens in Germany. It also discusses the provision of social assistance in relation to active labour market reforms. This review of the existing literature on social citizenship in the EU brings to light three types of conditionality that structure the entitlements to social benefits provided to EU citizens in Germany. Building on the earlier work of Clasen and Clegg (2007), Shutes (2016a) identified conditions of category, resulting from citizenship/residence status; conditions of circumstance, in other words eligibility conditions to benefits; and conditions of conduct, or the compliance with measures of required labour market activation.

2.1 Experiences of social inequality among the resident German population

Considering this study's focus on the inequalities in access to poverty-relieving benefits and services in German job centres, this first part of the chapter examines the broader literature on inequalities. Drawing on literature pertaining to empirical research, the section discusses the different types of social disadvantage the resident (EU) migrants can experience in accessing local labour markets and social security in Germany. The review points to certain gaps in research regarding potential barriers migrants might face when approaching public welfare services in an EU comparative perspective.

Why social policy-makers should care

EU citizens are one of largest immigrants groups to Germany. Of all immigrants to Germany in 2017, just over two thirds (about 67 per cent) came from another EU member state (Bundesamt für Migration und Flüchtlinge 2019). However, relatively little is known

about their experience of settling, including their potential integration needs.

Favell (2009) noted that EU citizens, as free movers, are migrants for whom any form of social inequality has been removed. Yet, as Simola (2018, 462) asserted, “*the mere possession of an EU passport does not guarantee access to secure and enduring legal status in another EU country*”. In a 2017 speech, the *Special Representative for Integration* of the German Government emphasised that when exercising their freedom of movement, EU migrants to Germany continue to face barriers, even though “*they should be able to make use of their rights as EU citizens in the same way as they claim their rights as national citizens*” (European Commission 2010). This observation is mirrored by existing empirical evidence, which points to EU citizens' experiences of discrimination when interacting with German administrations (Bartsch et al. 2014; Babka von Gostomski 2016). Such evidence includes a 2014 survey, which showed that 46 per cent of the responding EU citizens felt disadvantaged by public service providers (Tucci et al. 2014).

Regarding EU migrant citizens' welfare access, Bruzelius et. al. (2015) noted that there is only limited insights as to why, in comparison with the overall population living in Germany, the intra-EU migrant group is likely to receive fewer benefits and labour market integration services. One of the few studies which covers EU citizens' experiences of claiming on the ground is a four-country qualitative research project on the social benefit portability within the EU (Bakonyi et al. 2018; Ruehl 2009; Zabransky and Amelina 2017). Their research focussed on local administrative practices with respect to implementing contribution-based social benefits. The bi-national case studies documented different forms of indirect discrimination in social security access, for instance the administrative impediments to obtaining information, demands for considerable paperwork, and false legal information sometimes being given out to applicants at times (Bakonyi et al. 2018; Scheibelhofer and Holzinger 2018).

Other qualitative implementation studies, such as Blauburger and Schmidt (2014, 2017) and Heindlmaier (2018), focussed on EU citizens' access to social assistance in Germany. Their analysis centred on how welfare administrators interpret the EU case law which tends to be ambiguous. The authors argued that legal uncertainties plagued national administrations in their workloads and rule-of-law standards. The study also showed how domestic legislative reforms increasingly shifted the burden of existing legal ambiguities

onto EU migrants, by raising evidentiary requirements and by threatening economically inactive EU citizens with expulsion (Blauberger and Schmidt 2014). Subsequently, Heindlmaier (2018) analysed in more detail how EU case law is applied by street-level bureaucrats in Germany, Austria and France, demonstrating a general trend towards restricting EU citizens' access to subsistence-securing benefits in practice. By unravelling the complex mechanisms which structure the local implementation practice beyond EU jurisprudence, this dissertation seeks to add to the debate about the street-level practice for delivery of EU citizenship rights to a social subsistence minimum.

With respect to the literature on social security implementation, most studies group beneficiaries together under the 'migration background' category (Brussig and Dittmar 2010; Brussig and Sauer 2010; Cancedda et al. 2015; Dittmar 2016; Frings 2010; Foti 2015; Jaehrling and Knuth 2010; Knuth 2010; Kohn 2011; Romiti et al. 2015; Tisch 2010; Tucci et al. 2014; Schreyer 2016; Weinbach 2014; Zimmermann et al. 2011). To summarise, these studies explain migrants' disadvantages in benefit and service receipt according to:

- (i) individual-level barriers, for example linguistic and informational deficiencies on eligibility, the local employment market, and of how to navigate complex local services, or migrants' lack of familiarity with the dominant socio-cultural norms, and the stigma attached to making claims;
- (ii) interaction barriers of inadequate communication and misinterpretations of information between beneficiaries and administrators;
- (iii) system-imminent barriers due to administrative standardisation of treatment which arise in spite of the complex needs of claimants.

However, scholars have only cursorily engaged with the underlying mechanisms, as Brussig and Dittmar (2010) noted.

One of the few in-depth studies is Price and Spencer's (2014) study of the conditional minimum income schemes in Berlin and Madrid. Their analysis pertains to the construction of migrants' access in law and practice. The findings point to the differential treatment between German-born and migrant claimants, with inconsistencies in assessments of needs and varying provisions of service. Interviewees in Berlin, which were both EU citizen migrants and asylum-seekers of several African nationalities,

reported excessive gate-keeping for *UB II* benefits. Strategies included a systematic rejection of their applications, or an active discouragement to submit the initial claim. Also participants felt discouraged by usage of German as the exclusive language of public administration. Price and Spencer (2014) explained administrators' reliance on such rationing strategies by the budgetary pressure of public finances, the complexity of laws and policy frameworks, and by a lack of inter-cultural awareness among administrators.

Another example of a more detailed study of policy practice is Frings' (2009, 2010) work on German employment administration. Her analysis remains unique in the sense that she takes the heterogeneity of migrant claimants into account. Her findings show higher sanctioning rates for Turkish or Southern European migrant claimants compared to German-born citizens, but a lower likelihood of Eastern Europeans and ethnic German repatriates being sanctioned, but does not sufficiently explain her findings.

Brussig et al.'s (2017a, 2017b) desk review and expert-interview-based analyses offer the newest research on this topic. The studies cover current legislation and policies with respect to their impact on vulnerable claimant groups, including claimants of a 'migration background'. In line with previous research, the authors identify potential sources of discrimination, such as exclusionary practices based on claimants' (in)ability to communicate in German, the risk of uninformed or false advice, and non-transparent decision-making. This dissertation will add to the existing set of studies by exploring the implementation dynamics on the ground.

Research that accounts for the complexity of migrant disadvantage when claiming social assistance benefits currently only pertains to country contexts other than Germany. Examples include de Wilde's (2015a, 2015b, 2017) work on Belgium, Eliassi's (2014) study on Sweden or Dwyer et al.'s (2016b) research in the UK. With respect to the first two research projects, the authors showed that welfare workers in Belgian social assistance offices (de Wilde 2017) and in Swedish municipalities (Eliassi 2013) discriminate against claimants of a 'migration background' in their access to public benefits and services. Dwyer's (2008; 2016b) work on welfare conditionality in the UK demonstrated how differential rules determining eligibility, language difficulties and migrants' understandings of their entitlements can play into discriminatory practices in the case of EU migrant claimants.

Other UK-based studies, such as Law (2010)'s research on Chinese and Bangladeshi households, Osipovic's (2010) study on Polish migrants, Guma's (2015a, 2015b) work on Czech and Slovak-speaking citizens, or Timonen and Doyle's (2009) findings on EU citizens in Ireland, approached the issue from a migrant perspective. These studies showed how personal motivations and circumstances, as well as self-imposed restrictions might play into the trade-offs between eligibility and substantive claiming, that had been previously discussed by van Oorschot (1995) on a more theoretical level.

In summary, existing scholarship provides some insights into the different types of barriers an EU migrant might face in substantiating their claims to benefits and services at a German job centre level (see Boswell and Geddes 2011; D'Addio and Cavalleri 2013). However, explanations of local administrative inclusion and exclusion practices often remained brief in the scholarship. Moreover, in the German context, research has barely touched upon the experience of the ever-expanding group of EU migrant applicants.

Evidence concerning (EU) migrant disadvantage in Germany

What existing research on Germany has covered in more detail are the types of inequalities EU and other migrant groups face in the local labour market, before they arrive at the job centre (Bernhard and Bernhard 2014; Brücker et al. 2013; Burkert 2015; Burrell 2010; Papadopoulos 2011; Seibert and Wapler 2012; Verwiebe et al. 2014). As newcomers to a society, immigrants tend to be unemployed or underemployed because of their different linguistic skills and unrecognised qualifications (Cancedda et al. 2015; Frings 2009; Greve 2011). Furthermore, survey experiments showed that job applicants whose name or appearance hints at foreign descent are discriminated against on the German labour market. Applicants of a 'migration background', including Western and Eastern European migrants, are up to 10 per cent less likely to be invited for an interview during the hiring process than German-born job seekers (Koopmans et al. 2018; Koopmans 2015).

Other studies showed how structural instances of labour market discrimination indirectly impact the reception of social security. As both Mau (2003) and Sainsbury (2006) demonstrated, foreign nationals often lack the financial contributions to access the traditional reciprocity-based German insurance system. This could be explained by their occupations in precarious positions in the secondary labour market (Fincke 2013; Hooijer

and Picot 2015; Zimmermann and Rice 2016). Such jobs commonly leave them without adequate social protection (Kesler 2015), and thus prone to spells of poverty (Barrett 2012; Barrett and Maître 2011; Fuhr 2012; Kaiser and Paul 2011; Seils and Höhne 2015).

Interestingly, other authors noted that immigrants to Germany are not *per sé* more welfare-dependent than German-born nationals (see Barrett and Maître 2011; Barrett 2012; Wunder and Riphahn 2013). Studies have shown that, on average, immigrants contribute more to their host's national economy through taxes and social security contributions than they claim through social support. Instead, higher reliance on social assistance-type benefits could be explained through their household characteristics (Beste et al. 2014; Bruckmeier and Wiemers 2016). EU and non-EU migrants tend to be shuffled into occupational niches of a hierarchical labour market, which do not fully reflect their educational levels (Bruzelius et al. 2015; Faist 2013).

Foti (2015) illustrated how workers from the Eastern European EU member states primarily access precarious jobs at the bottom of the labour market hierarchy, for which they often are formally overqualified. In this respect, posted EU workers (Molitor 2015; Wagner and Hassel 2016) and those working in the informal domestic and care sectors (Anderson 2000) are among the most marginalised, who remain without access to adequate social security coverage. But Brändle (2016, 2018) documented how highly qualified EU citizens in Berlin similarly had limited access to employment other than work of temporary, part-time or other atypical nature. The author's findings are in line with Simola's (2018) study of employment conditions in Brussels for young, highly educated EU migrants. Overall, EU migrants tend to face multiple disadvantages in the local labour market, such as language barriers and their qualifications which went unrecognised. Studies have shown that, as a result, EU citizens residing in Germany are more likely to claim unemployment benefits than the German-born population, while their uptake remains lower for most other types of social benefits (Foti 2015; Frings 2009).

These findings mirror evidence provided by studies focussed on links between occupational inequality and social security access for the wider immigrant population living in Germany (Kesler 2015; Kaiser and Paul 2011; Loch 2014; Seebass and Siegert 2011; Tusci 2005). Yet, one main difference between long-term immigrant populations

and EU migrant newcomers to Germany persists. EU migrant citizens settling in Germany tend to be highly qualified (Bruzelius et al. 2015; Foti 2015). In contrast, the qualification profile of about half of the resident population of a 'migrant background' is lower than of German-born nationals (Kohn 2015). This difference in educational level can be explained through path dependencies, as Germany's historically demand-driven migration policy focussed on recruiting low-skilled guest-workers to fill unwanted industrial jobs. Complemented by family reunification and asylum as the only other legal entry pathways for third-country nationals, selection mechanisms have led a structurally deprived immigrant population to Germany in the past (Huber and Oberdabernig 2013; Kaltenborn and Wielage 2009; Jaehrling and Knuth 2010; Knuth 2010; Schierup et al. 2006).

In short, existing studies have covered the labour market extensively, evidencing discriminatory dynamics against different immigrant groups residing in Germany. Less attention has been paid to the accessibility of public social services for 'migrant residents'. One exception is Hemker and Rink's (2017) experimental vignette study about bureaucratically embedded discrimination in German welfare offices, with findings pointing to the substantive disadvantage non-German claimants experience regarding the quality of services they receive. By analysing the experience EU migrants have when claiming benefits in local job centres, this study can contribute to knowledge about the practices of public service administrations which are potentially discriminatory.

2.2 Governing legal access: Residency and social rights of EU citizens in Germany

With respect to EU migrants' experiences of claiming social benefits, research has examined intersecting migration and social security law, which stratifies EU citizens' legal status. Research, such as Shutes (2016b) or Shutes and Walker (2017), signalled how conditions of being a worker condition inequalities of legal access to social security benefits.

In sum, the literature on EU social citizenship suggested three dimensions of conditionality which shape EU citizens' social entitlements. As Clasen and Clegg (2007, 172-174) outlined,

“the first, or primary condition for the receipt of social security is always membership in a defined category of support [...] Analytically secondary to

conditions of category are conditions of circumstance or in more common social security parlance, eligibility and entitlement criteria.. The third and final level of conditionality [...] pertains to what could be called conditions of 'conduct' [...] of behavioural requirements and constraints imposed upon different kinds of benefit recipients”.

Shutes (2016a) further specified how these types of conditionality apply to foreign, EU and non-EU citizen claimants, relating the conditions to citizenship, migration and welfare policies. She argued that conditions of category concern claimants' immigration status, conditions of circumstance relate to their residency and social rights, and conditions of conduct apply to their types of behaviour and activities in order to meet the requirements for continuous benefit receipt. This part of the chapter focuses on the first two levels, outlining the tensions between the EU law and the national (German) law.

Conditionality of category: EU citizens' access to the national welfare community

In essence, the structure of the European welfare states determines an immigrant's rights to social security outside their home country. Traditionally within the European space, membership claims to a community of solidarity have been delineated nationally⁸, at the latest since the 18th century (Howard 2006; Isin 2009; Soysal 1994). Analytically, citizenship and nationality are not coterminous. Triandafyllidou (2001) defined a nation as a population that shares a historic territory, common myths and memories, bound together by a shared economy and legal rights for all its members. In the European space of nation-states, territory, (ethno-)national culture and political-legal citizenry tend to overlap in the form of nationally-bound citizenship (Bade 2017; Brubaker 2010; Mau 2007; Mau and Burkhardt 2009a).

Within such a closed, socially exclusive community, individuals are expected to share risks and to sacrifice some of their resources for the benefit of others (Bommes 2000; Bommes and Halfmann 1998; Halfmann 2000). The notion of social citizenship goes back to Marshall (1950). He conceptualised the intrinsic link between nationally-bound citizenship and social rights that serve as a precondition for the exercise of political and civil rights.

⁸ Whereas citizenship rests on legal membership of a state (defining citizens' legal rights and obligations, as *Staatsbürgerschaft*), nationality (or *Staatszugehörigkeit*) refers to a mutual sense of belonging or a shared identity between the members of specific geographically and politically fixed unit (Brubaker 2010; Freeman 1986; Gosewinkel 2016; Guiraudon 2002; Wright 2011a).

Similarly, Entzinger (2007) characterised the nature of welfare states as essentially protectionist and nationalist. Accordingly, an individual's willingness to accept redistributive income transfers presumes a sense of solidarity between the members of a given community. A welfare state “*can only function properly when the dividing line between insiders and outsiders is crystal clear, because anyone who contributes to one is also a potential beneficiary, and vice versa*” (Entzinger 2007, 119). Such a sense of solidarity emerged in many European welfare states from a model of shared social citizenship. Nevertheless, the nature of the underlying social contract varied by national context. How public benefits and services are distributed remains a core national prerogative (Carens 1987). Reciprocal contributions speak to the German corporatist tradition of a social insurance-based community of solidarity (Esping-Andersen 1989).

Subsequently Sainsbury (2006, 2012) supplemented Esping-Andersen's (1989) long-standing welfare regime typology with a systematic investigation of the links between immigration policy and welfare rights. She developed three types of immigration integration regimes, which refer to the socio-economic, legal-political and cultural-religious norms by which newcomers participate as accepted citizens of the host society (Garces-Mascareñas and Penninx 2016). According to Sainsbury (2006), the German corporatist-conservative welfare state is, by design, more exclusionary toward migrants than the liberal welfare state with its means-tested programmes. With a focus on income and social status maintenance, the German social insurance programmes cement migrants' comparatively low socio-economic position in society, instead of redistributing across all resident groups (Morissens and Sainsbury 2005; Paul 2015; Phillips and Platt 2016).

Furthermore, the literature showed how the interplay between the reciprocity-based logics of social support and immigration policies has important distributional consequences for migrant residents in Germany. The insurance-based system does not differentiate between German and foreign national citizens. Instead, employment generates quasi-automatic benefit eligibility to social protection (Kaiser and Paul 2011; Mau 2003; Paul 2015; Schulzek 2012). As an extension of historic guest-worker rationales, immigrant workers of non-German nationality can access the top tier, the so-called *Unemployment Benefit (UB) I*, without restrictions, based on their accrued contributions.

Different rules come into play when accessing tax-financed, poverty-relieving benefits.

There are explicit legal exclusions to the subsidiary minimum income scheme *UB II* (under the Social Code *SGB II*) and social assistance under the Social Code *SGB IX* (as further explained in Section 2.3). Apart from refugees and the family members of German nationals, non-nationals out of work are currently not eligible to claim *UB II* benefits. Non-national residents are expected to be self-sufficient instead. The current social security architecture leaves foreign residents, who are neither in work, nor a family member of a German national or an immigrant worker, outside of the redistributive welfare system, and thus without access an appropriate safety net.

Conditionality of circumstance: EU citizens' freedom of movement and social rights

EU citizens could be seen as an exception. Within the context of this study, mobile, intra-EU migrant citizens⁹ (hereafter referred to as EU migrants/citizens) are defined as those free movers who settle, short or long-term, in an EU member state other than their home country (Trenz and Triandafyllidou 2016). EU citizens are nationals of an EU member state, who, on this basis, have exercised their right to freedom of movement within the EU; that is, nationals of another EU member state who are living in Germany. This section details EU citizens' free movement (or residency) rights, and their associated social rights in Germany.

EU policy discourse describes this group as co-nationals for whom any form of migration-related social inequality has been removed (Favell 2014). According to EU legislation, mobile EU citizens derive social rights, including the right to access local labour markets and social security, from their state's membership in the EU (*Treaty on the Functioning of the European Union*, also Dwyer 2010; Gosewinkel 2016). Since the *Treaty of Rome* (1958), European institutions have promoted the principle of freedom of movement within a border-less space of 28 sovereign states. The subsequent 1992 *Maastricht Treaty* introduced the idea of European citizenship. This latter became operationalised through a set of free movement rights in the *Treaty of the Functioning of the European Union* (Article 21) and the *Charter of Fundamental Rights of the EU* (Article 45) (Dawson and Witte 2015). The Freedom of Movement Law (*FreizuegG/EU*)

⁹ The *European Commission* employs the language of free mobility/movers to describe intra-EU migration within the border-less Schengen area. The study presented here includes all EU nationals who reside in another EU country than their home country, excluding tourists, cross-border and posted workers. German nationals living in Germany would not be treated as EU citizens under free movement law because they have not moved to another member state. They would only be considered EU citizens/migrants once they live in an EU member state other than their German home country.

translated relevant European directives into German national law.

The principle of freedom of movement applies only to the free circulation of EU citizens across borders but also to the portability of, and access to certain social rights¹⁰ in a member state other than their home country (Recchi and Triandafyllidou 2010; Verwiebe et al. 2014). Despite principles of equality and non-discrimination, scholarship on EU social citizenship uncovered numerous inequalities created by the legal framework. EU migrants' rights to reside and to access German social security are highly complex. Their formal social entitlements are stratified by an individual's connection to the labour market. Entitlements are shaped according to their categorisation as non-nationals, their length of stay and their residency status in the country. Under the heading 'conditions of circumstance', Shutes (2016a) summarised these three key factors of the labour market attachment, residency status and length of stay.

EU Directive 2004/38/EC (Article 6) stipulates an unconditional right to reside for all EU citizens for the first three months, provided they hold a valid identity card or passport and register their local address with the German authorities (i.e. no visas or work permits are needed as they are for third country nationals). The three-monthly unconditional residence right can be renewed by leaving and re-entering the country. The right to freedom of movement applies immediately and automatically when crossing the border. The right to freely move within the EU does not have to be certified by a national authorities.

After three months, the rights of EU citizens diverge, depending on their labour market status. *Economically inactive* EU citizens can only continue to reside if: (i) they are covered by a comprehensive health insurance¹¹, and (ii) under the condition of having sufficient financial resources to fund their living expenses (i.e. adequate means to subsistence, which correspond to the standard social benefit rate, plus rent and heating). All those who cannot demonstrate a connection to the labour market (e.g. pensioners or students, but not jobseekers) fall into the category of 'economically inactive'. Children and partners of EU citizens are entitled to reside as family members of workers (and of all EU nationals who lawfully exercise their free movement rights). If a parent becomes

¹⁰ Dean (2015) defined social rights as the legislatively formalised articulation of human needs.

¹¹ In Germany, sick insurance is neither state-provided and nor state-funded. Instead, statutory health insurances assume the role. The health system is financed by employers' and employees' contributions. If one is self-employed, or economically inactive, one has to cover the monthly membership fee him/herself (which correspondets a minimum of 170 Euro per month).

unemployed, the child has the right to remain in order to continue schooling. The parent has the right to remain as the child's main caregiver (*EU Directive 2004/38/EC*).

EU citizens in work, whether employed or self-employed, can reside indefinitely. The *EU Free Movement Directive (EU Directive 2004/38/EC, Article 7)* further states that the rights of *job-seeking EU citizens* to reside can be withdrawn if they are formally ruled to be an *unreasonable burden* on the host state's social system. Becoming an unreasonable burden is considered to be a breach of the self-sufficiency principle. To establish the latter, individual circumstances have to be taken into account. Individuals may have the right to receive welfare benefits without jeopardizing their right to residence. German immigration authorities must formally determine that the conditions for expulsion are met. The formal assessment has to be done through a case-by-case assessment on whether the loss of the right to reside is proportional. Authorities have to consider the duration of residence, personal circumstances, the expected duration of financial difficulties and the amount of financial aid required during their assessment. The right to reside cannot lapse automatically (van Overmeiern et al. 2011).

After five years of legal and continuous residence in the host country, an EU citizen can obtain the right to permanently reside independent of his or her labour market and socio-economic status¹². Permanent residency defines the right of an EU national to live in another EU member state permanently, without any conditions (Stamm 2014; see *EU Directive 2004/38/EC*).

EU citizens who are exercising rights of free movement are entitled to social benefits in another member state (*EU Charter of Fundamental Rights, Article 34*). During the initial three-month period, incoming EU citizens (and their family members) cannot claim any German social security benefits (see Bundesgesetzblatt Nr. 65, Bundesregierung 12/28/2016). The lawfulness of this statutory exclusion has been confirmed by EU case law, namely the *Court of Justice of the European Union (CJEU)* ruling in the case of *Garcia-Nieto (02/2016, C299/14)*. This case clarified that economically inactive EU citizens could be excluded from social assistance during the first three months of their residence in another EU member state. However, EU citizens resident in Germany can export certain benefits from their home country, such as financial state support in case of

¹² This right is independent of the five-year habitual residence threshold necessary to acquire full social security entitlements.

unemployment¹³ or for children. This portability arrangement is part of the EU's coordination of social security systems established by *Regulation EC 883/2004* (Bruzelius et al. 2015; Foti 2015).

Since the newest legislative change in January 2017 (further discussed below), *economically inactive EU citizens* are not eligible to any type of German social security benefit during their first five years of residence (see Bundesgesetzblatt Nr. 65, Bundesregierung 12/28/2016). EU citizens can receive non-contributory benefits once they reached the so-called 'habitual residence' status (Regulation 883/2004/EC), which corresponds to a five-year threshold of settling and living in Germany. Habitual residence under EU regulations of the coordination of member states' social security systems refers to a broad range of criteria, which can be taken into account in determining place of habitual residence, or fixed domicile (*Regulation 987/2009/EC, Article 11*). The *Court of Justice of the European Union (CJEU)* confirmed the general lawfulness of the aforementioned statutory exclusion from an entitlement to minimum support under the *Social Code II* in their ruling in the *Dano* case (09/2014, C-333/13), stating that EU citizens who move to another member state for the sole purpose of obtaining social assistance can be denied social benefits (Foti 2015; Koertek 2015; Tießler-Marenda 2016). Thereby, the *CJEU* formulated an exception to the general rule of equal treatment for all EU citizens, which had been enshrined in the principle of non-discrimination (*TFEU, Article 18; Race Equality Directive 2000/43/EC*).

The rights of *economically active* EU citizens are the most ambiguous category. They can receive German subsistence benefits as income supplements to reach the social minimum (which is defined by the current *UB II* benefit level) if their income falls below that threshold (Bundesgesetzblatt Nr. 65, Bundesregierung 12/28/2016). In case of becoming involuntarily unemployed, the length of previous employment is important. If EU citizens have worked for over a year, they can stay in Germany and receive German subsistence benefits until they reach retirement age or until they leave the country. If EU citizens have worked and contributed to social security for less than a year, they can retain their status as a (former) worker for a maximum of six months while seeking new employment.

¹³ Unemployment benefits can only be exported under the condition that the respective EU citizen was registered as unemployed and available for at least four weeks prior to departure in his home country; and if he/she registered with the respective unemployment office in the host country within a week after his or her arrival (see https://europa.eu/youreurope/citizens/work/finding-job-abroad/transferring-unemployment-benefits/index_en.htm).

During the six-month period, jobseekers are entitled to the state's minimum welfare payments under the *SGB II* (see Bundesgesetzblatt Nr. 65, Bundesregierung 12/28/2016; also Stamm 2014; van Overmeiern et al. 2011). After six months of receiving the *UB II* benefit, jobseekers no longer have access to social provision in Germany until they reach the habitual residence threshold of five years¹⁴. The statutory exclusions for jobseeking EU citizens in Germany has been confirmed by the *CJEU* in the *Alimanovic* case (11/2015, C-67/14). The ruling specified the meaning of 'social assistance', and classified German minimum resources as having a hybrid character between social assistance and unemployment benefits. The court allowed member states to exclude jobseekers from such benefits without an individual case assessment, and thus confirmed the exclusion of job-seeking EU citizens from *UB II* benefits. The *CJEU* framed the decision as a preventive measure to curb social tourism (Koertek 2015; Tießler-Marenda 2016).

EU citizens whose home country has ratified the 1953 *Council of Europe's European Convention on Social and Medical Assistance* (ECSMA)¹⁵ form the exception. They continue to have an entitlement under the Social Codes *SGB II/SGB XII* (Der Paritaetische Gesamtverband 2017). Family members of EU citizens are granted access to *SGB II* benefits if they have 'worker status'. Alternatively, family members can claim this once they have reached the five-year threshold of permanent residency. As of January 2017, carers of children in education can no longer derive a right to accessing German social security from their position as caregivers (even though they have a right to reside). The children themselves, however, are eligible to receive non-contributory social support.

The 2017 legislative change also introduced a new clause, which obliges public administrators to notify the *German Foreign Office* of any job-seeking or non-permanent EU resident applying to benefits who is likely to burden the German welfare system. EU citizens, whose right to freedom of movement rights has been formally withdrawn by the *Foreign Office*, can access *asylum-seeker's benefits* (*Überbrückungsleistung*) until they leave Germany. EU citizens can receive this new, one-off benefit of 180 Euros to cover immediate food and housing expenses. Additionally, travel expenses to their country of origin can be covered on a case-by-case basis (Stamm 2014; Voigt 2016a, 2016b).

¹⁴ This is one of the main changes introduced by 2017 legal reform of EU citizens' rights in Germany. Before January 2017, jobseeking EU citizens were eligible to benefits under the subsidiary Social Code *SGB XII*.

¹⁵ Countries signatory to the treaty are: Belgium, Denmark, Estonia, France, Greece, Ireland, Iceland, Italy, Luxembourg, Malta, Netherlands, Norway, Portugal, Sweden, Spain, Turkey, and the United Kingdom.

Overall, legal ambiguities and complexities govern EU citizens' social entitlements. Table 2.1 below gives an overview summary of these highly stratified social entitlements in Germany. The table reveals the intricate eligibility rules to non-contributory social provision in Germany for EU citizens, in particular for the groups of jobseekers, family members and caregivers to children in education. The regulatory complexity relates to national legislation conflicting with EU law, and to the ambiguity arising from the case law of the *CJEU* and national courts. For instance, EU law stipulates an *unconditional* right to basic social security (including social assistance), as long as the individual has not been determined to be an *unreasonable* burden to the host system (*EU Free Movement Directive 2004/38/EC, Article 7*), whereas German law foresees a general exclusion clause for all groups of EU citizens who are not engaged in gainful employment.

Table 2.1: Overview of EU citizens' social entitlements in Germany (as of 01.01.2017)

Status Category (Labour Market and Residence)	EU citizens	German nationals
Inactive (below 5 years habitual or permanent residency)	No entitlement	SGB XII Benefits
Inactive (above 5 years habitual or permanent residency)	SGB II/SGB XII Benefits (but if no permanent right to reside, recipients risk expulsion)	SGB XII Benefits
(Self-)Employed	SGB II Benefits (as a top-up)	SGB II Benefits (as top-up)
Family members of workers or those with permanent residency	SGB II Benefits	SGB II Benefits
Caregivers of children in education	No entitlement (before 01.01.2017: SGB II Benefits)	SGB II Benefits
Jobseekers without prior employment in Germany (below 5 years habitual	No entitlements, but portable benefits from another EU member state for up to three months (before	SGB II Benefits

<i>residency)</i>	01.01.2017: SGB XII Benefits after 6 months of residency)	
<i>Jobseekers without prior employment in Germany (above 5 years habitual residency)</i>	SGB II Benefits (but recipients risk expulsion)	SGB II Benefits
<i>Jobseekers with involuntary job loss below three months</i>	No entitlement	SGB II Benefits
<i>Involuntary job loss between 3 and 12 months</i>	SGB II Benefits for 6 months, afterwards no entitlement (before 01.01.2017: SGB XII Benefits)	SGB II Benefits
<i>Involuntary job loss after 12 months</i>	SGB III Benefits of min. 6 to max. 12 months (depending on length of previous employment, of 12 to 24 months), then SGB II Benefits	SGB III Benefits of 6-12 months (depending on length of previous contributions) ¹⁶ , then SGB II Benefits
<i>Jobseekers, inactive or caregivers from ECSMA member states</i>	SGB XII Benefits	N/a
<i>EU citizens whose right to reside was formally withdrawn</i>	AsylbLG Benefits, plus Transition Benefit (or temporary limited benefits) of max. 180 Euros (once)	N/a

Overall, the EU legislation had not been transposed very closely. Social security, including access to a social minimum, is an area where the EU has no primary jurisdiction to make laws. The soft law nature of social policy creates a complex regulatory

¹⁶ Jobseekers above the age of 50 years can receive *SGB III* benefits for up to 15 months if they have been in regular employment for more than two years (Paragraph 147, *SGB III*).

environment, within which national court decisions and the *Court of Justice of the European Union* establish guiding principles of how to implement the EU legislative framework. For instance, the German *SGB II* translated the principle of proportional burden into a general legal exclusion clause, with respect to excluding *all* jobseekers who have entered the country for the purpose of looking for work from receiving the social minimum benefit *UB II*. Therefore, EU nationals who claim social support under *SGB II* or *SGB XII* may lose their residency.

According to a 2012 *German Federal Court* ruling, the rule infringes the German constitution. Following the court's interpretation of *Article 1* of the German *Basic Law*, the exclusion violates the right to a socio-cultural minimum for *all* people living on German territory, independent of their legal residence or migrant status (Stamm 2014; Price and Spencer 2014). Thus, the *German Federal Social Court* granted EU citizens access to social assistance benefits under the subsidiary *SGB XII*, *independent* of their labour market status. The court ruled that economically inactive and job-seeking EU citizens have an automatic entitlement to basic subsistence benefits after six months of habitual residence. Before the six-month threshold has been reached, access is subject to local authorities' discretion, through a case-by-case assessment. Recourse to *SGB XII* was legally binding until the end of 2016, when a new legislation on EU citizens' social security entitlements came into force.

In January 2017, the German legislature carried out a profound reform of both *Social Codes SGB II* and *SGB XII*. EU citizens who have not yet reached the five-year habitual residence threshold now no longer have a right to access any form of social assistance. The latter group includes job-seeking and economically inactive EU citizens, and those with minor children attending a German school, who could previously derive social rights from their status as carers, under *Article 10, EU Regulation 492/2011*. The new law established an automatic and permanent exclusion from both Social Codes *SGB II* and *SGB XII* for five years for any job-seeking and inactive EU citizens living in Germany. The new legislation leaves EU citizens who are not in regular employed without recourse to a safety net, unless they have reached the five-year habitual residency threshold (Bundesgesetzblatt Nr.65, Bundesregierung 12/28/2016).

Since the revision of the legislation in early 2017, the exclusion clause (from *SGB II* and

SGB XII benefits) has been challenged and overturned by several regional courts (e.g. *Kassel*, 14.02.2017 and 15.02.2017, or *Speyer*, 17.08.2017). Courts ruled that the legal provision conflicts with German constitutional law, of which *Article 106, Paragraph 3*, stipulates the right to basic subsistence for every resident in Germany independent of his or her legal residency status and nationality (Tießler-Marenda 2016). Following that, regional social courts granted the respective claimants immediate access to subsistence benefits under the Social Code *SGB XII*.

In summary, the current policy framework indirectly establishes a hierarchy of formal social rights based on claimants' citizenship category. German citizens are at the top of this hierarchy, followed by other EU citizens. EU migrants' social entitlements in Germany are, compared to German nationals, conditional on employment and residency status. As both German welfare policy legacies and the EU legal framework premise social entitlements on 'worker status', they reinforce one another in stratifying EU citizens' unequal social entitlements.

Legal inequalities of entitlement among EU citizens

An emerging body of scholarship on social rights within the European Union focuses on the socio-economic implications engendered by the differentiation of EU migrants' social rights in law described above. This section examines how the double conditionality, of category and circumstance, can lead to important intersectional social inequalities. The lens of intersectionality (Crenshaw 1989, 2016) helps to disentangle overlapping and reinforcing axes of status difference that shape individuals' unequal positions within a given society (Anthias 2001; Choo and Ferree 2010; Kelly 2012; Sayer 2005a).

Part of the social citizenship literature identifies that the freedom of movement enjoyed by EU *citizens* remains limited to the freedom of movement of EU *citizen-workers* (Maatsch 2012). Only market insiders in full-time employment, with sufficient wealth and the desired skills, are granted formal entitlements (Anderson 2013, 2015; Bruzelius et al. 2017). The right to remain and claim social benefits in a host EU member state remains a prerogative of “hard-working, self-reliant individuals” (Anderson 2015, 48; also Amelina and Vasilache 2014; Carmel 2011, 2013; Dean 2015; Favell 2014). Marginal employment or non-market related human activities, on the other hand, do not generate an eligibility for social citizenship (Dean 2018; Morris 2003), which questions the notion of genuine

rights. In effect, the current legal framework premised on work creates a precarious situation among temporary residents and those in irregular or atypical employment (Zabransky and Amelina 2017). This trend resonates with what Standing (2014) called the 'transnational precariat', which has emerged from the increased global mobility of migrants as a disposable labour reserve. The author described how the number of people in insecure labour had multiplied, with millions of people in affluent and emerging economies entering employment with unstable salaries and little job security, no social protection and limited chances of upward mobility.

A number of scholars, including Carmel (2011, 2013), Dean (2015), Faist (2009), Hansen and Hager (2010) and Johns (2014), explain the highly differentiated nature of migrants' social rights through the economic outlook of the European project. Integration aspirations have thus far remained centred on the removal of barriers to free trade in a common market (Boswell and Geddes 2011; Johns 2014; Favell 2009; Johns 2014). The social dimension is taken into account only if it ties closely to the competitiveness agenda, and if it does not impose any hindrance onto the free circulation of goods and services (Dawson and Witte 2015).

Overall, social security falls under the *Open Method of Coordination*, whereby member states can loosely coordinate, but are under no obligation to do so (Hansen and Hager 2010). The recently introduced "*European Pillar of Social Rights*" (Consultation 2017, 2610) has, for the first time, recognised the problematique of non-standard and discontinuous forms of (self-)employment in generating access to social entitlements. However, it remains symbolic, being a non-binding declaration by the European Commission, Council and Parliament at the *Social Summit* in Gothenburg, Sweden (November 2017). Moreover, the declaration does not address the transnational dimension of EU citizens' welfare rights and associated vulnerabilities. Seikel (2017) explains the latter through fiscal concerns, namely the risk that high social standards across the Union may undercut the EU's economic competitiveness. In short, the European project continues to be thought of from the macro-level perspective of a functioning internal market economy rather than from the micro-level perspective of the individual citizen.

Stratification by labour market status also fundamentally neglects the heterogeneity of EU workers and the diversity of their needs (Morissens and Sainsbury 2005; Dean 2015;

Shutes 2016a, 2016b). The focus on regular paid work as a legitimate basis for legal entitlements has important gender implications (Lewis 2000; Lister 1990; Munday 2009; Shutes and Walker 2017). As argued by Ackers (1999), a hierarchy of entitlements emerges based on gendered assumptions about the labour market and family life. Compared to men, women are more likely to be in atypical, insecure employment or unpaid care work (Fraser 2016; Gutiérrez-Rodríguez 2010; Luppi et al. 2015; Ricard-Guay and Maroukis 2017; Shutes 2007). Pressures to combine paid and care work make it difficult for many women to retain a formal position in the labour market corresponding to their qualifications (Ackers 2004). However, unpaid economic activity tends to remain unrecognised and un-commodified in the highly gendered national labour markets, as social rights remain based mostly on waged work (Frings 2009). Women may derive their entitlements as mothers and wives of the male breadwinner (Munday 2009).

The same logic enforces EU migrant women to be dependent on their husbands¹⁷. Informal familial care work in itself is neither recognised as genuine or as effective work to create 'worker status', nor as a valid reason to leave the labour market¹⁸ (Dean 2018; Shutes 2015a). Social entitlements are not neutral and universal. Based on empirical research with migrant families, Ackers (2004) shows how the disadvantages women face in the labour market become ever more acute in the migration context. As the concept of work in EU law puts those family members in a vulnerable and dependent position who are not engaged in paid work, women tend to face high levels of dependency on their partners. Marriage, migration and care fracture their careers. Such a gendered nature of the right to freedom of movement rights limits EU migrant women's ability to claim social entitlements in their own right as labour market participants. Shutes and Walker (2017) documented the heterogeneity of EU citizens' ability to exercise their freedom of movement in the UK. Similarly, a closer examination of German legislation suggests that the 2017 legislative reform reinforced female EU citizens' vulnerability to poverty. The new law eliminated the right of a primary caregiver of children in education to claim *UB II* benefits.

¹⁷ Such a right to reside as family members can only be derived from the husband if he is a mobile EU citizen, and not if he is a national of the country of residence (Shutes and Walker 2017).

¹⁸ According to EU law, only pregnant women and women on leave who previously worked, women out of work for one year after birth, and women caring for children in education, can maintain their right to reside as primary carers; others are not able to derive a right to residency from their care work (Shutes and Walker 2017).

In summary, often EU migrant women face a double disadvantage, namely as EU migrants whose claims are derived from their status as workers, and as women who tend to face unpaid or underpaid employment (Anderson 2000; Gutiérrez-Rodríguez 2010). When accessing social security transnationally, the female experience is marked by an intersectional disadvantage (Farris 2017).

2.3 Introducing the case study context: Reforming German welfare administration

In addition to the conditions of category and of circumstance, which stratify EU migrants' social rights transnationally, conditions of conduct intervene to define substantive access. As this last part of the chapter discusses, claimants have, independent of their nationality, responsibilities when claiming benefits. These elements of behavioural compliance with the required labour market activation measures were introduced into social provisions in 2005, when the German social security system underwent a major reform.

In brief, the German social security system provides three forms of income support, namely a statutory, contribution-based unemployment benefit *UB I (SGB I)*, a means-tested, tax-financed unemployment benefit *UB II (SGB III)* for jobseekers without sufficient contributions¹⁹, and a social assistance benefit (*SGB XII*) for citizens unable to work (Rudiger, Spencer 2003; Osiander and Steinke 2015). In January 2018, the minimum *UB II* benefit for a single person meant to ensure the constitutional requirement of a life of human dignity, amounted to 416 Euros per month. That minimum benefit ought to cover the costs of food, clothing, sanitary products, health insurance, basic household appliances and socio-cultural activities. Depending on the age of the recipient and the number of children in the household, the benefit level is adjusted to the needs of the recipient. Additional benefits exist that cover housing and heating, and expenses related to their children's education, for example tutoring, school trips, books and stationary, bus tickets or club memberships (Schmitz 2014).

The Hartz reforms: Creating the new architecture of unemployment protection

Historically, the welfare system aimed at protecting the status of male labour market insiders who would sustain their families in return. That is, the father and husband as

¹⁹ There are a number of hybrid cases: If a claimant has accumulated some contributions through the insurance unemployment scheme (of *SGB I*), but contribution rates are insufficient to cover basic subsistence, the job centre provides the difference. Workers, whose income does not meet the social minimum, also can receive a *UB II* benefits as a top up (Schmitz 2014).

breadwinner. However, since the 1970s, increasing unemployment rates jeopardised the reciprocity-based social contract and, as this section summaries, led to a political turn towards active labour market policies. These can be defined as policies that emphasise claimants' self-responsibility and active role in job-seeking. Active labour market policies accentuate the conditionality of active job searching and labour market training, in order to improve employability.

The trend towards active labour market policies culminated in the so-called *Hartz IV* reforms of 2003-2005, which re-organised Germany's safety-net following principles of benefit conditionality. The tax-financed social assistance became merged with the former unemployment assistance scheme (for the insured unemployed), forming a new conditional minimum income scheme for needy jobseekers, the so-called *Basic Jobseekers Allowance* or *Unemployment Benefit II (UB II)* (Zimmermann and Rice 2016). As such, the *Hartz* reforms of the mid-2000s marked one of the most important turning points in German welfare state restructuring. The reforms reinforced the fragmentation of unemployment protection. They created a first-tier, insurance-based benefit of 67 per cent of former earnings (*UB I, SGB III*) administered by local employment agencies. The reforms also introduced a second tier, tax-financed, flat-rate minimum social benefit for those who did not contribute sufficiently prior to their spell of unemployment (*UB II, SGB II*). The latter is administered by job centres as the new one-stop public interfaces. Job centres determine at the local level whether individuals meet the conditions for benefit payments during an individual case assessment (Heidenreich and Rice 2016; Promberger 2015).

There is ample room for discretion built into the legal framework, to allow for the tailoring of activation measures specific to claimants' individual needs, such as job placements or vocational training. And while decisions on benefit access are not discretionary, different ways of thinking about the benefit eligibility indirectly open space for significant informal discretion (Heidenreich and Rice 2016). There is little administrative discretion of how local administrators can apply eligibility criteria. However, procedural discretion can be exercised at several stages of the job-seeker's basic allowance claim. This can include decisions about documentation required for processing a claim, the nature of support offered during the application process, the number of face-to-face meetings demanded, timing of appointments, the waiting times for processing a

claim, and the application of sanctions once the benefit has been granted. Moreover, street-level bureaucrats can exercise professional discretion with respect to what they judge best or most suitable in terms of labour market integration measures for a claimant. Such professional judgements resonate with Foster's (1983) definition of welfare rationing, whereby welfare providers, in their role as professional experts, paternalistically define what is considered to be the needs of individual claimants.

The main objective of the *Hartz* reforms was to bring groups excluded from the labour market, such as single parents or the long-term unemployed, back to work. To that end, instruments to boost claimants' employability were created, including training placements, occupational counselling and job-search assistance, employer counselling, and the promotion of vocational training. The reforms also introduced liberal welfare elements, including efficiency-based principles of *New Public Managerialism* as a new accountability logic (Heidenreich and Rice 2016; Senghaas et al. 2018). Inspired by private sector performance measurements, the *Federal Employment Agency* championed output controls via quantitative efficiency indicators, and related financial outputs to labour market integration quotas. The agency started benchmarking and comparing performance levels of local job centres against one another. Local job centres ought to report on three major policy objectives to the *Federal Ministry of Labour and Social Affairs*: (i) reducing the population in need of support; (ii) improving integration into the labour market; (iii) avoiding long-term benefit receipt (Bundesagentur für Arbeit 2016c²⁰; see Chapter 6).

Performance evaluations of the reforms have brought mixed results at best (Knuth 2014; Garsten et al. 2016; Heidenreich and Rice 2016; Osiander and Steinke 2015; Osiander and Steinke 2011; Reis and Siebenhaar 2015; Weinbach 2012). The aspirations of providing services tailor-made to individual circumstances, and to drastically increase labour market integration, have been only partially met. The authors relate the failures to the punitive nature of the new welfare system.

Conditionality of conduct: The stratification in German unemployment protection

The current employment and social security regime remains, to some extent, shaped by the industrial male-breadwinner model that originated in the German economic miracle of

²⁰ Also see <http://www.sgb2.info/DE/Kennzahlen/Aktuelle-Kennzahlen/aktuellekennzahlen.html;jsessionid=54C6D47316A97DE7414B61158C75037F> (last accessed on 22.01.2019).

the 1950s and 1960s. Nevertheless, the *Hartz* reforms weakened the traditional Bismarckian principle of status protection. The reforms shifted German social security from being a rights-based system to one centred on deservingness (Bothfeld and Betzelt 2011; Heuer, Mau 2015).

The reforms introduced strong activation elements that transferred the responsibility for labour market integration to the individual, who is required to be an active recipient (Betzelt and Bothfeld 2011; Garsten et al. 2016; Heidenreich and Rice 2016; Zimmermann and Rice 2016). Requirements entail coercive elements such as sanctions, that take the shape of partial withdrawal of benefits in case of non-compliance with the activation requirements set-out (Price and Spencer 2014; Senghaas 2017). Claimant responsibilities include active job searching and participation in training programmes, job placement and occupational counselling. Integration agreements, which are legally binding contracts between administrators and claimants, are meant to clarify the responsibilities of both parties. However in practice, these integration agreements tend to define only the obligations of claimants while remaining vague concerning the administrators' duties (Osiander and Steinke 2015; Weinbach 2012).

Therefore, authors, who analysed the recent neoliberal activation turn of welfare policy across the EU (see Cox 1998; Dean 2011, 2015; Dwyer 2010; Hansen and Hager 2010; Lister et al. 2005; Sainsbury 2012), established the notion of 'earned citizenship'. Instead of access to state-financed welfare being a genuine right, entitlements have become conditional and discretionary. Such conditional entitlements indirectly impose obligations to fulfil moral ideals of self-reliance. The moral principles inherent in such neoliberalism resonate with historical legacies of the 'culturalisation of poverty' known in some EU countries such as the United Kingdom, wherein the individuals themselves are seen as self-responsible for their experience of disadvantage, instead of taking structural explanations turning on social inequality into account (Skeggs 2015).

The *Hartz* reforms also led to an institutional architecture of a two-tiered system. The benefit structure distinguishes between claimants who have gained entitlements to receive generous benefits enabling them to maintain their social status (*UB I benefits*), and those who have not sufficiently contributed, and who can access only basic subsistence benefits after a formal needs assessment (*UB II benefits*). Such a distinction affects welfare

attitudes on the (un)fairness regarding the receipt of tax-funded state support. Based on public attitude data, Laenen (2018) showed how the social security architecture is linked closely to, and shapes individual attitudes to the social legitimacy of receiving (non-)targeted benefits (see Andreß and Heien 2001). In the German case, an economic productivity paradigm continues to structure what Mau (2003) calls a 'moral economy', that is the ideas which found the base of what a given country regards as an (un)fair practice of redistribution (Lizardo 2010; Mau 2007). Data from the *European Social Survey* show that only about 50 per cent of the surveyed population in Germany believe that the government should intervene through vertical redistribution (Mau and Burkhardt 2009a; Mau and Burkhardt 2009b). Most of the population prefers contribution-based reciprocity as norm of public benefit receipt (Crepaz and Damron 2008; Mau 2002, 2003, 2007).

In sum, the German moral economy is based on an implicit hierarchy of deservingness based on employment status, which conditions public perception of applicants' apparent merit for a claim. Historical legacies in access premised on equivalence have become reinforced by neo-liberal ideals of self-sufficiency and a conditionality of moral conduct. The institutional architecture conditions attitudes of tax-financed *UB II* recipients as inferior, second-class beneficiaries (Leibetseder 2014).

The hierarchisation of benefit claimants into more and less worthy beneficiaries could be described as a form of status inequality. Following Ridgeway (2013), status in the context of this research refers to the implicit, taken for granted differences of worthiness and esteem that engender situational power and differential control over resources. Resonating with the work of Massey (2007) on categorical inequality, such ascribed status differences can lead to the unequal allocation of resources once institutionalised in the law. His analysis highlights the role of power, of those who have control over resources, to shape the material disadvantage of others.

Lockwood (1996) was among the pioneers in theoretically capturing such a double stratification process of social rights via legal entitlements *and* discursive ascriptions of (social) status. This double stratification is likely to structure the inclusion in and exclusion from the reception of substantive social security. Effectively, *UB II* recipients, independent of their nationality, are assigned a lower social status than *UB I* claimants

with pre-defined contributions. Remembering this study's focus on EU citizens, the question arises how such intangible inequalities of status would play out with respect to non-national citizens. Are there differences in how street-level bureaucrats perceive the deservingness or lack thereof of migrant claimants compared to that of their non-migrant counterparts? To that end, Chapter 3 unpacks the assumptions that underpin the administrative category of *the migrant* in more detail. Such a review might provide some helpful indications of how EU citizen status is potentially perceived and interpreted by local administrators.

2.4 Concluding reflections

As a backdrop for the research, this chapter examined the access EU migrant citizens have to social benefits in Germany through law and policy. The analysis described how both the German and the EU legal framework, embed a strong work conditionality into defining social benefit eligibility. The chapter also pointed to the legal ambiguities governing EU citizens' social entitlements in Germany. The complexities of the law mostly pertain to job-seeking EU citizens, whose entitlements vary depending on length of their residence and previous employment in Germany. Their legal exclusion from non-contributory benefits after their arrival in Germany without work has been challenged by German national and regional social courts. Courts granted job-seeking and inactive EU migrants access to non-contributory *SGB XII* benefits set up important constitutional frictions with the federal level. The latter tried to close this avenue for accessing social support down with its latest legislative reforms in January 2017.

Overall, the chapter illustrated the tensions which are inherent in EU citizenship status. EU citizens occupy a legally-privileged position in terms of residency and labour market access in Germany when compared with other immigrant groups. Their status as co-nationals puts them on par with German nationals. Yet, their access to non-contributory social security is not equal. *Unemployment II* benefits, designed as a minimum social subsistence coverage of fundamental needs, only fully covers German citizens residing in Germany. As non-nationals, EU migrant citizens are accorded fewer social security entitlements (cf. conditions of category). A hierarchy of legal entitlements based on an EU claimant's participation in the labour market became apparent (cf. conditions of circumstance). In this regard, the current legislation fails to recognise the realities of

atypical work and different gendered experiences of entitlements. The (self-)employed may apply for basic subsistence benefits to top up their low income. Job-seeking or inactive EU citizens are generally denied access. The analysis of the differentiations of the legal framework, and its intersectional implications, highlighted the heterogeneity of EU citizens' social entitlements.

The chapter then described the case study context of active labour market policies and uncovered the normative underpinnings of the German welfare state (cf. conditions of conduct). Full wage employment remains the socially recognised norm of legitimate benefit receipt in Germany. Such perceptions concerning the moral (un)worthiness to claim public social support have led to an implicit hierarchy, with views of social assistance-type claimants as second class citizens. In agreement with this, marginally employed EU citizens are likely to be seen as less deserving due to their claims to non-contributory benefits.

The review of the existing evidence helped to debunk a common pretence among (supra-) national policy-makers that EU citizens living in a member state other than their own enjoy social rights equal to the ones of the nationals of their host country. Instead, the scholarship on EU social citizenship documented the social inequalities which mark EU citizens' entitlements in law and policy. The formal qualifying conditions lead to endemic forms of exclusion through design, as due to their position in the labour market, newcomers to Germany are less likely to qualify for social benefits. These entanglements between citizenship status defining membership (conditions of category), and migration and social policy specifying legal eligibility (conditions of circumstance) contribute to the reinforcement and reproduction of existing socio-economic inequalities. EU migrants in marginalised employment have more limited legal eligibility to social security, which puts the notion of genuine rights into question.

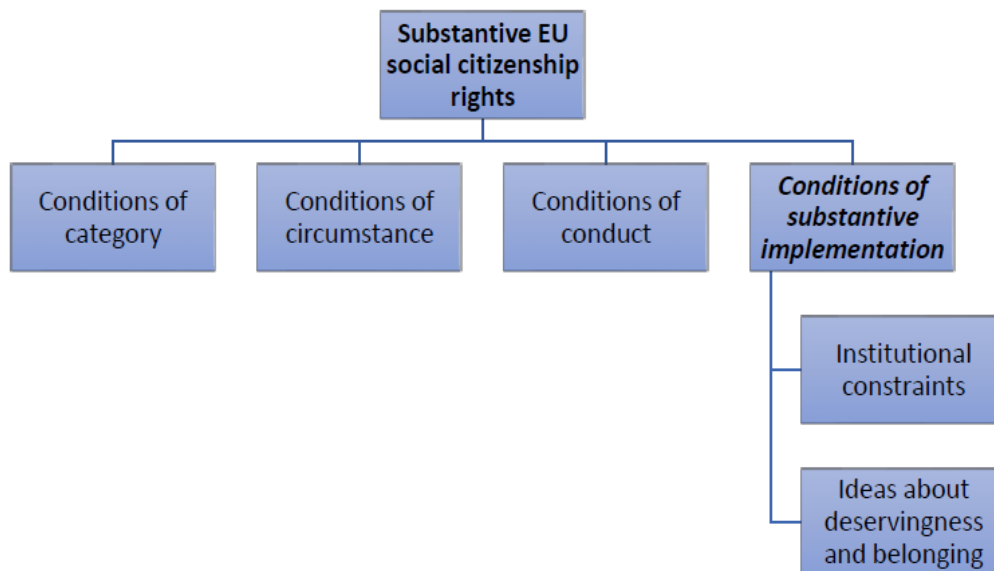
However, existing scholarship falls short of comprehensively understanding the lived reality of claiming benefits. To that end, the next chapter delves into what happens at the street-level. It inquires what factors shape the local implementation process, which result in an understanding of the administrative practices that shape EU migrants' substantive benefit receipt.

3 Conceptualising Deservingness and Belonging at Street-level

One aspect the current literature has explored less is the administrative practices of granting EU citizens access to subsistence-securing social benefits on the ground. The context of implementation at the front-line is what Dwyer et al. (2019) termed the fourth level of conditionality, which potentially limits EU migrants' rights to social security. It is during the local implementation process that practitioners apply and interpret the abstractly written law summarised in the previous chapter. Administrators act, as part of the literature shows, as *de facto* policy-makers shaping substantively the outcomes of policy.

Considering the significant but mostly overlooked role of local implementation dynamics in shaping EU citizens' substantive access to benefits, the aim of this chapter is to explain the different elements with respect to the characteristics and conditions of front-line implementation work (see Figure 2.1).

Figure 2.1: Four levels of conditionality stratifying EU citizens' social rights



Sources: Adapted from Dwyer et al. (2019) and Shutes (2016a).

To explore such dynamics in more detail, this chapter engages with key findings of current street-level research. This includes both empirical and more theoretical contributions on the implementation of social and migration policy in different national

contexts. The street-level bureaucracy literature helps to illuminate how policy implementation at the front-line is shaped by both institutional constraints and ideas of deservingness and belonging, which conjointly structure the use of administrative discretion.

Considering the study's focus on EU migrants, the chapter next engages with the inputs that might impact administrators' view of migrant claimants at local level. To that end, the chapter explores the literature relating to the German legal and administrative category of 'the migrant'. The analysis of the genesis of the administrative category 'migration background' provides insights into how the implicit demarcations between in-group and out-group members of the redistributive welfare community might be drawn. As argued by Fraser (1998), social rights are not necessarily a given. Instead, such social rights emerge from contested interpretations and struggles over their content within a specific historic and cultural context. Following the claims of the literature on policy categories, which I also summarise in this chapter, the ethnicity-based definition of membership is likely to impact the local administrative practice as cognitive maps.

Against this backdrop, the final section of this chapter develops a conceptual framework on bureaucratic discrimination resulting from both structural conditions and street-level ideas of deservingness and belonging. The framework serves as a heuristic to explain the inequalities in access to benefits and services that EU migrant applicants encounter at local German job centre level.

3.1 Understanding street-level implementation work

What characterises this research is that it moves away from the (supra-)national policy- and agenda-setting process to the local implementation level. The latter is defined as the administrative process through which policy decisions and legislation are put into action (Satzewich 2015). The street-level bureaucracy literature provides the conceptual backdrop for analysing the dynamics of local policy practice. Lipsky (1980) pioneered this ever-growing body of literature, the main findings of which are summarised below.

The characteristics of street-level bureaucracies

Street-level organisations can be defined as “*those agencies and governmental departments that directly deliver policy to people*” (Brodin 2013, 18). Provision of

subsistence-type benefits in German job centres constitutes a typical case of street-level work. Street-level bureaucrats are public service workers who interact directly with individual citizens in the course of their jobs, as representatives of the state. Street-level bureaucrats supply claimants with often essential services, which cannot be obtained elsewhere. Due to their inherent power position, Lipsky (1980) described them as *de facto* policy-makers. The latter consideration resonates with Graeber's (2015) anthropological studies of the bureaucracy as an unequal power setting.

Overall, street-level organisations cannot be reduced to the Weberian ideal of efficient impersonal policy delivery (Weber 1947). Instead, local organisations operate in a complex, uncertain and ambiguous environment with multiple, competing demands (Brodkin 2015). The work setting is characterised by work pressures of limited time, insufficient information and high caseloads (Lipsky 1980), which do not allow for individually tailored service provision. Administrators commonly ignore the subtleties of real social existence, and instead follow abstract political guidelines in almost “wilful blindness” (Graeber 2015, 50). While processing claims, local bureaucrats reduce people's unique life experiences and circumstances to a small range of standardised categories of claims-processing (Zacka 2017). For instance, claimants are commonly classified according to their employability, by profiling their skills and competences during the assessment at the local job centre (Brussig et al. 2017a; Garsten et al. 2016; Senghaas 2017).

The assignment of individual cases into broader 'categories of action' is what Lipsky (1980) described as typical street-level work. He extensively analysed the simplifying routines used to deal with the pressure of policy implementation. These include people-processing techniques to manipulate caseloads, such as rationing and parking through waiting lists, rule adaptation, withholding of information, or creative rule interpretation for circumstances that had not been foreseen in the policy (Brodkin 2013; Evans 2010; Osiander and Steinke 2011). Developed as coping strategies to resist managerial pressure, filtering processes (Leibfried 1976) can bring about adverse effects. Administrators eventually may turn claimants in need away in order to protect themselves from additional or unpleasant work (Foster 1983).

Bureaucrats' coping strategies and their link to administrative burden

The study of discretion is of interest once the informal strategies of coping described above develop into systematic routines (Brodkin 2015). Administrative discretion refers to the flexible exercises of judgement and decision-making foreseen for public administrators. As a characteristic feature of service provision, discretion enables administrators to make a trade-off between efficiency demands and the responsiveness to individual needs. Administrative discretion allows administrators to adjust to particular situations in an environment of scarcity, complexity, and uncertainty.

Discretion serves as a tool enabling rapid and pragmatic decision-making, but its employment does not remain free from administrative errors in applying the legislation. Whereas the notion of administrative discretion emphasises the need for rapidity and pragmatism in decision-making, the idea of professional discretion refers to the often subjective interpretations of the welfare of the claimants. The choice between several courses of action enables workers to assess and evaluate claimants' needs and conditions, and to assert their professional judgement regarding advice and treatment (Evans 2015; Hupe and Buffat 2014; Jessen and Tufte 2014; Jewell 2007; Maynard-Moody and Musheno 2003; Pratt 1999; Pratt and Sossin 2009; Tummers and Bekkers 2014; Watkins-Hayes 2009)

Brodkin and Majmundar (2010) further distinguished between discretion as the leeway for interpreting formal rules that affect the cost of claiming, such as standards for proving eligibility, and non-codified practices that may add to the costs of claiming. Such informal practices are what the authors qualified as procedural discretion. The latter finds meaning in demanding face-to-face meetings beyond those required by the regulations, setting appointment times without regard to the claimant's circumstances, or scheduling several claimants simultaneously resulting in long waiting times.

Procedural discretion can be summarised under the heading of administrative burden, through which social administrations act as informal gatekeepers. An administrative burden is defined as the disproportionate and burdensome, hidden administrative costs that are not required by law. Instances of administrative burden are informally and systematically imposed on claimants as additional admission criteria. Even though an administrative burden tends to be expressed in neutral language, it is not uniformly

applied across all client groups. Consequently, administrative burden can engender unequal administrative exclusion (Brodkin 2013; Duhant 2015, 2017) or welfare rationing (Foster 1983). Both concepts refer to the processes of non-participation of some welfare applicants due to procedural demands imposed on them, rather than the legal eligibility criteria defining their access. One impact of administrative burden has been documented in the US-based *Medicaid* programme, where more than 25 per cent of case closures could be traced back to allegedly insufficient documentation provided by the claimants (Moynihan and Herd 2010).

Administrative burden commonly occurs as a side effect of administrative coping strategies (Garsten et al. 2016; van Oorschot 1995; Schierup et al. 2006). But administrative burden can also be deliberately imposed by administrators to limit benefit and service receipt (Brodkin 2015; Buffat 2015; Dubois 2010; Watkins-Hayes 2009). Sometimes, administrative burden is purposefully embedded into the policy design to increase the costs of claiming. One strategy could be to impose a means test that would generate feelings of dependency and stigma, and then might discourage some potential applicants from claiming (Herd et al. 2013; Moynihan et al. 2013a; Moynihan et al. 2013b; Patrick 2016; van Oorschot 1995; Wright 2003).

However, not all administrators act in similar ways. Some also seek to favour needy claimants and bend allegedly unjust rules. Their creative role in enabling or restricting claimants' access has been widely documented (Bothfeld and Betzelt 2011; Brodkin 2015; Dubois 2010; Korteweg 2006; Spire 2008). The ways in which administrators interpret legal entitlements has been studied by socio-legal scholars under the heading of legal consciousness, which traces how individuals engage with the law (Silbey 2015).

Institutional constraints shaping street-level work

Recent research focussed on the institutional constraints which shape local implementation (Adler 2008; Brodkin 2011; Lodge and Gill 2011; Soss et al. 2011; van der Aar and van Berkel 2015). Authors mainly focused on the challenges which have come with the economisation of social administrations, when *New Public Management (NPM)* principles were introduced into social security provision (Heidenreich and Rice 2016; Senghaas et al. 2018). Such private sector-style management practices include explicit performance measurement standards, quantitative efficiency and output controls,

organisational disaggregation and devolution, competitive tendering or contractualisation. Brodtkin (2013) notes how such marketisation practices have reduced the professional discretion of welfare administrators. Performance measurements have changed the implicit calculus by which street-level practitioners adjust to the conditions of work. While aimed at improving individualised service provision to so-called *clients*, thus enacting the imaginary of competitive service provision, market-driven reforms have had adverse displacement effects. The efficiency-driven accountability logic leads to standardised and at times punitive treatment of claimants. The result could be a tendency of administrators to suppress the voices of individuals who seek to discuss their needs (Brodtkin 2017; van Berkel et al. 2011; van Berkel and van der AA 2012; Igartua and Cheng 2009; Wright 2003). Senghaas's (2017) work on German job centres shows how active labour market policies have reinforced the ambiguity of the labour market advisors' role. Nowadays rather than acting as enabling job counsellors, they act as regulatory and disciplinary gatekeepers.

Demographic characteristics affecting street-level work

Factors other than the work environment influence professional role conceptions. While a substantial number of the street-level studies has explored the administrative constraints of policy implementation, other accounts break with the paradigm of the quasi-mechanical encounter between an impersonal bureaucrat and the standardised claimant (Dubois 1996). Instead, scholars conceptualised street-level exchanges as part of broader political dynamics of status (re)construction (Brodtkin 2015). This stream of research understands implementation work as a complex, multi-level negotiation process between two individuals with their own, unique backgrounds and experiences. Scholars (including Evans 2015; Watkins-Hayes 2009; Wenger and Wilkins 2008) have analysed the role of professional identity in service delivery, including personal work ethics (Evans 2014), professional self-understandings of social workers versus bureaucrats (Kallio and Kouvo 2015), the impact of policy alienation (Kaiser and Paul 2011; Tummers 2012), or the kind and level of work experience administrators bring to their job (Thuesen 2017).

Other studies focussed on the impact of administrator's own demographics. They argued that shared characteristics serve cognitive frames during claims processing. The so-called representative bureaucracy literature offers an account of how similarities (or differences)

in age, gender, ethnicity or class play out in the evaluation of claims. Yet, the studies reached inconclusive results (Fording et al. 2007; Maynard-Moody and Musheno 2003; Wilkens et al. 2015). For instance, Watkins-Hayes (2009) and Wenger and Wilkins (2008) showed how female and ethnic minority bureaucrats in the US use their professional discretion over resource allocation to reduce the disparate treatment of members of the disadvantaged groups they themselves belong to. Behncke et al. (2008) also found better labour market integration outcomes in Germany for claimants who share an ethnicity, gender, age, and educational background with the bureaucrat's. With regard to administrators' likelihood to sanction, there is no clear evidence for favouring claimants of shared ethnicity, both in Danish (Thuesen 2017) and US cases (Monnat 2010; Oberfield 2014; Soss et al. 2011). Watkins-Hayes (2009) concluded that ethnic background is purposefully enacted in complex ways at different moments of the claims processing. The display of a common background serves either to win the sympathy of the client, or, in other cases, to avoid the potential of allegations of favouritism and bias.

The political nature of street-level work

The latter finding hints at the potentially politically contentious aspect of street-level work, which the penultimate section of the street-level literature review explores. Part of the current scholarship describes how bureaucrats strategically structure opportunities for voice, and unevenly mediate status differences associated with ethnicity or gender. Thereby, administrators implicitly shape the boundaries to entitlements, which underscores, as they argue, their role as *de facto* policy-makers (Brodkin and Majmundar 2010; Brodkin and Marston 2013; Koster and van Leynseele 2018). For instance, Spire (2008) explored how immigration bureaucrats often acted as a filter, identifying both the 'good' and 'deserving' migrant.

Research which stresses the politicised nature of the processing of discretionary claims focuses on administrators' value judgements regarding the claimants' circumstances. Maynard-Moody and Musheno (2003), in an in-depth study of US police, teaching and social administration, developed the so-called *citizen-agent narrative*. They contrast the latter with Lipsky's (1980) *state-agent narrative*. Instead of work pressure and routines shaping decisions, they argued that bureaucrats strictly follow rules or bend them based on the claimants' apparent deservingness to state support or lack thereof (Hasenfeld 2000;

Maynard-Moody and Musheno 2012; Oberweis and Musheno 2001; Wright 2003; Zacka 2017). This stream of literature highlights how local bureaucrats are far more than mere technocratic implementers of law and policy. Administrators are conceptualised as (co-)producers of normative value systems on the legitimacy of a claim made.

The role played by perceptions of deservingness in gate-keeping to social security provision has been relatively well covered, including studies on German (Jewell 2007), French (Dubois 2010) or British administrations (Wright 2003). However, few studies exist delving into how such morally infused decisions affect migrant claimants. As summarised above, studies either addressed the role of deservingness more generally, or they tended to analyse the impact of potential allegiances between claimants and administrators from the angle of ethnicity. But while the impact of ethnic minority status on substantive benefits access has been covered, the relation between differentiations sorted by residence status and substantive benefit access seemed to have been overlooked. De Wilde (2017) rightly notes that there is little literature on what happens when a migrant claimant comes to the welfare office.

Better understandings are needed of how deservingness plays out when it comes to the entitlements of non-citizens. One dimension which has not been sufficiently explored is the interplay between moral judgements on a claimant's deservingness and intersubjective ideas of belonging and their role in shaping administrative practices on the ground. As Maynard-Moody and Musheno (2012, S22) acknowledged in one of their recent contributions, *“questions of migration have moved to fore”, which raises interest about “how street-level workers [...] respond to “noncitizens” [...] [as] labeling people as noncitizens may alter judgements about social equity”*. The bespoke policy-implementation gap calls for a careful study of the interaction between local administrators and foreign national beneficiaries. The latter pertains to cases where a legal entitlement is granted but where the foreign national applicant cannot necessarily substantiate his or her claim in practice.

The local implementation dynamics of immigration policy

In the light of the limited evidence available in the field of welfare policy implementation research, the literature review has been widened to studies of street-level immigration policy. This body of research, as summarised below, offers valuable insights on the local

implementation dynamics once non-citizens are involved. In fact, the findings from the literature on visa and deportation policies offer some parallels to the street-level studies on welfare workers. The studies similarly underscore the role of both structural demands of the institutional set-up, and of personal value judgements shaping administrators' implementation behaviour.

Several contributions, including Cyrus and Vogel (2003) and Eule (2014) on Germany, Miaz (2015) on Switzerland, Sales and Hek (2004) on the UK or Tuckett (2015) on Italy, relate gate-keeping practices to the street-level pressures of scarce resources, high caseloads, insufficient training and the piece-meal nature of the law itself. Ellermann's (2015) and Gravelle et al.'s (2013) findings of German deportation policy problematised the tensions between national legislative mandates and local implementation pressure to explain the sometimes apparently arbitrary implementation processes. Infantino (2016), in the case of Belgium, and Dörrenbächer (2017) in the Netherlands, also considered the role of the European framework, which commonly serves as a decision guideline when national legislation remains ambiguous.

Other scholars focussed on administrators' identities, which intervene along the institutional pressure of policy implementation. Alpes and Spire (2014) in France, Fuglerud (2004) in Norway, Psimmenos and Kassimati (2003) in Greece, and Triandafyllidou (2003) in Italy explained inconsistent decision-making, in the form of case prioritisation and discrimination, by the administrators' ambition to protect cultural homogeneity and socio-economic and political state interests. The authors showed how local administrators can be implicated in creating hidden borders to territorial access, based on who they consider to belong. Satzewich (2013, 2015) demonstrated in his study of visa officers in Canada how they systematically disfavoured non-Western applicants. Those administrators often evaluated clients' moral worthiness on the basis of their national origin and apparent social class.

However, the connection between perceived deservingness and ascribed membership to a national community has received little attention in implementation studies outside of immigration policy. Both Crepez and Damron (2008) and Law (2010) noted the frequent omission of migrant status in social security research. In their more theoretical considerations, Mezzadra and Neilson (2013) showed how migrants are incorporated into

certain areas of society but denied admission into others. The authors described the processes of migrants' differential inclusion into local labour markets, and their uneven access to public goods and services. The processes result in functional or administrative borders beyond the tangible, physical borders which regulate entry to a territorially-bounded space. Such unconventional bordering practices shape migrants' settlement, by preventing some resident groups meaningfully to participate in their host society. As Hall (2017) contended, migrants are subject to complex bureaucratic procedures which regulate not only who is coming in, but who can afford to stay.

Eule (2018) pointed out that internal migration control, i.e. the measures which seek to control immigration post-entry once migrants are present on the territory, has remained understudied. There is a growing body of literature on borders within borders (Lafleur and Mescoli 2018; Morris 2003; Ruhs 2010; Schweitzer 2017), which examines how bureaucratic implementation processes in fields other than border control can undermine migrant residents' exercise of their legal entitlements. As Lafleur and Mescoli (2018, 490) write, “welfare policies have progressively turned into an instrument to restrict the freedom of movement of the specific category of EU citizens who need their destination country's social protection”. However, our understanding of welfare workers' implicit role in regulating migrants' stay could be further developed.

To contribute to the aforementioned debate, this study attempts to connect the analysis of non-conventional bordering practices at the front-line (Eule 2018; Schweitzer 2017) to a critical examination of the figure of the undeserving migrant (Anderson 2013; Anderson et al. 2014; Bonjour and Duyvendak 2017). According to Brodtkin and Majmundar (2010) and Brodtkin (2013), street-level workers are inherently political actors. Their potentially complicit or subversive political role in policy-making calls for a careful study of their use of discretion towards non-national claimants.

3.2 The role of belonging in shaping administrative categories of entitlement

To better grasp how the views of 'the other' might intervene into the local implementation dynamics, the literature on ascriptive status differences between citizens and non-citizens needs to be unpacked. The symbolic status differences is the focus of this section of the chapter, examining the implicit assumptions that underpin the legal and administrative

categories of 'the migrant'. Following Côté-Boucher et al. (2014), such categorical schemes can play a significant role during the implementation of policy. Categories become activated as subconscious cognitive maps in local-level decision-making. They might shape street-level perceptions of who is considered to belong or not.

Belonging to a community of solidarity is more than mere legally granted membership. As Lockwood (1996) contented, belonging touches upon broader, more diffuse notions of multi-layered identities and status ascriptions. Part of the ascriptive processes are the categorical distinctions between nationals, foreigners and migrants that German law and census formulate. These policy categories embed implicit assumptions on 'welfare belonging', i.e. on the symbolic and material boundaries of the German community of solidarity. In what follows, I unpack the literature on the notion of 'belonging', and how the concept of 'the migrant' is constructed in policy. This includes a discussion of scholarship on public attitude data, particularly concerning welfare chauvinism.

The migrant category and its genesis in the German context

The literature on the German policy category of 'the migrant' and the administrative denomination 'migration background' offers insights into national discourses of belonging. The latter give some indication of how local administrators might perceive and interpret EU migrant status during local-level implementation. To inform our understanding of how belonging in Germany has been defined at the policy level, the review starts by summarising the definitions of the key terms in law and statistics, and the broader historical policy context within which they have been generated.

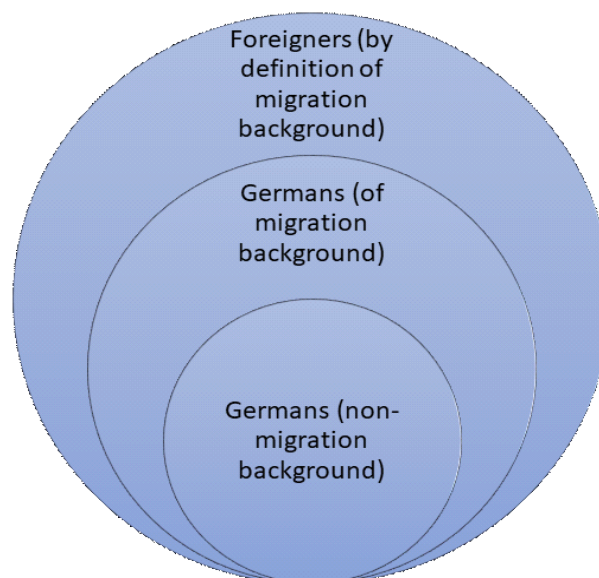
Who is defined as a migrant varies depending on the data source, between data sets and the law. Country of birth, nationality or ethnic origin can be used as a proxy for defining migrant status (Anderson and Blinder 2017; Dwyer and Scullion 2014; Dwyer et al. 2016b). The German constitution (*German Basic Law, Article 116*) distinguishes between the categories of *foreigners (Ausländer)* and *Germans (Deutsche Staatsangehörige)* on the basis of their citizenship. German citizenship is used as an umbrella category to denote legal membership of the German state. The category can include citizens who were born on German territory but whose parents are non-German nationals, or who have immigrated to Germany at some stage of their life and then naturalised. German ethnic repatriates, who lived beyond German state boundaries after 1949, also fall into the

category.

The category of 'foreigners' denotes people of all other nationalities. What is overlapping but not co-terminus with the legal category of the foreigner is the one of a *migrant*. According to the *Federal Statistical Office*²¹, every resident not born on the territory of today's *German Federal Republic* but in another country, who has moved to and settled in Germany at some point of their life, is considered a 'migrant'. By definition, migrants are all those with an immigration experience, independent of their citizenship. Those accorded a migrant status can hold either German citizenship or another nationality.

The German administrative setting relies on the 'migration background' category (*Migrationshintergrund*) in order to track the composition of its resident population by migration experience. It remains a statistical category which is not laid down in law. According to current statistics, about 20.8 million (or one quarter) of Germany's resident population falls into the 'migration background' category, of which slightly over half are foreign²² nationals. The 'migration background' category can be criticised for its loose and imprecise nature, as it groups together a wide range of legal situations (see Figure 3.1).

Figure 3.1: How statistics record the German resident population



The category is used as an umbrella term for all those who are: (i) residents in Germany without German citizenship, (ii) residents with German citizenship who were born outside

²¹ DeStatis (Statistisches Bundesamt) www.destatis.de/EN/FactsFigures/ (accessed 03.10.2017).

²² According to current statistics, a total of about 10.9 million foreigners lived in Germany in 2018 (see <https://de.statista.com/statistik/daten/studie/1221/umfrage/anzahl-der-auslaender-in-deutschland-nach-herkunftsland/>, accessed 04.10.2019)

German territory and who have at least one parent who is not a German national, (iii) German-born, German nationals who have at least one parent who was born outside of the country and for whose family German is not the main language spoken (Frings 2009).

German nationals can fall into the migrant category (i.e. Germans of foreign descent), as the status is assigned irrespective of citizenship. Those who are born in Germany, with German citizenship, can be of a 'migration background' if one of their parents is of foreign nationality or birth.

In short, the statistical category encompasses all those with a history of having immigrated to Germany since 1949, and their descendants. The *German National Statistics Authority* introduced the category for the first time in the 2005 micro-census. It subsequently was taken over into statistical monitoring by many public service providers, including employment agencies and job centres. The *Federal Employment Agency* has recorded its claimants' (non-)'migration background' since 2009 (Frings 2010).

Path-dependent politics of citizenship structuring administrative categorisations

History helps better to understand the genesis of the 'migration background' category. It can be seen as a reflection of the German nation-building experience. As such, the category embeds a number of path-dependencies. Foremost, 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.

The dominance of ethnic principles, specifically descent (*ius sanguinis*), rather than civic elements in defining German-ness has to be looked at in historic context. A national identity and unity had to be created among dispersed German-speaking communities in numerous state-like units. For centuries, the so-called *Holy Roman Empire of the German Nation* was a loose political structure, whose geographic borders were difficult to delimit. The glue holding it together was a frame of shared traditions and language. Compared to its neighbours, the German nation-state emerged relatively late, out of a fusion of these fragmented territorial entities (Brubaker 1992; MacGregor 2014; Paul 2015).

Historic ideas of German nationhood as a homogeneous ethno-cultural and linguistic entity continue to shape politics and law on migrant integration to date (Brubaker 1992; Ditzmann et al. 2011; Doomernik and Bruquetas-Callejo 2016). It is only since the early

2000s that the government started to recognise the empirical reality of Germany being a country of permanent immigration (Ellermann 2015; Kaiser and Paul 2011). Between 1955 and 1973²³, Germany operated a guest-worker scheme, which turned the country into one of the most ethnically diverse countries in Europe. About 14 million people came as economic migrants to Western Germany, of whom many stayed, founded families and naturalised (Schierup et al. 2006). The guest-workers were predominantly of Italian, Spanish, Greek and Turkish origin. The Eastern half of the country, the *German Democratic Republic*, also managed a small guest-worker programme, with other socialist countries such as Poland, Hungary, Cuba, Vietnam, Angola and Mozambique (Davy 2005).

Nonetheless, state-sponsored integration policies only recently appeared. The 1990 *Foreign Citizens Act (Ausländergesetz)*, and its revised version of the 1999 *Citizenship Act*, introduced some spacial, *ius soli* elements into naturalisation policies. The new legislation accorded children born in Germany to non-German parents to acquire German nationality (Björk 2014; Schierup et al. 2006; Weinbach 2005). However, naturalisation has remained difficult in practice until today (Amjahid 2017). Germany's immigrant integration regime is best described as assimilationist²⁴ and restrictive (Ersanilli 2010), fuelling public perceptions of migrants as foreigners and transient guests (Gosewinkel 2016; Triandafyllidou 2001). Only immigrants who settle long-term for at least eight years, and who prove their loyalty to the country through sufficient language skills and knowledge of German culture, are accorded German citizenship. An exception was made for ethnic repatriates (*Aussiedler*), who lived outside of German state boundaries after 1949²⁵. Based on their German ties by family origin, ethnic repatriates were recognised as co-nationals, and thus given immediate unconditional access to German citizenship (Hippel et al. 2008; Davy 2005; Hogwood 2000; Maynard-Moody 1989).

The census category 'migration background' was created to track those, who, despite their German citizenship, might face integration challenges as newcomers to their host society. The change in terminology was also meant to have a signalling effect in the particular

²³ Guestworker policies were terminated in 1973 when Germany experienced an economic downturn the aftermath of the global oil crisis (Davy 2005).

²⁴ Koopmans (2015, 2017) refers to assimilation as the individual adaption or adjustment to the receiving context socio-economically and culturally, including linguistic and behavioural scripts of action.

²⁵ The repatriation route for ethnic Germans closed down in the early 1990s after a heavy inflow (of about 1.6 million) of ethnic Germans following the collapse of the Soviet Union (Bommes 2000).

historic context of the *Holocaust*. Considering the sensitivity around race-related terminology, the state struggled to find an appropriate expression for an ethnicity indicator, which would be technical and neutral (Amjahid 2017; Schönwälder 2004).

The aim was to account for the increasing share of German ethnic repatriates and naturalised residents²⁶. Their presence had rendered the preceding dichotomy of *German* versus *foreign national* less meaningful. The introduction of the category was part of a larger shift in the underlying immigration policy paradigm, towards actively supporting migrants' efforts to settle in Germany. The introduction of the category was paralleled by the 2005 *Immigration Act (Zuwanderungsgesetz)*, which created mandatory, state-sponsored civic integration and language courses²⁷. Until 2005, the idea of supporting integration into German society had hardly surfaced. The assumption that guest-workers would eventually return to their home countries had prevented any policy that would facilitate migrants' societal integration. Permanent settlement of non-Germans had not been part of the political vision (Davy 2005; Doornik and Bruquetas-Callejo 2016; Traenhardt 2014).

Unpacking the meaning of the policy category 'migration background'

Closely related, but not conterminous with the 'migration background' concept is the notion of ethnicity (Anderson and Blinder 2017; Harrison and Turner 2011). Existing research has demonstrated how the ambiguities between the often interchangeably used migrant and ethnicity categories can entail processes of 'ethnicisation'. The concept of ethnicity puts the spotlight onto the subjective feelings of attachment or belonging, based on the belief in a common origin and shared cultural practices (Lamont and Small 2006; Pfau-Effinger 1999).

Comparative insights with the literature on Dutch census categories helps to reveal ethnicising tendencies in the German context. The Dutch case was analysed by Yanow and van der Haar (2013), who argued that in Dutch registration forms, ideas of ethnicity

²⁶ The term 'migration background' was coined by the German academic Ursula Boos-Nünning, who worked on intergenerational disadvantage of migrant families.

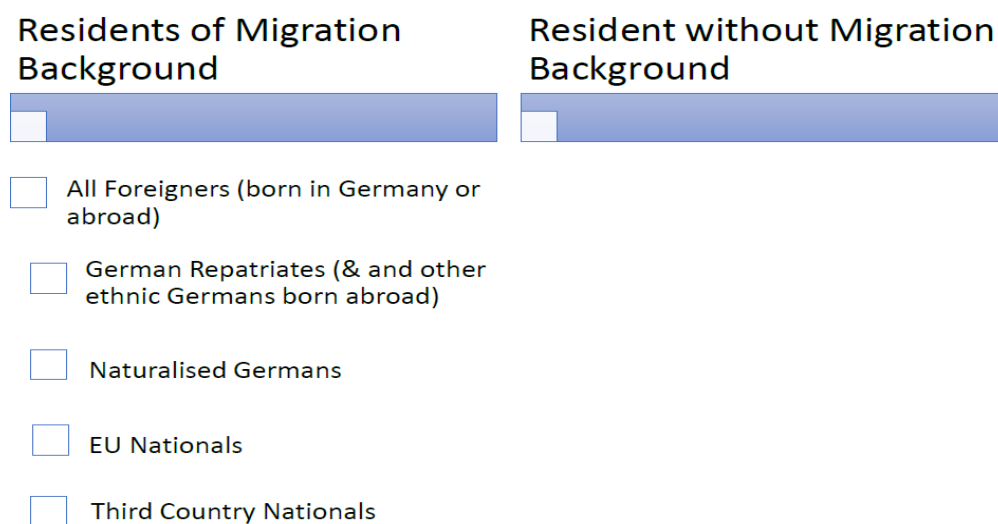
²⁷ The above described political changes coincided with the government's realisation to be in need of immigrant labour, in order to sustain the country's economic growth while being faced with an ageing workforce (Kaiser and Paul 2011; Meer and Modood 2014; Paul 2015). To that end, the 2005 *Residence Act (Aufenthaltsgesetz)*, and the most recent *Blue Card* initiative, created special legal reception pathways for qualified third-country workers to fill job shortages (Feldman 2012; Mourão Permoser 2017; SVR 2017).

or race persist. Instead of being stated explicitly, ideas of ethnicity are an “absent presence” (Yanow et.al. 2016, 5), through the reliance on the proxy of birth geographies. By separating residents into *allochtoons* (of foreign birth) and *autochtoons* (of Dutch heritage), public policy practices categorise populations along ethnic lines. Yanow illustrated how the seemingly neutral administrative term becomes a racial discourse in disguise. The category implicitly enacts an imaginary of a nation as homogeneous national-cultural entity. It does so by drawing on essentialist notions of membership based on ancestry (Yanow and van der Haar 2013).

One's birthplace or that of one's (grand-)parents, similarly serves as a surrogate for ethnicity in the German categorical scheme. Due to the fixed nature of the 'migration background' category, the seemingly immutable in/out binary creates the illusion of natural belonging based on descent. The policy category sets implicit, cognitive anchors about the boundaries of membership in the community (see Boswell et al. 2011; Crepaz and Damron 2008; Muegge and van der Haar 2016; Yanow 2003).

In short, it can be argued that the term acquires an ethnicised undertone, as only those born German citizens in Germany are perceived to be *genuinely* German (see Figure 3.2).

Figure 3.2: German census categories to track the composition of the population



According to the administrative classification, all others remain migrants for life, independent of their nationality, or for how long they have lived in Germany. While the group of residents with a 'migration background' has several differentiations, ethno-

cultural difference becomes constructed as one essential and natural trait for the resident category without a 'migration background'.

In light of the above, the underpinnings of the administrative category 'migration background' could be qualified as an instance of ethnicism (Lewis 2000; Silverstein 2005) or racism (Miles and Brown 2003)²⁸.

The logics underpinning the administrative category contrast with current sociological work on social, ethnic or national boundaries. The latter emphasises the fluidity, the multiple memberships and subjective dimensions of belonging (see Sharma 2014). According to this social constructivist lens, shared attitudes and behaviour, which act as cultural markers, are developed through contact in a specific setting or situation. People group one another based on their perceived differences and similarities. Boundaries between social groups, between “us” and “them”, are conceptualised to emerge from constant (re)construction (Lamont and Molnár 2002; Lamont and Small 2006; Lamont and Huutoniemi 2011; Lamont and Mizrachi 2012; Lamont 2015). Barth (1970) was the first to provide such a process-oriented, relational analysis of ethnicity against existing primordialist schools of thought, which advanced a more static understanding. He argued that collectivities develop through a process of maintaining and re-negotiating boundaries with other groups, whereby social actors deploy specific cultural features to accentuate similarity or difference in their interactions.

In summary, the ethnicising label 'migration background' reveals the path-dependence of shared origin, as one can acquire German citizenship, but not necessarily become *autochthone*. Belonging in the German context in terms of policy categories is defined through ethno-cultural markers of descent and language. EU migrants, who fall into the umbrella category 'migration background', might, by consequence, become subjected to ethnicised categorisation processes when their social entitlements are assessed locally.

The salience of administrative categories in policy implementation

Part of the existing literature has discussed the salience with which such policy categories can unfold during the local implementation processes, from a conceptual angle. Lamont and Small (2006), and Wimmer (2013), have shown in their work how categorical

²⁸ Considering the specific historical legacy post-Nazi Germany carries (Silverstein 2005), this research foregrounds the notions of ethnicity/ethnicism and rather than race/racism.

systems can form symbolic boundaries, which gain salience, once institutionalised through law or census.

Categories can bring about performative effects in policy-making and implementation (Anderson 1983; Yanow 2003). They do so by acting as a tacit framing device of social realities (Harrits and Møller 2011; Muegge and van der Haar 2016). In their function as frames, categories set out the taken-for-granted, highly normative, historically and geographically context-dependent assumptions. Such frames then guide the subjective interpretation of a particular policy problem, its structuring causes and the appropriate solution (Bacchi 2009; Boswell et al. 2011; Vinzant and Crothers 1998).

In their everyday use, categories can translate into real-life material advantages and disadvantages. Access to welfare goods is a good case in point. As Keeler (2016) and Rasmussen (2012) illustrated in the case of health policy, categories commonly construct target populations. The categories symbolically differentiate between potential recipients, defining some as eligible, and others as not. Assignment to the target group subsequently determines whether or not applicants can gain access to publicly provided goods and services (Schneider and Ingram 1993). For instance, the legal distinction of EU citizens, categorising them either as workers, as job-seeking and as economically inactive (see Chapter 2.2), determines EU migrant applicants' entitlements to social benefits. Heindlmaier's (2018) study of the link between *CJEU* and domestic case law and local implementation of German minimum income benefits offers an interesting example in this regard. The author comprehensively documents how restrictive supra-national and national case law, defining policy categories, guide administrators' increasingly restrictive interpretation of EU citizens' entitlements.

Policy categories also have moral underpinnings, which Mau (2003) captured in his writings on the German moral economy (see Chapter 2.3). By separating welfare recipients into contribution-based *UB I* and state-financed *UB II* beneficiaries, policy categories can shape public perceptions on claimants' deservingness to receive public support. Within the reciprocity-based German welfare state model, claimants of insurance-type benefits are generally seen as more deserving than those receiving tax-financed social support (see Lamont 2014; Link and Phelan 2001; Skeggs 2015). As Wright (2011a, 2011b) has shown in her work on immigration policy, policy framing can

have important signalling effects on individual views and attitudes. What remains less well understood is how the (non) 'migration background' binary might intervene in shaping perceptions on the EU citizens' social legitimacy to claim or lack thereof. Considering EU citizens' status as non-nationals, the category described above is likely to affect street-level interpretations of EU social citizenship rights.

Understanding migration status

The theoretical literature on the meaning of migration status is helpful in better grasping who and what fall under the heading of 'belonging' at local level. The empirical scholarship on public attitudes towards migrants and welfare support offers complementary insights into migrants' social status and individual perceptions thereof. Both areas of research foster better understandings of how ascribed social status inequalities between EU migrant claimants and German-born national claimants might emerge over the course of local policy implementation, revealing how migration status not only relates to social network effects but also to perceptions of the 'other'.

Part of the conceptual writings on migrant status links migrants' de-classing in their host society, in terms of both material well-being and status, to the devaluation and/or non-convertibility of their capitals during their social interactions with fellow residents. In this regard, Bourdieu's (1986) work on habitus and capital set the foundation to our current understandings of how status inequalities, and associated socio-economic inequalities, emerge between societal groups. He distinguished between three complementary, and mutually reinforcing types of capital. According to Bourdieu, such capitals subsequently determine an individual's position within the social hierarchy. These capitals are (i) cultural, i.e. the shared culture signals, institutionalised through educational qualifications, (ii) social, in the form of durable social networks, and (iii) economic, designating the material resources to secure an economic position within society (Platt 2016). An individual's capital endowment shapes his or her perceptions, behavioural expectations and practices. Individuals with similar capitals (or habitus) cluster into one (homogenous) grouping or class (Bourdieu 1987; Bourdieu and Johnson 1993; Lizardo 2010; Sayer 2005a; Sayer 2005b).

Migrants' friendship and acquaintance networks do not necessarily incorporate members of the host society. Such ethnically more homogeneous networks render their social

capital less effective in accessing local-level jobs and (public) resources. Migrant residents lack the host society's reference system of typical routines and scripts of action. Yet, the knowledge of such unwritten codes is necessary to react in ways which are considered appropriate by other members (Massey and Sanchez 2010; Nohl et al. 2006). The knowledge of such codes is what Swindler (1986) referred to as cultural repertoires. She defined the latter as the toolkit of shared habits, from which people construct their strategies of action. Hall and Lamont (2013) posited that not having the same repertoires can lead to structural constraints in accessing public goods, based on differences in social codes and behaviour which might engender perceptions of apparent outsidership for migrant residents.

Effectively, public attitude data reveal how, since 2015, the topic of immigration to Germany continuously has gained in salience. According to a 2015 survey in the lead-up to the national parliamentary elections, 88 per cent of the respondents ranked the issues on integration/immigrants/refugees among the key challenges which Germany currently faces (SVR 2019). How the majority population evaluates the topic of immigration mainly depends on the perceived economic repercussions of immigration, immigrants' socio-economic profile and their 'cultural fit' (SVR 2019). The socio-economic panel *SOEP* revealed that an increasing part of Germany's resident population considers immigration to be a concern. While in 2014, about 26 per cent of the respondents in Germany worried about immigration, the percentage rose to 32 per cent in 2015, and to 46 per cent in 2016. In contrast, the percentage of those who did not consider immigration to be an issue dropped by almost 50 per cent, from 33 per cent in 2014 to 15 per cent in 2016 (Sola 2018).

Other studies, such as a representative survey carried out by the *Bertelsmann Foundation*, offer insights into why immigration might be perceived this way. The majority of the respondents expressed concerns on the repercussions immigration might have on the performance of the German economy and the country's social fabric. They tended to judge the disadvantages immigration might cause to clearly outweigh its benefits. For instance, the rate of respondents who considered migration a solution to counter Germany's shortage of skilled labour dropped by 11 per cent between 2012 and 2017, from 52 to 41 per cent. In contrast, the percentage of those who rated immigration to be a burden to the German welfare state significantly increased from 64 to 79 per cent.

Similarly, 65 per cent of respondents believed that immigration contributed to the lack of affordable housing in urban areas, which was 18 per cent more than five years prior (Bertelsmann Stiftung 2017; SVR 2019).

However, distinctions should be made by immigrant group. According to recent public attitude data from the EU Commission-financed *Eurobarometer* survey (November 2018), the German resident population judged immigration of EU nationals to Germany more positively than immigration of third-country nationals. About 71 per cent of the population in Germany saw immigration from other EU member states as positive, and 23 per cent as negative. As far as non-EU immigrants were concerned, immigration to Germany evoked a positive feeling for 39 per cent. More than half, about 53 per cent, of the surveyed population considered inward migration of third-country nationals as negative. Though, it can be noted that, in general, attitudes towards both EU and non-EU immigrants have become more positive in recent years. Between 2014 and 2018, the percentage of respondents seeing EU immigration as positive rose by 20 per cent, and of those considering non-EU migrants' arrival as valuable by 10 per cent²⁹.

The empirical literature on welfare chauvinism offers complementary insights. The body of scholarship has shown that a status as stranger can provoke feelings of economic threat among the majority population (Castañeda 2015; Cook et al. 2012; Harell and Soroka 2010; Harell et al. 2012; Hayes 2004; Mewes and Mau 2013; van der Waal et al. 2013). The latter can lead people to privilege their fellow citizens in redistribution processes (Ford 2015; Wimmer 2013). *European Social Survey* data have illustrated how respondents tend to be the least solidaristic with immigrant residents, being ranked lower in the deservingness hierarchy than nationals of any status, including the unemployed (Svallfors 1997, 2004, 2012; van Oorschot and Uunk 2007; van Oorschot 2008; van Oorschot and Meuleman 2012). Kootstra (2016) specified through a vignette experiment in the Netherlands and the UK how ethnic background was not necessarily a decisive factor in the majority population's meritocratic judgements towards unemployed welfare claimants. Her analysis exposed a double standard, showing how ethnic minority claimants who exhibited 'unfavourable' behaviour (such as those who failed to look for work or who had a short work history) were punished more severely for this than similar majority Dutch or British claimants.

²⁹ See <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Chart/index> (last accessed 23.04.2019).

Tajfel (1979), a scholar on social-psychological contact theories, explained this phenomenon through the intention of in-group members to affirm and protect their socio-economic position within the group. By asserting their apparent unity as a group towards the significant 'other', a positive in-group identity gets constructed. Within a nation-setting, ethnic minority or immigrant groups are often ascribed the function of the negative 'other' (Triandafyllidou 2001).

Post-colonial scholars also studied such in- versus out-group dynamics, from the angle of race and ethnicity. They explained apparent status inequalities through perceptions of ethno-cultural differences (Castro Verela, Maria do Mar and Mecheril 2016; Gutiérrez-Rodríguez 2010; Silverstein 2005). Several authors argued that the current inequalities between German nationals and immigrant residents in accessing local labour markets and state-owned resources mirror colonial logics of European superiority and cultural hegemony (see Paul 2015; Schönwälder 2004). But instead of relying on biological traits, in the form of biological racism, differential access is justified through varying behavioural and socio-cultural norms (Hagendorn 1993; Platt 2016; Silverstein 2005). Such cultural racism (or ethnisisation) portrays migrants, because of their value differences, as less valuable members of society. This status degradation can be qualified as stigmatisation (Walker 2014) or stereotyping (Gans 1995; Link and Phelan 2001). Such processes serve as a justification for excluding immigrant residents from full participation in the host society.

Part of the empirically-grounded deservingness literature investigated the impact of demographic factors in developing such welfare chauvinistic, stigmatising attitudes. Studies explored the significance of class background (Mewes and Mau 2012), age (Staerklé et al. 2012; Svallfors et al. 2012) and gender (Svallfors 2012). Research also discussed the conditions under which citizens are prepared to share resources with outsiders, or non-citizens (Breidahl 2012). Public attitude data revealed how people perceive benefit access as more legitimate after financial contributions (Hainmueller and Hiscox 2007; Reeskens, van der Meer 2015). Others studied pointed to behavioural compliance to play an equally important role (Kootstra 2016).

Less well explored is how this 'welfare-mobility dilemma' (Righard 2008) is resolved in local-level policy practice. Research either examined potential bias in street-level

decisions towards different claiming groups, including ethnic minorities, or looked into in-group favouritism surveying the general population. Limited attention has been paid to the ways in which welfare chauvinism among the majority population, which is activated by foreign nationals' apparent outsidership, might be implicated in administrative claims-processing. To clarify the impact of ascribed status differences between insiders and outsiders to the national welfare community, the last section develops a conceptual framework based on the notion of bureaucratic discrimination, which serves as a tool for the empirical analysis.

3.3 Towards an explanatory framework

While research has examined ideas about belonging and deservingness inscribed in law and policy, less is known of how the former play out with regard to administrators. To clarify the potential role of ideas on belonging and deservingness on local implementation practice, the analysis is approached through the conceptual lens of bureaucratic discrimination, or as Dwyer et. al. (2019, 6) termed it, 'institutionalised welfare chauvinism'. The idea of bureaucratic discrimination aims to capture the processes of unequal treatment and inequality of benefit access in practice, of how the same rule can be applied and experienced differently by different applicants. Such processes of administrative inclusion and exclusion lead to disadvantage experienced by certain claimant groups which cannot be explained by the legal framework.

The literature review helped to identify two main set of reasons of why bureaucratic discrimination might occur. As demonstrated by socio-psychological theory, the latter can relate to the negative, and stereotyped views of 'the other', which leads to an unconscious bias or preference. Such instances of individual discrimination map onto Maynard-Moody and Musheno's (2003) *citizen-agent narrative*. Alternatively, discriminatory perceptions can result from institutional constraints. In this scenario, some claimants are viewed as having, on average, some characteristics which might render their case more challenging or costly to process. In this respect, claims-processing is seen as a result of pragmatic improvisation due to the work pressure, which correspond to Lipsky's (1980) *state-agent narrative*. Discrimination can also arise from situations of imperfect information about EU claimants, so-called organisational blind spots (Bach and Wegrich 2018).

As the literature review further highlighted, front-line welfare workers can, in their role as gate-keepers to benefits and services, shape (in)equalities in access for different claimant groups. Such inequalities in access may take several forms, which can be subsumed under the headings of either direct or indirect discrimination. The former refers to the differential allocation of public resources between, or unequal treatment of, different claimant groups because of their apparent characteristics. For instance, intentionally (and illegally) breaking with the legal requirements and administrative rules to block benefit receipt would qualify as a form of direct discrimination.

Indirect discrimination happens when the same rules are applied to every claimant, which might disadvantage some of them because of their characteristics. The *Race Equality Directive (2000/43/EC)* defined indirect discrimination as instances “where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons”. Principles of formulaic equal treatment fall in the realm of indirect discrimination. Moreover, subtle strategies such as the imposition of administrative burden could be interpreted as a form of indirect discrimination, as it is distributed unequally across claimant groups. Administrative burden could take the form of asking for additional documentation to process a case, or of sharing information with some applicants but not others.

In short, the proposed explanatory framework understands the unequal treatment between EU claimants as emerging from the interplay between organisational logics and constraints, in the form of institutional bias, and ideas of belonging and deservingness, which can take the shape of stereotyped perceptions. Both processes contribute to a process of filtering EU citizens' claims during local-level policy implementation. In this context, (in)direct discrimination alludes to the type or the form of bureaucratic discrimination (the 'how'). The dimension captures the practices of 'administrative inclusion and exclusion', which can lead to inequalities in access to benefits and services on the ground (research question 1). The mechanisms explaining such inequalities in access ('the why') could be summarised in the notions of individual and institutional discrimination (research question 2).

Building an analytical framework

The starting point for the analysis is Lockwood's (1996) theoretical deliberations on

citizenship, which have remained unconnected to the street-level bureaucracy literature. He highlighted how both the legal framework *and* informal status ascriptions define real-life substantive access to entitlements. As Lockwood argued, substantive social rights are impacted by both the legal entitlements and the subjective interpretations thereof. Such intangible status constructions are studied through the lens of Lamont's (2014) symbolic and social boundary-drawing processes³⁰, which treat ascriptive group membership as emerging out of social interactions. Local job centres become the site of struggle for social citizenship claims. It is during and through the street-level interaction between administrators and claimants that the boundaries of 'welfare belonging' are (re)negotiated. Ascriptive membership, or in simple words, the views of 'the other', in this research, takes into account the intersections between legal citizenship status, ethnicity, social status and gender. Together, they define the symbolic boundaries of belonging (see Muegge and van der Haar 2016; Yanow 2003).

A process-oriented analysis also helps to reveal how street-level bureaucrats filter EU citizens' claims at local level. The analysis reveals the competing frames and the ambiguities typical of the informal side of entitlements, beyond the legal framework. Such processes include the phenomenon of 'othering' (or ethnicisation/essentialisation), which can be defined as the ascriptive processes of attributing certain behaviour as a defining and immutable trait to a group (Yanow and van der Haar 2013). The marking of groups by such seemingly natural and irreversible characteristics is defined as stereotyping. The latter often results in structural, or institutional discrimination, i.e. the accumulated institutional practices which work against certain disadvantaged societal groups (Link and Phelan 2001).

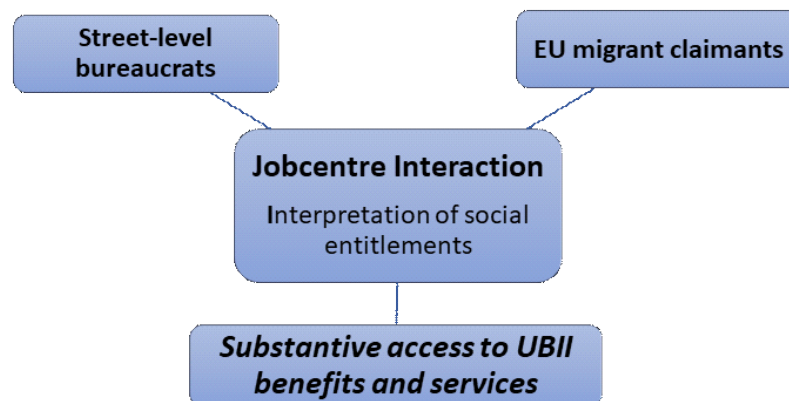
Approaching EU social citizenship from a bottom-up policy process perspective allows for going beyond more traditional accounts of citizenship as a mere status. Instead, EU social citizenship is understood as a set of practices and deliberations that emerge over the course of local policy implementation, when so-called activist citizens challenge and negotiate the interpretation of their status from below (Bloemraad 2017; Isin 2009) (see Figure 3.3). This includes migrant residents who actively shape and potentially resist

³⁰ Scholars (such as Lamont 2015; Lamont and Molnár 2002) have distinguished between symbolic and social boundaries. The first are defined as the conceptual distinctions made by social actors to categorise other people, helping them to acquire status and to monopolise resources. Symbolic boundaries become social once such conceptual distinctions manifest themselves materially in unequal access to and the unequal distribution of resources.

administrators' interpretations of their claims by actively responding, and potentially subverting, the demands set out by their local job centre.

Considering the EU citizens' formal status as non-nationals (or non-citizens), the inquiry rests on a central tenet of social-psychological theory. The latter has shown that national (German) citizens privilege in-group members, as their 'fellow insiders', in welfare resource redistribution (Tajfel 1979). Such in-group preferences raise the question of how outsiders to the welfare community are treated. Insofar as EU migrants are outside of the imagined welfare community of their host country, they presumably activate politics of belonging when they interact with local welfare bureaucrats.

Figure 3.3: An explanatory model of local policy implementation dynamics

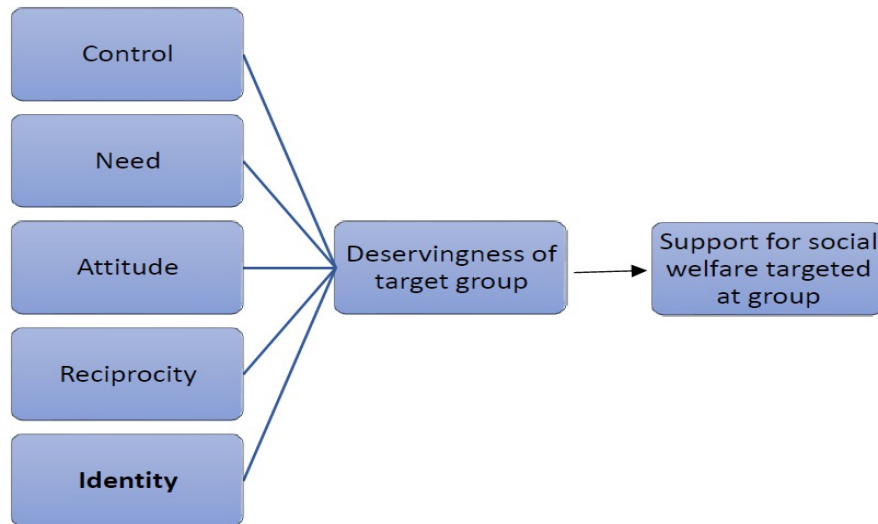


To examine administrators' potentially diverging ideas on EU migrants' (un)fairness to claim benefits, van Oorschoot's (2006) typology on deservingness offers a helpful heuristic (see Figure 3.4). He was the first to operationalise a set of five criteria upon which the perceived social (il)legitimacy to receive redistributive, state-financed support is commonly evaluated. According to his model, judgements of deservingness are based on (i) the (un)ability to have control over one's neediness, (ii) the respective level of need, (iii) recipients' behavioural (non-)compliance, (iv) their reciprocity in terms of prior contributions to society, (iv) and their identity, relating to perceived difference of people³¹. While welfare administrators commonly discriminate between worthy claimants to include and unworthy claimants to exclude, there is little nuanced account to date of how van Oorschoot's (2006) criterion of *identity* impacts administrative practice. This study seeks to address the gap by providing a critical and fine-grained analysis of how

³¹ Undeservingness pertains to the deviance from any of the criteria van Oorschoot (2006) defined.

street-level bureaucrats understand and make sense of the EU migrant status when assessing their claims.

Figure 3.4: The welfare deservingness model



Source: Laenen (2019, 9).

In addition to administrators' personal value systems shaping implementation behaviour, the street-level bureaucracy literature highlighted the role of institutional demands. Portraying barriers to benefit receipt as a result of direct discrimination would run the risk of an over-simplistic account which overlooks other potential contributing factors. As both Koopmans et al. (2015) and Wimmer (2013) have shown, observable policy outcomes can be patterned along ethno-national lines. However, outcomes may result from non-ethnic processes of inclusion and exclusion instead of instances of direct discrimination.

To capture the role of institutional forces, the study builds on Scharpf's (1997, 2000) actor-centred institutionalism. His theoretical framework explains policy outcomes as emerging from the interplay between intentional actors, in this study namely EU migrants and local administrators, and the regulatory institutions, such as free movement and social security policies. The institutional environment create incentives and opportunities for certain actions, while structural constraints serve to limit the choice thereof. Thereby, institutions may enhance or restrict administrators' ability to enable or block EU citizens' benefit receipt. In short, as Scharpf argues that institutions matter. They can shape both actors' non-rational, subjectively preferences (or aspirations), and their ability to (not) act

upon them. Institutions shape the contextual boundaries within which policy actors act and interact.

In summary, as stated at the outset of the study, bureaucratic discrimination towards EU citizen claimants, expressed through inequalities in access, is conceptualised as a result of the interplay between ideas about deservingness and belonging (identity-based discrimination) and institutional forces which can create structural bias (institutional discrimination). Both facets mostly reinforce one another, while some variation persists. The following empirical chapters draw upon this framework in examining how and why administrative practice creates inequalities in access to benefits and services among EU citizens.

3.4 Concluding reflections

Recent research by Dwyer et al. (2019) has identified local implementation dynamics as a fourth level of conditionality in stratifying EU citizens' social rights. While the other three levels have been addressed by current scholarship (see Chapter 2), the latter seems to remain under-researched. However, front-line work could be considered as forming a significant dimension, as it is only during local-level practice that social rights claims are substantiated.

In explaining processes of inclusion and exclusion of EU migrant citizens in local job centres, Dwyer et al. (2019) alluded to issues around institutionalised welfare chauvinism, but the exact mechanisms have not yet been clarified. This study aims to contribute to the debate by engaging with implementation processes on the ground. The thesis seeks to expand and substantiate on the role of street-level bureaucrats in shaping substantive benefit receipt when assessing EU citizens' claims to social entitlements. The thesis explores the role of a 'cultural conditionality' in stratifying EU citizens' social rights, whereby EU citizens are expected to demonstrate belonging through cultural markers such as language or familiarity with norms at street-level. The analysis goes beyond the law and policy, asking how access to benefits and services is granted in practice.

The existing body of street-level research helps to understand the constraints of policy implementation more broadly. Such writings analysed how street-level bureaucracies commonly rely on routine methods of claims-processing, which emerge from the

organisational constraints of high caseloads, scarce resources and minimal time. Other studies underlined the moral dimension of street-level work, illustrating how claimants' perceived moral deservingness shapes discretionary decisions. These works re-conceptualised policy implementation as a two-way, interactive process, whereby claimant's socio-demographic characteristics and behaviour could influence the policy outcome. Studies have highlighted the role of street-level bureaucrats as *de facto* policy-makers, who have the power to shape boundaries of inclusion and exclusion to public support by granting or blocking substantive benefit receipt.

In the light of the limited scope of research on migrants' interactions with welfare bureaucracies, the review was broadened to the literature on immigration policy implementation. The latter offered insights into what shapes the interactions between national bureaucracies and migrant users, including considerations for protecting national resources which might shape administrators' decisions. Overall, street-level scholarship brought to the forefront the interplay between organisational and procedural constraints and individual deservingness attitudes. As captured by Scharpf's (1997, 2000) actor-centred institutionalist framework, organisational and ideational factors conjointly structure local policy implementation.

Considering Lockwood's (1996) tenet that a social rights claim engenders two elements, namely the formal dimension of legal entitlements, and a symbolic dimension of ascribed status, the chapter also analysed ideas about belonging as enshrined in policy categories. The aim was to unpack the types of the underlying, but unspoken normative assumptions and policy legacies which might structure the local-level interpretation of 'the migrant' status. Categories like 'migration background' shed light onto how ethno-cultural markers of shared origin continue to define belonging as a full citizen to Germany in policy.

The short historical review illustrated how, within the German context, citizenship and integration policies have always been characterised by, and institutionalised as, two simultaneously operating logics, namely of ethnic descent, as a proxy of belonging to a community, and of economic utility, seeing migrants as mere units of production. Both frames have not emerged in a vacuum but should be understood in the light of Germany's particular history regarding migration, ethnicity and nationality. The belief of the migrant as a guest and cultural outsider, who never becomes a full member of society, transpired

into the formulation of the 'migration background' policy category. 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.

The chapter further illustrated how on the surface neutral, but politically loaded categories, act as implicit framing devices of policy problems and solutions, and have the potential to shape administrators' understandings of belonging and deservingness. The ethnicity-based status ascriptions described above are considered important against the backdrop of Massey's (2007) writings on categorical inequality. He showed how normative ideas, once enshrined in policy categories, could unfold distributional consequences with respect to the allocation of state-owned goods and services. Following the basic tenet of both the theoretical and empirical welfare chauvinism literature, in-group favouritism is likely to come into play as part of local policy practice. The subsequent findings of Chapters 5 to 7 explore how ideas about deservingness and belonging can affect EU migrants' inequalities in access to *UB II* benefits and services.

4 Research Methods

Considering the focus of this research on street-level implementation dynamics, qualitative methods are an appropriate means of capturing the lived realities of everyday claiming and claims-processing. Qualitative methods allow for uncovering the subjective understandings of both parties involved, namely EU citizen applicants and local administrators. This chapter describes the methodology of this interpretative study in more depth, including the research design, the methods of data collection and of data analysis. I finish with a reflection on my positionality as a researcher, which was likely to have impacted how the study was conducted and the findings themselves.

4.1 Research design

This research aims better to understand how administrative practice in local German job centres shapes the inequalities in access to benefits and services, with a focus on EU migrants' and street-level bureaucrats' experiences. The study follows the tradition of interpretative policy analysis. The latter seeks to critically assess existing policy and its implementation, in order to improve the experience of target groups (Wagenaar 2011). To reiterate, the research questions of the project are defined as follows:

1. *How do administrative practices in German job centres construct (in)equalities in access to benefits and services among EU migrants, and in what ways do EU migrant claimants respond?*
2. *In what ways are ideas about deservingness and belonging implicated in local implementation processes?*

The study focuses on the mechanisms³² which explain EU citizens' varying experiences accessing the social subsistence securing *Unemployment Benefit II (UB II, or ALG II, for Arbeitslosengeld II)*, also called *Basic Jobseekers' Allowance*, and the associated labour market integration services (*Integrationsleistungen*) in Germany. Job centres, which

³² While I outline the complex picture of interlinked mechanisms which shape (in)formal barriers to access, it would go beyond the scope of this research to establish the magnitude of each of the intervening factors, as well as of the impact for each and every national group of EU migrants.

administer this benefit, could be regarded as a paradigmatic case of a social administration. As a first point of contact with the German bureaucracy for newly arrived EU migrants, job centres not only support labour market integration, but they manage the only tax-financed, social-assistance type benefit accessible to working-age applicants. Regarding the latter, ideas about deservingness and belonging are expected to play out more strongly than for insurance-based benefits, where contributions generate clearly defined entitlements.

To generate the findings, I relied on qualitative interviews and observation, which are both commonly used in organisational ethnography (Schwartz-Shea and Yanow 2012). The mix of data sources helped to capture the process of claim-making at the local level from different perspectives, and enabled the triangulation of findings. As Soss (2006) reflects, in-depth interviews, the main data collection tool in this study, are an exceptionally flexible tool of information gathering. Interviews allow for conversations to be open-ended, while simultaneously being able to control the flow through probes and follow-up questions. Overall, they help to explore how participants' varying "understandings emerged from their experiences with particular types of policy designs and bureaucratic transactions" (Soss 2006, 164).

I conducted a total of 105³³ 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. The sample of 119 interviews is comprised of three subgroups of study participants. I (formally) 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)³⁴, and (iii) job centre staff (55 interviews). These are all detailed in Appendix 3.

Inspired by policy ethnographic research, I also recorded observational data wherever possible and shadowed a number of street-level bureaucrats in their work (Schwartz-Shea and Yanow 2012). The emerging field notes informed the analysis of my qualitative

³³ Nine of those interviews were of a more exploratory nature, to inform the study design.

³⁴ Two exploratory interviews were conducted with third country nationals, who were part of my extended social networks. Even though, as a naturalised German citizen (of Mexican origin) and a US citizen married to a German, they did not fit the exact scope of the study, they provided valuable and complementary insights into the topics to be explored in the EU citizen interviews.

interviews. The field notes provided deeper insights into the internal working logics of the job centres. Observations entailed the shadowing of administrators (over eight working days in job centre B, and over five working days in job centre C), and participation in internal staff training (over four days in job centre A). Field notes from observation served as a backdrop when interpreting the interviewees' subjective accounts of their everyday working routines (see Jerolmack and Khan 2014).

Considering the limited time and resources available, I shadowed administrators at key moments of pressure, for instance towards the end of office hours, or after a public holiday. Such a technique helped to reveal some of their unconscious cognitive dispositions. 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. The latter included five expert round-tables and network meetings convened by welfare organisations (see Appendix 3 for details). Observations of such meetings allowed for the extrapolation of the Berlin-based findings on their potentially wider applicability. I also took legal and policy documents into account, including German social legislation, court decisions, and internal job centre working documents, that is administrative protocols, procedural guidelines, claims forms and advice material.

Methodologically, I 'extended out' from the observations made in my sub-cases of three Berlin-based job centres, through what Burawoy (1991, 1998) called 'critical science'. By connecting observations to pre-existing theory, the pathways and mechanisms which link the micro-level to the macro-level were reconstructed. To understand the process of claim-making in its complexity, I focussed on the interplay between the micro-level individual interpretations and the meso-level organisational procedures of the job centre. However, my findings remain context-specific. I do not intent to claim any generic representativeness or abstract generalisability. Instead, I rely on the idea of context-dependant transferability across job centres of similar embeddedness (Crotty 1998; Geertz 1975).

The close and intimate insights of this in-depth qualitative investigation of EU migrants' interactions with the German social bureaucracy allowed for a suggestive analysis of the processes that shape local-level inequalities in access within the EU citizen group. What these sorts of data could not reveal were the extent of such inequalities relative to German

nationals, which would have gone beyond the scope of this study.

Case study selection: A nested case study format

In order to gain “a fuller, more grounded, practice-based understanding of organisational life” (Brodkin 2017, 2), the study followed a comparative case study logic. According to Gerring (2009, 94), a case “connotes a spatially delimited phenomenon (a unit) observed at a single point in time or over some period of time”.

The approach taken to my small-N case study can be best described as a nested one. I examined the practice of German social administration through the lens of local job centres as my unit of analysis. There are 408 job centres in total, which serve about 4.3 million beneficiaries³⁵. The legal framework under which job centres operate, the so called *Social Code SGB II*, is the same for all local institutions. Yet, each job centre has relatively large freedom in determining its organisational structure and processes (Zimmermann and Rice 2016).

Figure 4.1: The structure of job centre administrations



Source: Based on job centre staff interviews.

About 303 of the local job centres are joint institutions between the *Federal Employment Agency* and the municipality (*gemeinsame Einrichtungen*). Approximately 105 job centres are locally-run job centres, authorised municipal authorities (*zugelassene kommunale Träger*), which provide for an alternative governance model (Brussig et al. 2017b; Cyrus and Vogel 2003; Dittmar 2016; Senghaas 2017, 2017) (see Figure 4.1).

As regards feasibility, the study examined the implementation processes in a select number of cases in Berlin, choosing depth over breadth. Berlin has no municipally-run

³⁵ <http://www.sgb2.info/DE/SGB2/Serviceestelle/serviceestelle.html> (last accessed 18.02.2019).
<https://statistik.arbeitsagentur.de/Navigation/Statistik/Statistik-nach-Themen/Grundsicherung-für-Arbeitsuchende-SGBII/Grundsicherung-für-Arbeitsuchende-SGBII-Nav.html> (last accessed 18.02.2019).

job centres, which led to the focus on the jointly governed institutions. The latter are headed by the *Federal Employment Agency (FEA)* as the operating arm of the *Federal Ministry for Labour and Social Affairs*. The agency oversees the coherent application of rules and practices concerning the implementation of the Social Code *SGB II* across Germany. To that end, the *Federal Employment Agency* regularly issues special instructions (*fachliche Weisungen*) and internal guides (*Arbeitshilfen*). The *FEA* establishes the overall administrative framework (Heidenreich and Rice 2016) and allocates local job centres' funding, proportional to the size of the respective claimant population³⁶.

Three Berlin-based job centres were selected as sub-cases to contrast and compare between institutionally similar locations. Berlin has 12 job centres, mirroring the structure of the 12 boroughs of the city. I selected three institutions on the basis of their geographical location (taking into account the former East-West divide), their economic characteristics and their (migrant) claimant profiles. The aim was to achieve purposeful variance, inspired by Mill's (1843, 2002) *Most Different Systems Design* (see Table 4.1). As a variation to Mill's classic *Method of Similarity*, the selection encompassed three differently located job centres with differently constituted caseloads to see whether or not, and in what ways, such a variation might affect the conduct and attitudes of street-level bureaucrats towards EU migrant claimants. However, considering the context of a qualitative study employing an interpretivist methodology, Mill's comparative case study method was loosely applied instead of starting out with a formal hypothesis. Potential hunches developed from the literature review served as a starting point, while I remained open to any analytical ideas emerging from the data in a grounded approach.

The analysis suggested that local variation in job centres, whether with respect to their geographical location (regarding their respective location in East or West Berlin, and their experience of gentrified or deindustrialising circumstances) or their (migrant) claimant profiles, did not seem materially to affect street-level bureaucrats' conduct and attitudes. Even though some variation in terms of magnitude may arise, the overall trend of categorical containment, of seeking to complicate access for EU migrant groups in marginal employment, especially if of Eastern European origin, appeared to persist across

³⁶ Benefits and labour market integration programmes are funded by the *FEA*, while local government pays for accommodation, and social services, such as psychological, financial and health support services (Dittmar 2016)

locations of similar embeddedness (i.e. the local job centres jointly run by local government and the *Federal Employment Agency*). As the analysis throughout the dissertation shows, the similarity of outcomes can be explained through ideas of belonging and deservingness present in all job centres under study, which may transpire into instances of individual discrimination based on stereotyped beliefs, and/or institutional discrimination stemming from structural blind spots regarding the needs of EU migrant applicants.

Table 4.1: Characterising the sampled job centres

Case	Geographic location and economic characteristics	Migrant claimant profile
JC A	District in Western part of the city City centre outskirts Strong de-industrialisation over the last two decades 8,5 % unemployment (June 2017)	Initially low migrant presence Mainly former guest worker citizens Recent inflow of mainly Eastern European EU citizens and Third Country Nationals (resulting from inner town gentrification processes)
JC B	District in Eastern part of the city City centre outskirts Mixed: gentrified and economically structurally weak areas 5,7% unemployment (June 2017)	Persistent low migrant presence Mainly former Vietnamese guest workers and ethnic German repatriates
JC C	District which encompasses former Eastern and Western parts of the city City centre Recently strong gentrification 6,6 % unemployment (June 2017)	Historically strong migrant presence, mainly former (Turkish) guest workers and (Eastern European) EU citizens More recently Western European artists

Source: Based on job centre staff interviews and www.statistik.arbeitseagentur.de for claimant profiles (accessed August 2017).

Selecting Berlin as a study site builds on the idea of Burawoy's (1998) extended case study method, by which a certain degree of transferability can be achieved through the strategic selection of a paradigmatic case. Within Germany, Berlin, as the biggest agglomeration with 3.6 million inhabitants, is an interesting case. Berlin represents Germany's main migration hub, hosting three times more foreign nationals on its territory than the German average, who account for 19 per cent of its population. About 38 per cent of the foreign resident population are EU migrants, mostly Bulgarian, Romanian, Italian and Polish nationals (Statistisches Bundesamt 2017; Brücker et al. 2013;

Cancedda et al. 2015). Moreover, Berlin-based job centres are some of the largest in Germany. The job centres employ a total of about 7,000 individuals, and serve approximately 400,000 beneficiaries. Berlin-based job centres experience strong pressure, because of high unemployment of about 8.5 per cent in 2017, which is higher than the national average of about 6 per cent (Bundesagentur für Arbeit 2017b)³⁷. Pragmatic reasons in access to data sources, such as informal contacts to gate-keepers, also played into the selection of the Berlin case.

During the research process, I followed an exploratory and abductive logic of inquiry, going back and forth between existing evidence in the literature and theory, and the data I collected to generate explanations (Agar 2010; Locke et al. 2008; Yanow 2012). For instance, the preliminary analysis of the interview material collected until early 2017 revealed how unintended discrimination, caused by case complexity, might be part of the explanation. To clarify, I decided to extend my interview sample to job centre staff and advisory organisations dealing with applicants who experience severe health problems. As their cases tended to be as complex as those of EU citizens, the comparative analysis of their claiming experiences helped to inform my analysis.

Following a similar abductive reasoning, the initial research design, foreseeing a comparison with a second German city, was revised half way through the fieldwork. The first months of fieldwork showed that intra-case variation within Berlin was too high meaningfully to compare the city state to another region. Effectively, inconsistencies of treatment within each of the job centres under study remained considerable. Instead, patterns seemed to apply across job centres, depending on the type of claimant-bureaucrat interaction, and their respective social backgrounds.

Thus, I triangulated emerging findings from the Berlin-based data with observational material from expert discussion fora and practitioners' meetings which reunited job centre representatives from various German regions (see Appendix 3). Observational data from contexts other than the Berlin-based job centres helped to discern whether the trends observed in Berlin could apply to local institutions in other parts of the country.

³⁷ The *Federal Employment Agency* collects two types of statistical data: of those who are unemployed, i.e. not in work, and those who are jobseeking, i.e. currently in labour market integration programmes or underemployed, with no more than 15h/week.

Key informant interviews

I started fieldwork with the key informant interviews. The group of interviewees gave an aggregated overview of EU citizens' claiming experiences from a third-party perspective. Interviewees were selected based on their professional function (see Table 4.2). I interviewed a total of 32 key informants, supplemented by two unstructured conversations. Key informants mostly informed the analysis on the administrative practices which construct inequalities in access among EU citizens (research question 1), as they spoke to the experience of claiming from the recipients' perspective.

Table 4.2: Professional role of key informants

Professional role	Occurrence
Community-based welfare organisations	3
Diversity trainers	4
German welfare organisations	13
High-level policy-makers	6
National embassy representatives	1
Social lawyers/legal experts	2
Others	5

The majority of key informants worked as (EU) migrant counsellors, either within a community-based welfare organisations or as part of one of the German welfare organisations. The so-called *Wohlfahrtsverbände*, i.e. the national welfare organisations, assume a role of social partners in the German tripartite welfare system. This includes *Caritas* (administred by the Catholic Church), *Diakonie* (administered by the Protestant Church), *Arbeiterwohlfahrt AWO* (a civil society movement representing socially disadvantaged citizens, such as impaired or senior citizens), the German Red Cross, the *Paritaetische* (umbrella organisation to a wide range of corporate actors), as well as the German Trade Union Federation *Deutscher Gewerkschaftsbund DGB*. In addition to being responsible for providing community-based social services, such as elderly care or kindergartens, which are provided by the state in countries like the UK, the federal German government mandated the partially state-funded welfare organisations to support newcomers in their socio-economic integration in Germany. Others advised EU migrants in their function as social lawyers or special representatives of an EU member state's

embassy in Germany.

The interview sample also included diversity trainers who trained job centre staff on issues arising from migration-related diversity in service provision and intercultural sensitivity. Finally, the sub-sample encompassed six conversations with high-level policy-makers from the federal administration, who spoke about the topic of EU migrant integration from a macro-level policy perspective.

A formal email introduction was used to establish contact. Contact details were retrieved through internet research and through snowball sampling. Basic rules of anonymisation, such as the use of codes rather than names, seemed sufficient to protect the identities of key informants.

Job centre staff interviews

To gain insight into the day-to-day working routines of local job centres, I interviewed a total of 62 staff members, of whom 59³⁸ were based in Berlin. Three interviews were carried out with the representatives of the overall umbrella organisation, the *Federal Employment Agency* in Nuremberg. I had another 10 informal conversations when observing some administrators in their work. The aim of the job centre staff interviews was to gain a deeper understanding of the local implementation processes from the point of view of the administrators themselves (research question 1). The in-depth interviews also helped to uncover administrators' (inter-)subjective ideas about EU citizens' deservingness for claiming benefits (research question 2).

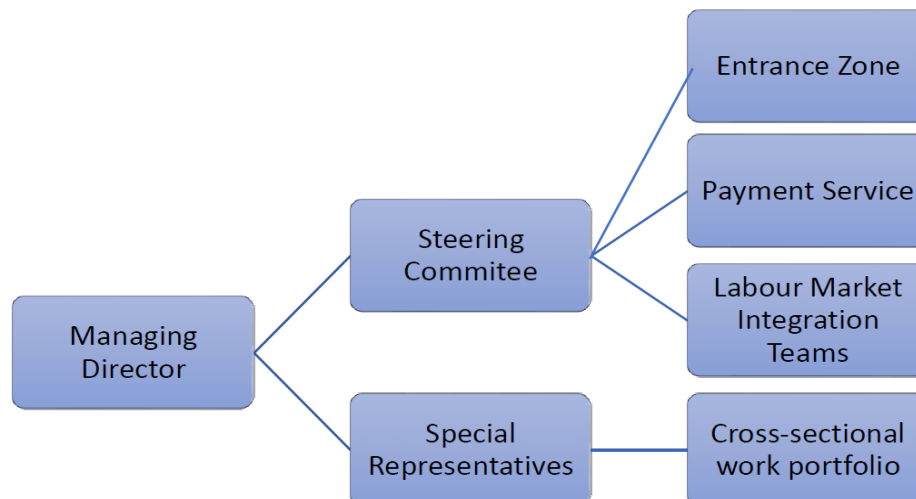
Main sampling criteria for job centre representatives was their professional role (see Table 4.3 and Appendix 2). I interviewed job centre representatives on different levels of the hierarchy (from the local job centre director to assistant administrators), and within the main organisational units. I included respondents from (i) the labour market integration/advisory teams, (ii) the benefits/payment teams, and the (iii) entrance zone/reception teams.

³⁸ This is broken down as follows: 24 interviews in job centre A (of which six were group interviews of generally two, and once three respondents, reaching a total of 31 respondents), 12 interviews in job centre B, and 13 interviews in job centre C. In Berlin, I also interviewed the director of a fourth, Berlin-based job centre, and two representatives from the Berlin regional directorate of the *FEA*, resulting in a total of 59 interviewed Berlin-based job centre representatives being interviewed.

Table 4.3: Professional role of local job centre respondents

Professional role	Occurrence
Job Market Advisor	17
Benefit Clerk	12
Manager	24
Receptionist	13
Special Representative	3

The three departments had different roles in the claiming process. Reception staff managed the work flows by directing applicants and claimants to the different teams, and answering first queries. The benefit clerk's role was to review the applications with respect to benefit eligibility and the types of benefits to be granted. The labour market advisor's task mainly consisted of job counselling, i.e. of supporting claimants' reintegration into the labour market. I also spoke to representatives from the judicial/litigation units, and the *Special Representatives for Equal Opportunities and Migration* in each job centre, who report to the job centre's directorate (see Figure 4.2).

Figure 4.2: The organisational structure of the Berlin-based job centres

Source: Based on job centre staff interviews.

The role of the *Special Representatives for Equal Opportunities and Migration* was created to foster the development of specialised integration services for migrant users. The work portfolio involves networking activities with external partners (mainly with the *Federal Office for Migration and Refugees*), and the support of administrators in their

work, for instance by providing specialist knowledge on legal matters or on the recognition of diplomas.

Variance in terms of gender, years of work experience, educational level and country of origin/'migration background' was taken into account whenever possible³⁹ (see Table 4.4, and Appendix 2). However, selection based on socio-demographic was not systematic enough to draw meaningful intra-group comparisons. Instead, the aim was to allow for the maximum variety of perspectives and voices.

Table 4.4: Socio-demographic profile of local job centre respondents

Respondents' profile		Job centre A	Job centre B	Job centre C	Total
Education	<i>University</i>	20	7	6	33
	<i>Vocational</i>	11	5	7	23
Gender	<i>Female</i>	20	7	4	31
	<i>Male</i>	11	5	9	25
Length of service	<i>Short Term⁴⁰</i>	7	1	0	8
	<i>Long Term</i>	24	11	13	48
Migration background	<i>Yes</i>	7	0	0	7
	<i>No</i>	0	0	0	49

First contacts to each sampled job centre were established through personal networks. I usually presented my project to the Director or Vice-Director of the job centre. After getting their official approval, I could carry out my research unsupervised. At job centre A, I mainly recruited participants during the internal training workshops I observed. Job centre B provided me with the opportunity to shadow staff in their work, and the chance to approach them in doing so. In job centre C, the directorate set up an interview schedule for me. I also relied on snowballing techniques, as interviewees offered further contacts. Key informants who had previously worked in job centres could provide additional

³⁹ The breakdown applies to the in-depth interviews.

⁴⁰ I define short term as two years of service or less, which commonly constitutes the threshold to get an employment contract of unlimited duration.

insights.

In order to recruit a sufficient number of job centre respondents, I became affiliated with the *Institute for Employment Research* in Nuremberg, the *Federal Employment Agency's* own research institute. This strategy helped to increase my legitimacy in the research setting. Participants were more likely to agree to an interview once they perceived the project to be endorsed by the agency they reported to. The approval by the local management also seemed to incentivise administrators to participate.

I started building informal networks through friends, acquaintances, and professional contacts since the start of the research project. Such informal networks allowed me to reach out to gate-keepers to present my project. To secure the anonymity of study participants, I discussed this during the interview, asking about the level of anonymisation the participant required in order to feel that their identity would be safely protected.

Overall, access was easier to secure than I originally expected. Yet, reliance on the local management in some of the job centres led to a preselection of study participants in some cases. The latter yielded the risk of potential desirability bias. Within the interview themselves, however, most interviewees went beyond the official script and critically engaged with my questions.

EU migrant respondents

The complementary claimant interviews helped to uncover EU citizens' subjective interpretations of their interactions with local German bureaucracy. EU migrant interviewees spoke to the inequalities in access (research question 1), addressing the topic from the angle of their individual claiming experiences.

Respondents were sampled on the basis of three main criteria. Respondents had to (i) be of working age (15-67 years of age), (ii) have experienced a period of unemployment or underemployment since the 2005 *Hartz* reforms (defining their need of basic social support, but not necessarily their legal eligibility), and (iii) be an intra-EU migrant, i.e. a national from EU member state other than Germany, who had moved from another EU country to Germany after the 2004 Eastern enlargement, but who had not reached the five-year permanent residency threshold at the time of the (potential) claim.

Tenets of theoretical sampling of interviewees based on their home countries were taken

into account whenever possible, following indications from the literature (such as Brücker et al. 2013; Brücker et al. 2014; Recchi and Triandafyllidou 2010; Schmaehl 2008), in addition to insights from key informant interviews (see Table 4.5). In 2017, approximately 867,000 Poles, 310,000 Bulgarians, 178,000 Spanish and 149,000 French residents lived in Germany⁴¹. Both the literature and the interviews highlighted Bulgaria, France, Poland and Spain to be among the top countries of origin of non-German EU citizens residing in Berlin.

Table 4.5: Countries of origin of migrant respondents⁴²

Countries of origin	Occurrence
Bulgaria	3
France	6
Hungary	2
Poland	5
Spain	2
Other	2

The selection of respondents from Eastern and Western Europe helped to draw some comparative insights regarding their claiming experiences. The choice was guided by Foti's (2015) descriptive statistical analysis, of how eligible Eastern European EU migrants tend to experience more barriers when navigating German welfare system than Western European applicants.

Apart from seeking to fulfil some basic theoretical sampling criteria, my approach was pragmatic rather than purposive. To reflect EU citizens' diversity of circumstances, the sample considered a range of gender, ages and education levels (see Table 4.6). However, the sample remained too small to draw meaningful comparisons between the subgroups of EU respondents. The sample's skewed balance towards younger, highly educated EU migrants mirrors the overall demographic profile of EU nationals in Germany, even though the higher educated may not necessarily be the main group of benefit applicants (Bruzelius et al. 2015; Foti 2015; Kahanec and Zimmermann 2009; Price and Spencer

⁴¹ See <https://de.statista.com/statistik/daten/studie/1221/umfrage/anzahl-der-auslaender-in-deutschland-nach-herkunftsland/> (accessed 20.09.2018).

⁴² Two out of the 18 interviews I conducted were group interviews with two respondents. This means that I interviewed a total of 20 migrant respondents.

2014).

EU migrant interviewees were mostly recruited through informal networks (e.g. friends and colleagues of friends) instead of through the job centre, in order to preserve my impartiality as a researcher. The aim was to avoid misconceptions of EU migrant respondents seeing me as a representative of the German authorities. I also tried to recruit participants via community-based advisory agencies. However, this strategy proved successful only in a small number of cases.

Table 4.6: Socio-demographic characteristics of migrant respondents

Migrant respondents' socio-demographic profile		
Age	<i>20s</i>	5
	<i>30s</i>	13
	<i>40s</i>	3
Education	<i>School</i>	3
	<i>Vocational</i>	1
	<i>University</i>	16
Gender	<i>Female</i>	15
	<i>Male</i>	5

Accessing EU migrant respondents proved a challenging task. Even though I succeeded in recruiting a sufficient number of EU migrant interviewees, those who experienced situations of particular vulnerability were mostly unavailable for an interview. I had to rely on the accounts of community-based social workers as an auxiliary strategy. The latter could provide an aggregated account of the experiences of EU citizens who were homeless or in informal, or partially informal employment.

The difficulties in accessing some of the most vulnerable EU migrant groups is closely linked to ethical issues concerning the vulnerability of my study participants. Trust was paramount. Recruitment strategies through extended friendship networks helped to gain such trust. EU citizen interviewees tended to agree to the interview on the basis of our shared contacts. Yet, because of our indirect personal connection, they often did not accept any type of reward or payment, which I originally planned to offer. To

acknowledge their contribution, I invited them for coffee and cake during the interview, or donated to the charity who supported them. In one instance, I had the impression that the interviewee needed some professional support I could not offer. I referred her to the relevant organisations and provided her with the necessary contacts.

Secondary interview data collected by the Institute for Employment Research

To triangulate the findings, EU migrants' claiming experience were contrasted with the subjective accounts of long-term migrant residents, from a secondary, qualitative longitudinal set of 100 *UB II* claimant interviews, collected between 2006 and 2010 by the *German Institute of Employment Research (Institut für Arbeitsmarkt- und Berufsforschung IAB)*. As their study very comprehensively covered the subjective experiences of *UB II* receipt, only parts of the data set on the “*Dynamics of Poverty and the Labour Market*” were relevant. I mainly focussed on a sub-sample of 20 respondents of a 'migration background'. The socio-demographic profile of the *IAB*-sampled migrant respondents is detailed in Table 4.7 below (also see Appendix 2).

Table 4.7: Migrant respondents' socio-demographic profile (IAB data set)

Migrant respondents' socio-demographic profile (IAB data set)		
Age	<i>20s</i>	2
	<i>30s</i>	5
	<i>40s</i>	7
	<i>50s</i>	2
	<i>60s</i>	2
	<i>unknown</i>	2
Education	<i>School</i>	3
	<i>Vocational</i>	7
	<i>University</i>	10
Gender	<i>Female</i>	8
	<i>Male</i>	12

Source: IAB interview scripts.

This sample encompassed migrant residents with at least ten years of settlement in Germany at the time of interviews; the majority of them of Eastern European origin. Their

home countries were, in many cases, part of German territory before 1945, or a partnering country during the historic guest-worker recruitment scheme. Four respondents had acquired the official status of German repatriates, another two originated from Poland, one from Czech Republic and one from Italy. The remaining twelve respondents were third-country nationals.

Comparing the accounts of the *IAB*-sampled interviewees with the one of the respondents I interviewed helped to reflect upon the specificities of the EU citizens' claiming experience. I included all the interview scripts of respondents with a 'migration background' into the analysis. Generally speaking, the *IAB*-sampled interviewees were less educated and older than the EU migrant respondents I interviewed.

4.2 Data collection and analysis

Data collection was mainly carried out between June 2016 and July 2017. Nine exploratory, informal conversations happened before to inform the research design. The data collection proceeded in several stages. I started by interviewing my key informants, who I considered to be experts on the topic. Next, I interviewed EU migrants and then job centre representatives. The data collection phase included the interrelated processes of anonymisation and transcription and preliminary analyses.

I started the preliminary data analysis in January 2017. The latter encompassed activities of coding, using the qualitative data analysis software *NVivo*, analytic memo-writing to record emerging ideas about connections between categories, and several rounds of write-up (Saldana 2009). The iterative study design allowed for a revision of the research design and topic guides throughout the data collection processes. The data collection finished in summer 2017 when I felt I had reached both data saturation, i.e. an adequate understanding of the processes, with subsequent interviews revealing no more new aspects, and theoretical saturation, i.e. the relevant concepts seemed to have been fully captured (Roy et al. 2015).

Interviewing techniques

Prior to conducting the fieldwork, the LSE's mandatory *Ethics Review* allowed me to reflect upon the ethical implications of my study. The research was fully compliant with the research ethics procedures mandated by the LSE. Anonymity was assured for

participants at all times. At the start of the interview, I informed them about the basic principles that underpinned this research⁴³. They were informed about the aims of the research through an information sheet (in English and German), in addition to a brief explanation at the start of the interview. We also discussed their level of anonymisation to protect participants' identity, for instance what level of detail I could give in my analysis on specific cases or what types of identifiers to use or not to use. I decided to work with oral rather than written consent, considering the relative sensitivity of some of the topics I addressed⁴⁴.

The interviews were carried out in German and English, with a few exceptions of French-speaking respondents. In one instance I relied on an interpreter to interview a Polish migrant claimant, who did not speak any of the other three languages. I met the majority of the study participants in person. Interviews of key respondents and job centre employees were commonly carried out in the respective work settings. I met my migrant respondents either in their homes or at a café. In a few cases, logistical constraints⁴⁵ entailed a telephone interview. I normally audio-recorded the interviews unless the participant preferred I not do so. In some instances, I decided consciously not to audio-record to create trust and a safe space for an open conversation, and only took handwritten notes instead.

Topic guides provided the framework for discussion with the study participants, whilst leaving space for participants to raise their own concerns. Topic guides were developed out of the literature review. Nine preliminary interviews with federal and job centre-based administrators, migrants living in Germany, and representatives from German welfare organisations helped to pilot the topic guides, and to refine the questions to their current format (see Appendix 1).

I consistently raised a number of key themes in every interview to ensure consistency (or validity) throughout the sample. I worked with a separate topic guide for each of my interviewee groups. After a short introduction to my project and questions about respondents' biographical background, the topic guides explored the experience of claim-

⁴³ They could refuse to answer any question or stop the interview at any time if they wished to.

⁴⁴ Considering the sorts of data to be collected, written consent risked to affect the trust of interviewees regarding their anonymity. I ensured, to the best of my abilities, that they understood how the data were used.

⁴⁵ The interview dynamics did not vary much between the face-to-face and the telephone interviews.

making. With respect to job centre respondents, I started each interview with questions on the challenges of implementation more broadly, and addressed the issues pertaining to the target group of EU citizens in the second half of the interview. I believe that structuring the interview in such a way allowed me to capture the specificities of an EU migrant's benefit claiming experience.

Interview transcriptions

In the light of my research questions and for reasons of feasibility, I decided to either transcribe verbatim (with the help of the programme *Trint*) or selectively in the form of notes and key quotes, depending on the type of interview. The majority of the job centre respondent interviews were transcribed verbatim, because I considered the wording important for the analysis. In contrast, information provided by advisory and welfare organisations tended to help me understand the institutional setting. I regarded the narrative structure of the interview as less relevant, which led to a more minimalistic version of transcription.

I transcribed all the interviews, except for the one in Polish, in the original language of the interview to avoid mistranslation. It was only during the analysis and writing process that I translated the research findings into English. Being familiar with all the three working languages, and having a basic study background in translation, I believe I was able to sufficiently take cultural specificities into account.

During the interview transcriptions, I assigned four types of codes to refer to the interviews I conducted: P for high-level policy-makers, S for civil society representatives, J for job centre staff and M for (EU) migrant respondents. I then numbered them chronologically by interview date, using Arabic numerals for the formal interviews, and Roman numerals for the informal, unstructured conversations. The last part of the code indicates their professional role in the case of the job centre staff and the key informants. For representatives of the German welfare organisations, the last part of the code indicates the specific type, namely whether the institution was part of the church-funded *Diakonie* or *Caritas*, trade unions' *DGB*, or the umbrella organisation *Der Partitätische*. For the EU migrant respondents, the code indicated their respective countries of origin (abbreviated following the official country code system). Migrant respondents from the secondary, *IAB* data set were assigned the code M.E, followed by the number of the interview and their

country of origin.

For instance, the exploratory interview with a German welfare organisation representative received the code S1_DGB. Similarly, I assigned J1_Advisor to an interview with a job centre representative working in the advisory team, or M3_BG to an EU migrant interviewee from Bulgaria. The use of observational data were indicated through the denomination “field notes”.

Data processing and analysis

I commenced data processing and analysis in parallel with the final rounds of data collection. The preliminary data analysis consisted of summarising my analytical ideas in a fieldwork journal (Boterill 2015). The latter served as a tool to record an evolving, reflexive dialogue between my emerging data and the theoretical literature. In a second stage, I identified smaller units of meaning and labelled potential themes in the form of codes (Tesch 1990) in *NVivo*. Thematic codes refer to the relationships between various concepts and the data items (Bazeley 2009; Miles and Huberman 1994).

I relied on two main methods of qualitative data analysis, namely a more traditional close and interpretative reading of the interview scripts, and a relatively rigorous coding exercise (for coding book see Appendix 4). Transcripts and field notes were coded after each round of fieldwork, using emergent themes and categories. Following a hybrid thematic analysis approach, I started with relatively broad, heuristic categories (e.g. barriers, negotiating access). The latter were either developed from my topic guide through deductive coding, or emerged directly from the data as a form of open, inductive coding. After having applied the codes to a first pilot set of interviews, I revised and clustered my initial codes step by step into broader patterns, and cross-checked them to ensure consistency and reliability (Gläser and Laudel 2012; Thomas 2016).

When analysing the interview material, I commonly made the distinction between (local) management representatives and front-line staff. Street-level actors could be divided into job market advisors, benefit clerks and receptionists. The group is generically referred to as administrators or street-level bureaucrats throughout the thesis, as they represent the state administration at the front-line.

Following the research etiquette, I offered a short results report to my participants, which I sent out in December 2018 in the form of several short German policy briefs. As a form

of member-checking and triangulation of the authenticity and trustworthiness of my preliminary analytical results (Thomas 2016), I also participated in several policy events during the Fall of 2018, namely with the *Office for Equal Treatment of EU Workers* at the German Chancellery or the *Federal Anti-Discrimination Agency*. In those policy circles, I presented my study results and discussed potential policy recommendations. The data analysis benefited from a diverse range of inputs and feedback, including academic audiences at conferences, and research colloquia at the *London School of Economics*, the *German Social Science Research Centre (WZB)*, the *Hertie School of Governance*, Berlin, and the *European University Institute*, Florence.

Reflections on positionality

The research adopts a constructivist approach to the study of policy practice. The study explores claim-making processes in three Berlin-based job centres in detail, focussing on participants' subjective, potentially conflicting understandings of their lived social reality. Following the interpretivist stance, I consider meaning to be constructed within social interaction. The co-construction process includes the participation of the researcher (Crotty 1998; Wagenaar 2011), which calls for ethnographic sensibility and reflexivity (Simmons and Smith 2017).

The research project does not qualify as an ethnographic study in the traditional anthropological sense of deep immersion and lengthy participant observation. Yet, my in-depth exploration focussed on the subjective, everyday experiences of benefit claim-making in an organisational ethnographic spirit. The aim was to explicate potentially overlooked and concealed dimensions of meaning-making which might shape the organisational operating dynamics of local job centres (see Timonen and Doyle 2009; Tießler-Marenda 2012; Wagner and Berntsen 2016; Tummers et al. 2015).

My in-depth immersion into German job centres allowed me to venture into a previously unknown world of organisational ethnography. Such a research process led to a number of interesting reflections on my location-based positionality. The latter not only influenced the kind of data I was able to collect, but could also impact my analysis, as the researcher becomes a co-producer of the social reality under observation.

A considerable number of study participants perceived me a novice who is still learning, and hence not 'threatening'. I felt that, simply by my positioning, it was fairly easy to

create a non-threatening, safe space to interview. I was commonly asked whether I am a trainee at the *Federal Employment Agency* or whether I am writing my Masters dissertation (which I then clarified as not being the case). I could nonetheless rely on the position of a naïve, learning stranger to question taken-for-granted organisational procedures. My unfamiliarity with the job centre setting constituted a comparative advantage to uncover tacit knowledge. Interviewees would often explain their world in a paternalistic manner. In the cases of repeated participant observation, my developing of friendly relationships with employees led to trust and more openness on their part.

When discussing sensitive issues such as deservingness and welfare tourism, I often faced the internal dilemma of whether to position myself as a non-opinionated, listening researcher or as a (cultural) broker trying to bridge world views between service providers and recipients. I was also considered to belong in a different way. As a German national, job centre respondents perceived me as a cultural insider. However, with respect to my EU migrant interviewees, my positionality changed. I became the outsider. However, when talking to high-skilled migrants, I could draw on our shared experience of mobility within the European space.

The risk of deception in the research setting mostly related to situations of participant observation. Generally, to mitigate that risk, I was as upfront as possible on my identity as a researcher. Within policy conference settings and when shadowing some administrators in the job centre setting, the risk of deception nevertheless remained a tension that had to be addressed. While not every person I interacted with in the course of my research had the opportunity to give me explicit consent, in each studied case my research had been approved by the local job centre authorities.

The dilemma of deception also emerged when I constructed my topic guides for job centre respondents. I had to strike a balance of being as open as possible about the aims of my research, while assuring that job centre staff would not get the impression that they were being accused of discrimination. To that end, I framed my research around questions of the challenges of implementing *UB II* benefits in the context of increasing demographic heterogeneity. I perceived such a formulation to be truthful but more subtle. The research design, including the appropriate mitigation strategies to counter some of ethical risks of the study, were subject to a formal ethnics review at the *LSE* at the outset

of the fieldwork.

Immersing myself into the daily work of service provision challenged some of my own engrained biases about claimants and staff, which had been shaped through public discourses I had been exposed to prior to my research. Entering the job centre world certainly has been a humbling self-reflection. By walking down the same corridors as claimants, I could better relate to the stigma, shame and fear which the bureaucratic encounter might entail for them. My field research confronted me again and again with the task of critically assessing the discourse towards (EU) migrants⁴⁶, and how I position myself – as a German, an EU or world citizen, as an expatriate or migrant, as a researcher or as a peer who lived similar experiences of mobility.

4.3 Concluding reflections

This chapter started with a summary of the qualitative research design which helped to explore the *UB II* claim-making process for EU migrant citizens. I outlined the rationale for selecting three Berlin-based job centres to investigate their benefit claiming experience in Germany, building on Burawoy's (1998) extended case study method. The section also detailed the data sources, consisting of a corpus of 119 in-depth interviews, and field notes from participant observation at practitioners' meetings and shadowing activities in the local job centres. The analysis was supplemented by 20 interviews from a secondary data set collected by the German *Institute for Employment Research*. I further elaborated on access and sampling, the ethical implications this study engenders, and on data analysis techniques of thematic analysis. The chapter finished with a reflection on the role of the researcher's positionality in co-constructing findings of such a constructivist study.

The following empirical Chapters 5 to 7 present the research findings. Chapter 5 starts by describing the micro-level interactions between local welfare bureaucracy and EU migrant claimants in German job centres, discussing how the group experienced the claiming process. By primarily drawing on interviews with key informant and EU migrants, the chapter explores the inequalities in access local administrative practice can create among EU migrant claimants. It also engages in a discussion of the counter-

⁴⁶ In one instance, I noticed how my research shifted a respondent's way of thinking about EU citizens' social rights from a restrictive to a more lenient stance.

strategies EU migrants engage in to satisfy their welfare needs (research question 1).

Chapters 6 and 7 turn to the perspective of administrators, mainly building on interviews with administrators. Job centre interviewees helped to uncover the sorts of organisational constraints which guide their decisions on benefits and services and their understandings of belonging and deservingness. The first of the two explanatory chapters addresses the institutional constraints that shape administrative practice (mostly in relation to research question 1). The second chapter explores the ways in which ideas of belonging and deservingness might be implicated in local implementation processes (focussing on research question 2).

5 EU Migrants' Experiences of (In)equality in Access to Benefits

The scholarship has extensively investigated how inequalities in access are embedded into the current legal social security framework (see Chapter 2.2). This current framework grants EU citizens different entitlements based on their residency category and labour market status. This chapter goes one step further, and explores whether and how intra-EU migrants can substantiate their social rights with respect to a social minimum in practice.

The exploration illustrates how EU social citizenship loses part of its meaning at local level, where EU citizens can face similar barriers to those faced by other foreign claimants when trying to access social benefits and services. By engaging with the less tangible barriers EU migrant citizens might face in the application process from an EU claimant perspective, the analysis unravels the implicit conditionality which is embedded into front-line implementation work (see Dwyer et al. 2019). The chapter addresses the first of the two research questions, namely how the daily administrative practices in German job centres can enable or restrict, and thus construct (in)equalities in access to benefits and services among EU migrants. It approaches the analysis by exploring EU citizens' experiences of the claiming process.

To that end, the chapter first outlines the practices of administrative inclusion and exclusion which EU migrants might be subjected to during a local-level claim. The analysis relates to the different forms of direct and indirect discrimination which may occur at street-level. The chapter then turns to how EU respondents perceived their national and socio-demographic background, and their social and cultural capital to have influenced their preparedness to engage in a claiming process in Germany. Finally, the chapter explores the strategies EU migrants have developed to redress some of the inequalities they face. Such an exploration includes an analysis of the alternative ways in which they covered their social protection needs.

The analysis builds on two aspects of the literature, namely the notions of citizenship as a practice, and the street-level level processes of administrative burdening and filtering (see Chapter 3.1). By combining both approaches, the chapter shows how claims to social entitlements constitute an interactive negotiation process between street-level bureaucrats and EU migrant applicants, whereby boundaries of 'welfare belonging' are negotiated. The

findings on EU migrants' experiences on (in)equalities in access on the ground primarily draw on the EU migrant interviews. The analysis is also informed by key informants, such as representatives of community and the German welfare organisations, who could give an aggregated picture of the local interaction dynamics from the claimant side. The accounts are supplemented by insights from job centre staff, who explained the administrative practices in their everyday work (expanded upon in Chapter 6).

5.1 Opening the black box of daily administrative practice

This first section focuses on the local-level administrative practices of allowing or refusing access when EU migrants exercise a claim. The rationing of financial benefits and services described are common features of street-level work (Foster 1983, see Chapter 3.1). Yet, the details of how applications are assessed have rarely been spelled out.

The data analysis revealed six practices of administrative exclusion and inclusion at different stages of the benefit claiming process⁴⁷. Conceptually, the strategies could be described as direct and indirect discrimination, in form of discretion beyond what the law warrants. I summarised them as follows:

- (i) allowing or refusing the formal initiation of a claim;
- (ii) referral to alternative social support systems in case of non-eligibility, or lack thereof;
- (iii) imposing or relaxing of the practice of German as the only language of communication during the claim;
- (iv) administrative filtering in claims-processing, including burden-shifting;
- (v) favourable or strict interpretation of the legislation in granting entitlements;
- (vi) exacerbating or mediating labour market discrimination effects in labour market integration services.

EU migrants often faced an obstacle course of several hurdles impeding their claim, rather than one barrier at the time (see Appendix 5, Table 5.1). The case of one of my

⁴⁷ Due to the exploratory nature of this research, I could not quantify the prevalence of the differential inclusion processes. Appendix 5 summarises the occurrence of barriers in the interview sample.

study participants, a 28-year-old Bulgarian woman (M4_BG) who migrated to Berlin two years before the interview, helps to illustrate this point. When I met her in her apartment in *Berlin-Kreuzberg*, where she told me her story of unsuccessful, frustrating and despairing job centre appointments. She arrived in Berlin almost eight-months pregnant, with her husband who moved for work. Following the advice of a medical doctor who she had gone to see after her arrival, she inquired at her local job centre about her rights regarding the coverage of the medical costs. She was sent paperwork to fill in, with several questions regarding her status as a worker, which she did not know how to answer. It took the job centre more than two months to process her claim, which then was denied on the grounds of not having been in work at the time of application. She nevertheless might have been eligible on the grounds of being a family member of a worker (see *EU Directive 2004/38*).

Six months later she attempted again, following information she had found online. According to the latter, she would have a legal entitlement after six months of residence in Germany. She was accompanied by a German acquaintance this time, who helped her fill in the paperwork. When processing her application, the job centre requested apparently missing documents several times. After a month of delay, her claim was formally rejected once again. Another six months went by and she went for a third time, to a different local job centre because she had moved to another district in the meantime. Her intention to claim was refused at reception. She was given no room to explain her case but was immediately told that she had no right to anything as someone who was unemployed. The receptionist simply asked: “Do you work? Have you worked before? No? Then you are not allowed. No work, no job centre”. Her request for a written explanation of the grounds upon which her claim could be rejected was refused, and no further information was given. She was left without sufficient means to cover her subsistence needs. She never appealed against any of the decisions as she did not know she could seek legal recourse. An NGO stepped in to cover the costs of giving birth. The case described above described is not unique. The following sections explore the different strategies of 'administrative inclusion and exclusion' that this case illustrates.

Allowing or refusing the formal initiation of a claim

As a form of informal discretion beyond the law, some local job centres sought to

intercept an EU migrant's claim at the outset, by refusing to accept a written application. Such a gatekeeping technique was encountered not only by the Bulgarian study participant introduced above, but also by other respondents, such as a French couple (M6_FR). They were sent away by a receptionist at their local job centre office. When they requested more information as “*newcomers of how things work here*” in Germany, the couple was told that “*as newly arrived, [they would] not get any support*”. They were not provided with any further explanation.

Key informants (S2_AWO, S5_Paritaet, S17_Diakonie, S19_Independent, S26_Legal Expert, S27_NGO, and field notes civil society meetings) confirmed that EU migrant applicants were denied the opportunity, and legal right, to hand in a written benefit form to formally start the claiming process. Instead, their claim was rejected without the formal screening of their application. One Berlin-based job centre even went so far as to oblige EU citizens to sign a formal withdrawal declaration from any *UB II* claim at reception (field notes civil society meetings).

The systematic rejection of applications without screening described here violates the official procedures of claims-processing set out by *Federal Employment Agency* regulations. The latter foresee a written response to any application independent of its prospect. Instead, many job centres seemed to informally intercept claims without written justification. According to a job centre representative, EU citizens' claims tended to be rejected on principle, especially if the legal grounds for entitlement were ambiguous (J32_Management). However, many of them may have had a legal entitlement. A small-scale survey carried out by *Caritas*, one of the main welfare advice agencies in Germany, showed that only 40 per cent of EU applicants who were turned away at reception were ineligible (Tießler-Marenda 2016).

Administrative hurdles, such as a proof of address, further complicated EU citizens' benefit access. As Bruzelius (2019) argued, administrative formalities, attached to residency status as a welfare entitlement principle, had far-reaching exclusionary effects. Effectively, every person settling in Germany, independent of their nationality, has to report their presence and their current address to the municipal registration office (*Einwohnermeldeamt*) during first two weeks of taking up residence in Germany. Such a local registration, together with a copy of a rental contract in Germany, functions as a

proof of residence. Job centres commonly asked for this document to initiate a benefit claim. According to two migration counsellors (S9_Diakonie, S27_NGO), applications from EU migrants without a registered address were not processed but categorically rejected instead. Nevertheless, the procedure contradicted the legal rules, which enabled homeless applicants to sign onto the welfare scheme. Local job centres frequently evaded such responsibility by declaring that they only served applicants whose address was within their geographic service delimitation (field notes practitioners' meetings and civil society).

EU citizens, without a registered address in Germany, tended to be denied the chance formally to initiate the claiming process, with consequences for their access to social security. According to a Hungarian social worker (M9_HU), many seasonal workers from Eastern Europe face such precarious situations, as they were unable to secure housing. As a further complication, access to social housing or state-financed housing subsidies in Germany is linked to *UB II* benefit receipt. The inability to find appropriate housing disproportionately affected EU migrant claimants, as Bruzelius (2019) demonstrated. A rental contract on the private market commonly required a German income statement for the past three months, which EU migrants often struggled to provide.

While the tendency of receptionists to intercept EU migrants' claims without written explanation persisted, the trend was not univocally applicable. Shadowing of receptionists in the three Berlin-based job centres revealed multiple instances where official operational procedures were respected. Benefit forms were accepted in writing, and forwarded to the benefits teams to establish legal eligibility. Some administrators even proactively filled informal gaps of applicants, and helped to fill in the claiming forms. Such support proved essential in substantiating a claim, as many EU migrants struggled to fill in the forms themselves (field notes job centres B and C).

Referral to alternative social support systems (or the absence thereof)

The exercise of procedural discretion could not only take the form of an initial claim interception. I also observed how the referral to alternative sources of state support was almost non-existent, which a migrant counsellor (S3_DGB) confirmed. He asserted that such "*advice is generally not given*". Both the interception of a claim and the lack of referral to alternative support systems potentially qualify as forms of individual and direct

discrimination.

In case an EU citizen is ineligible for basic social subsistence support under the *Social Code SGB II*, job centre staff technically have the duty to advise him or her on alternative sources of state support under subsidiary social legislation. For instance, job-seeking, able-to-work EU migrants are entitled to state-financed employment counselling and labour market integration support, including the financing of training and placements, under the *SGB III*, despite their lack of legal entitlement to receive the financial benefit itself. Moreover, at the time most interviews were conducted⁴⁸, EU migrants who struggled to cover their basic needs could request social assistance money under the Social Code *SGB XII*.

Within my interview sample, I only recorded one case of correct referral by the local job centre. But despite being referred correctly, the Bulgarian respondent (M4_BG) remained unable to substantiate a benefit claim. She faced similar difficulties in access at the local social assistance office, which distributes benefits under the subsidiary Social Code *SGB XII*. She recalled that

“they sent me to the social assistance office, but nothing happened there. She did not find anybody there; nobody told me where to go”.

Overall, many of the EU migrants I interviewed perceived their claiming experience as a struggle with a 'faceless bureaucracy', that provided them with little information on their legal entitlements. Email addresses and phone numbers tended to be generic, and queries were not always answered. The latter was, according to some EU migrant interviewees (M5_FR, M7_ES, M17_BG), particularly challenging for non-native German speakers. Moreover, if EU migrant claimants had face-to-face contact with local administrators, street-level bureaucrats commonly were perceived as superficial and non-engaging. Difficulties in establishing meaningful contact frequently related to communication problems, as many EU migrants did not speak German at a conversational level (see Chapter 6.1).

Imposing or relaxing the practice of German as the language of communication

Language could further inhibit substantive benefit receipt. In local claims-processing, EU

⁴⁸ The right to benefits under the *SGB XII* was suspended as of January 2017, when the new legislation entered into force.

foreign-language applicants tended to be discriminated against on the basis of their inability to speak German.

Key informants identified the enforcement of German as the only language of communication with job centre staff as one of the key barriers to benefit and service receipt. As a welfare counsellor (S9_Diakonie) asserted, language was often turned into an instrument of regulating access. In practice, EU migrant applicants perceived job centre staff as unwilling to accommodate their language abilities:

“Sometimes I can speak English and they can understand. But from my experience, going through this process, more often than not, they will stop you and say: “No” [...] I just remember the language being a huge problem” (M2_US).

A French interviewee (M10_FR) recalled a similar episode of where she conveyed her difficulties of conversing in German to the receptionist by saying: *“Hello, I am non-German, but I can't speak German well, so I am speaking slowly”*. The response simply was: *“What a pity for you!”*. Such an answer led her to feel unwanted, of being perceived to be a *“parasite”*, as she stated. During data collection, I observed staff often speaking quite fast, employing highly advanced vocabulary. As a result, foreign national applicants experienced noticeable difficulties following what they were told (field notes JC B, JC C). A job centre in South-Western Germany even put up a sign at reception, stating *“No service without an interpreter”* (field notes practitioners' meetings).

The practice of *no German, no service* described above contradicts the *EU Regulation 883/2004*, which stipulates EU citizens' right to be served in their home country's language. Similarly, the 2016 *Federal Employment Agency Directive on Interpreting and Translating Services* foresees that

“as part of the freedom of movement within the European Union, EU workers [...] without sufficient levels of German can avail themselves of services provided by the Federal Employment Agency. For this target group, access [...] should not be impeded by language barriers. All necessary interpreting and translating services should be provided” (Bundesagentur für Arbeit 2008, p.1. translation by the author).

The current procedure deviated from the administrative guidelines, and may fall into the realm of direct discrimination. While administrators were supposed to serve EU claimants

in German, due to the legal consequences that erroneous translations could entail, administrators nevertheless violated administrative protocol when sending EU migrants away who did not bring their own translator. Whether deviations from the official language policy occurred as a result of administrators' free choice, or informal rules put in place by the local job centre management could not be unambiguously established on the basis of the data collected.

Interestingly, my findings with respect to the allocation of resources suggested an implicit hierarchy, as refugee claimant groups were commonly provided with (Arabic-speaking) interpreters⁴⁹ in the job centres under scrutiny, while such services did not exist for EU claimants (field notes JC B and C). As far as the data show, the discrepancy of serving some foreign claimants in their native language and other not, seemed somewhat intentional. Some street-level workers appeared to share the attitude that foreign claimants should be able to communicate in German. However, the picture became more nuanced for refugee claimants. Regarding the latter, they more readily adapted to foreign claimants' language needs, alluding to the involuntary nature of their stay in Germany.

Several administrators nonetheless tried to relax the imposition of the language-related administrative burden by accommodating EU citizens' language abilities whenever possible. Their strategies included the resorting to English or using very simple German, and written notes which applicants could take with them to get them translated elsewhere (J7_Advisor, J8_Advisor, J10_Advisor, J26_Reception; field notes JCs B and C). The quotes of two administrators below are exemplary of such behaviour:

“I try really hard. I repeat. I try to simplify sentences or sometimes I write things down, on a piece of paper: ‘Please go to local authority. Get document’; so that the message passes. I also rely on gestures and mimics” (J21_Advisor).

“You have to explain. That is also part of the job. To explain to people what you want from them. Because when you simply rely on formalistic, bureaucratic language, communication fails” (J35_Advisor).

But despite the efforts of some, EU migrant respondents overall perceived administrators, who they sometimes saw not more than once, to insufficiently engage with their situation

⁴⁹ In practice, they often involved Arab-speaking security guards to facilitate the exchange. On an institutional level, funding was also made available to hire interpreters for the languages spoken in refugees' countries of origin.

and needs. Instead, EU applicants often described the complex application process to resemble a maze, characterised by long waiting times and continuous appointment rescheduling, lost documentation, or missing information which delayed their claims processing by several weeks.

Administrative filtering in claim-processing

The gate-keeping techniques documented above can be summarised under the heading of administrative filtering. Such administrative practices, which increase the intangible costs of claiming, have been described extensively by scholarship examining street-level implementation as a form of procedural discretion (Brodkin and Majmundar 2010, see Chapter 3.1).

In effect, EU respondents frequently felt “*bombarded with information*” (M1_DE), and left in the dark about the rationales of certain administrative requests, for instance for being called in for additional appointments (M10_FR), or for being asked to provide additional documents (M4_BG, M18_HU). EU migrant applicants also often had to provide documentation which was not essential to the processing of their claim (field notes civil society). A former job centre employee, who is now working as a migrant counsellor (S23_NGO), described such requests as a common strategy to gain time in processing claims, as no clearly defined list of the necessary and sufficient documentation existed:

“What I can confirm, as a former job centre employee, is administrators seek to gain time by requesting documents [...]; one asks for some kind of document and gains at least an additional three weeks [to process the claim]”.

Job centre interviewees confirmed their recurrence to administrative filtering as a strategy to help them deal with their workloads (J6_Management). In some cases, the imposition of an informal administrative burden was employed to actively discourage applications. As a benefits clerk (J45_Payment) declared, the aim was to make “*it a bit more uncomfortable for the client*”. The resulting delays in decision outcomes led some of my respondents to abandon their claim, which underlines the significance of the temporal dimension in informally stratifying EU citizens' access to benefits and services.

The interviews carried out by the *Institute for Employment Research* revealed how German nationals tended to be subject to similar administrative burdens. However, EU

migrants' status as non-nationals often exacerbated the experience, as they were asked for documents which German citizens did not have to provide. According to key informants (S1_DGB, S17_Diakonie, S27_NGO), EU migrant applicants were commonly requested to provide documentation regarding their current residence status and lawful residency in Germany, even though the documentation ceased to exist in 2013. In fact, the registration certificate confirming applicants' status as a free mover continued to be asked for by several local job centre offices, despite not being issued by the *German Foreign Office* any longer (S26_Legal expert). This was the experience of one of the French nationals I interviewed (M5_FR), who was asked to bring a document issued by the *Foreign Office* to confirm her right to free movement. She described her administrator as ill-informed about EU citizens' legal entitlements and as lacking empathy for her, giving her the feeling that she was placing an illegitimate benefits claim.

Moreover, EU applicants were commonly asked to detail their social security contributions in their previous country of residence. However, the latter document should, in accordance with *EU Directive 2004/883/EC* on the EU social security coordination, have been formally requested from the respective national social administration and not the claimant. According to a representative of a German welfare organisation (S2_AWO), in practice, such a data exchange rarely happened. Instead, the burden of proof of status was shifted to the individual EU applicant. Such outsourcing created several obstacles in practice. Foreign national bureaucracies tended to only issue those forms when requested in person. The procedure obliged EU applicants to travel home, engendering financial losses and delays. They also had to cover travel expenses and translation costs, even though they ought to be covered by the German administration (S2_AWO).

EU applicants' experiences contrasted with the concerns of some job centre staff to portray themselves as enablers of claims (e.g. J7/J10/J21_Advisors; J23_Management; J24_Advisor; J25_Reception; J30/J34_Advisors; J39_Reception; J40_Advisor), as these two interview excerpts highlight:

“I try to be transparent. To explain in detail to the client why things work that way. Which leads to more understandings on the other side” (J12_Advisor).

“One thing I enjoy about my job is to increase transparency of how the job centre works. I get many grateful clients, who say that nobody before has explained all

that to them” (JX_Advisor).

Those administrators asserted their willingness to fight opacity of the claiming process by explaining available benefits and services, rights and obligations and decisions rationales to their claimants.

Overall, the informal practices of administrative filtering during claims-processing could be qualified as a form unauthorised procedural discretion, whereby the intangible costs of claiming were altered. Street-level bureaucrats exercised such discretion in processing EU citizens' applications by applying techniques of burden-shifting. The latter helped them pragmatically deal with their workloads.

By imposing hidden administrative costs beyond what the law requires, local bureaucrats acted as gate-keepers. They regulated who could have substantive access to benefits, and informally defined the conditions under which such access was granted. Such gate-keeping techniques could be qualified as a form of indirect discrimination.

Favourable or strict interpretation of the legislation

Gate-keeping also found expression in the strict application of legal provisions. The data revealed how administrators either interpreted legislative and administrative guidelines more favourably, or in a strict manner. For instance, a labour market advisor sanctioned a Polish claimant for not attending a job search coaching he had assigned him to. He qualified his claimants' behaviour as intentional non-compliance. However, the written correspondence with the claimant revealed very poor German language skills, suggesting that the latter might not have understood the purpose of the training. The latter consideration was not taken into account by the administrator, who rigidly enforced administrative guidelines on sanctions in case of non-compliance (field notes JC B).

Similarly, a Hungarian respondent (M18_HU) recalled her advisor asserting her authority and power position over her, by telling her that she *“is not in the position to turn down jobs [...] [As she was] getting [their] money”*. She described how the administrator got angry at her when she refused to send applications for a full-time job, even though they had previously agreed on applications for part-time jobs to allow her to develop her career as an artist.

The specificities of a Bulgarian's claiming situation were equally not taken into account.

She was proposed a job as a cleaner even though she was so heavily pregnant that she was “*barely able to tie her shoelaces*” at the time of the job centre meeting (M4_BG). She perceived her administrator as unwilling to support her claim, concluding that “*if they do not want to [give you the benefit], they do everything possible so they do not have to*”. A Spanish interviewee (M7_ES) also described her administrator as “*only [thinking] inside the box. He did not listen and did not show any understanding*”.

Several key informants confirmed the strategy of treating everyone equally despite diverging circumstances, by simply retreating “*into formalities*” (see S13/S16_NGOs, S17_Diakonie). Insofar as administrators restrictively enforced the law towards EU migrant claimants and German nationals alike, the uniform application of the law seemingly related to the administrator's professional self-understanding as rule-enforcing bureaucrats rather than the type of claimant (see Chapter 6.1).

Several experts also asserted how not only single administrators but entire job centres seemed to operate according to an informal rule of limiting EU migrants' access to benefits. A local community worker described such processes as a default strategy (S23_NGO):

“Commonly the costs of appeals and lawsuits are factored in, so that it is more advantageous to turn a few more people down and to grant the payment later if necessary, as many of those people never go to court”.

Welfare organisation representatives pointed especially to some over-zealous in-house juridical, legal redress sections (*Rechtsbehelfsstelle*), who assisted administrators in interpreting new rulings. Redress units were portrayed as aiming at intercepting EU citizens' benefit receipt on principle. A juridical leader of a local job centre confirmed the existence of such informal rules to decline EU citizens' appeals whenever possible (J49_Management). One of her colleagues explained the underlying rationale. She disclosed how her unit aimed at counteracting the Berlin-based social courts' jurisprudence, which she perceived as too lenient:

“[In case of appeals of EU citizens], even if we know we will lose, we deny the appeal at first.”(J32_Management).

Such a generalised denial of rights has been conceptualised by Heindlmaier (2018) under the heading of categorical containment. The author demonstrated a Germany-wide pattern

of restrictive application of *CJEU* case law, which applied to job centres in regions other than Berlin. The study illustrated how local welfare administrations largely rejected the benefit claims of in-active or job-seeking EU citizens. The findings of this research add an important nuance, showing a trend of categorical containment towards EU citizen applicants who are perceived as insufficiently economically inactive, such as claimants in marginal employment (see Chapters 6.1 and 7).

However, not all administrators resorted to strategies of administrative filtering as a gate-keeping technique. Instead, some administrators relied on their administrative discretion to enable substantive benefit access. Administrators interpreted legal rules loosely, and bent them to enable a claim. For example, the administrator of a Polish respondent (M12_PL) agreed to process his claim despite some missing documentation. Another labour market advisor (J40) followed a similar logic in claims-processing when abstaining from sanctions, highlighting that:

“If there is a good explanation for claimants' [non-compliant] behaviour, I do not sanction [...] I am operating at the margins of legality, but I always think that claimants have so little money already. So I don't want to reduce their income even further”.

Similarly, staff from a benefits team twisted housing subsidy calculations in a way to match a claimant's characteristics to the eligibility criteria, commenting that whether the benefit is granted or not *“it depends a little bit on one's good will”* (field notes JC B). Another administrator (J12_Advisor) used his discretion to finance an applicant's driving lessons, justifying them as necessary for future employment, and thus loosely interpreting the rules to the claimant's benefit. Others commonly recommended applicants to secure some form of small scale-employment as a way to qualify for benefits, as this job centre respondent (J11_Special Rep) explained:

“When welfare workers call me, that they have somebody from Spain, Portugal or elsewhere, I usually tell them that a mini-job would be good, or small self-employment to qualify for benefit top-ups”.

In short, no single norm for processing EU migrants' claims to *UB II* benefits and associated services existed. Instead, bureaucrats used their discretion in different ways, leading to inclusion into social security receipt for some applicants, and exclusion from it

for others.

Exacerbating or mediating labour market discrimination effects in job placements

By exercising their professional discretion with regard to the potential welfare needs of their claimants, administrators could also become implicated in exacerbating or mediating broader employment discrimination effects. Through the ways in which advisors aimed at integrating claimants into the labour market, they sometimes perpetuated existing disadvantage (see Brussig et al. 2017a, 2017b). The latter manifested itself in primarily assigning EU citizens to low status, insecure jobs. A migrant counsellor (S17_Diakonie) revealed how many of her Polish female clients with medium-levels of education were commonly asked to work as cleaners, which was mirrored by the experience of a Polish university student I interviewed (M13_PL). The findings mirror research on ethno-national and gendered profiling in the marginal employment sectors of provision of care, service and hospitality (see Anderson 2000; Anderson and Shutes 2014).

The case of an EU migrant claimant who had been unemployed for six years is illustrative of such experiences of de-skilling. Her education science diploma remained unrecognised in Germany. Once her current advisor looked into her case more closely, and helped her to get her qualification officially recognised, she found work as an educator within a few months (so the account of J30_Advisor). This shows how administrators sometimes actively participated in the de-skilling of migrant employment by interpreting 'unrecognised qualifications as no qualifications'. A job centre administrator (J10_Advisor) pointed to the lost opportunities such a practice often engendered:

“We also have people here where, only after a while, we find out that they have a great qualification. Why did nobody help them to get it recognised? Sometimes this only happens years later”.

Instead of individually counselling EU migrant claimants on their job opportunities in Germany, many advisors tended to assign foreign national claimants to several consecutive German courses in order to get them off their caseloads (field notes JC B). But as Fairhurst et al. (2011) wrote, not acknowledging the potential value of claimants' competence can be qualified as a form a subtle discrimination. The following quote from one of the administrators (J21_Advisor) highlights this type of derogatory thinking, which she perceived as prevailing among many of her colleagues:

“The difference [...] is that some say, ok, he or she does not know German. While I say, one doesn’t have to become a professor. But when one works [...] for instance as a sales assistant, one can learn German through practice. In lower level occupations, basic German skills are sufficient”.

Some labour market advisors, however, opposed the prevailing trend and actively supported EU residents in their efforts to integrate into the German labour market. A Bulgarian respondent (M17_BG) recalled the support she received from the job centre, when her limited German skills made it difficult to use the online job search tools:

“They showed me a couple of websites for where to look for jobs; they navigated the webpage for me. The webpage is built nicely, but for someone who is German [...] The social worker sat down with me and showed me where to look for things, what kind of search terms to put, what jobs [...] I had tried before [but] it was difficult, for people who do not speak German that well”.

The described inequalities of treatment which could emerge during the allocation of resources and services in supporting EU citizens' job search often added to, but also mediated the existing labour market disadvantage of EU migrants in Germany. Bureaucratic practice could either reinforce the pre-existing socio-economic inequalities, or attenuate them. The practice recalls Foster's (1983) analysis of welfare rationing, whereby welfare providers consider themselves professional experts, who could paternalistically define the claimant's apparent needs.

In summary, the data revealed how street-level administrative practice could impede access to benefits and services for EU citizens on the ground. The findings presented are in line with one of the few existing studies on this topic, namely Carmel (2016) and Carmel et al. (2016) large-scale, qualitative inquiries of the social security portability practices within the EU, which documented patterns of inconsistent decision-making transpiring into administrative burden.

EU migrants’ diverging perceptions of their claiming experience

Considering the scope administrators had in claims-processing, EU applicants' perceptions of the claim-making experience diverged considerably. The majority of EU citizens appeared to describe their claiming experience in positive terms. It was striking that many respondents referred to their job centre interactions as having been “well-

treated” (M3_BG), or as allowing them to *“keep their dignity”* (M7_ES). Interviewees alluded to the friendly environment, which the quotes below illustrate:

“It’s much better than in Spain. They were nice to me”(M16_ES).

“They were all really nice. I didn't feel like in a Bulgarian job office for example. So far, I have only met friendly people at the job centre”(M17_BG).

This overall relatively positive appreciation of the job centre encounter is mirrored by quantitative research, such as Tisch's (2010) survey of migrant claimant satisfaction with German welfare administration, which found more positive perceptions of the claiming experience among claimants of a 'migration background' than of German-born nationals. EU respondents' frequently pleasantly described claiming experience is likely to have been impacted by their pre-existing, rather low welfare expectations, which the following section elaborates on.

However, some EU applicants referred to experiences of deception and disappointment when engaging with the German social administration. Welfare bureaucracies were described as not living up to claimants' *a priori* expectations, as a Polish counsellor working at one of the German welfare organisations (S17_Diakonie) explained:

“People say that they are disappointed by how the German administration works. They imagined it differently. In Poland, there is an image of Germany of how everything works [...] There is this idea that [...] German bureaucracy is flawless. And then people are disappointed if they come here and have a different experience. Which they did not anticipate at all. That bureaucracies sent them away [...], that they work really slowly, that they provide them with the wrong information [...] 'We thought the Germans are always so perfect'”.

Moreover, some participants alluded to the psychologically demanding nature of the claiming process, describing staff as impatient (M6_FR), aggressive (M1_DE), and indifferent. A Polish female migrant (M13_PL) perceived her application process as having been heavily frustrating, because the two administrators she met did not show *“any emotions”* when she reported her experience of labour exploitation in Germany. For several respondents, claiming had a strong mentally destabilising impact, such as for a Hungarian interviewee (M18_HU), who reported feeling depressed *“three days in advance of the meeting and three days after”*. Some respondents also employed the

language of humiliation (M10_FR) to describe their experience, which led a Polish respondent (M13_PL) to drop her claim:

“In principle, I lost my time at the job centre. I will not go again because I am not the kind of person, one who just comes to get social security money here”.

Others emphasised feelings of self-consciousness in claiming, describing their difficulties in accepting a state handout (M12_PL), or of feeling *“like a parasite”* (M6_FR), or of receiving something *“that does not belong to [them]”* (M7_ES).

Finally, some interviewees underscored notions of dependency which their benefit receipt would generate (M17_BG). They often raised concerns about their apparent dis-entitlement, as this French interviewee (M8_FR) highlighted:

“I was too proud to claim and did not want to take advantage of the system”.

The given examples of EU citizens' voices show a range of perceptions of the claim-making process. Depending on the individual sense-making, EU citizens engaged in differential navigation strategies to fulfil their welfare needs, which is the theme of the second part of this chapter.

5.2 EU migrants' preparedness to engage with local German social administration

This section explores the fault lines of the experience of administrative inequality in more detail. It analyses EU migrant respondents' perceptions on what shaped their inequalities in access to benefits and services on the ground. This includes EU citizens' position as migrants and newcomers to the German society, which appeared to impact their experience with local German bureaucracy. Interviewees spoke about how their differential welfare expectations, influenced by their home country social support system, their familiarity with the German context, and their respective social and cultural capital endowment, came into play during the claiming process.

EU citizens' knowledge deficits and false expectations of their entitlements

A noteworthy result of this research among EU migrant interviewees is that only applicants who arrived at the local job centre with sound and detailed knowledge of their entitlements and obligations seemed to be able to substantiate their claim in practice. EU applicants who approached the institution with a request for more information, unable to

make their case due to informational gaps, tended to be denied access on the basis of “*no work, no job centre*”. This experience was shared by several respondents, including a low-skilled Bulgarian (M4_BG) and a highly educated French (M6_FR) applicant. The finding points to how educational or national background might play less of a role in securing access than could be anticipated.

However, knowledge deficits were not the only obstacle in realising substantive claims. In addition, many EU citizens had false or unrealistic expectations of their social entitlements in Germany. The case of a Polish citizen, who phoned a community migrant counsellor (S24_NGO) in Berlin shortly before leaving her home country, illustrates EU migrants' at best vague ideas of the German labour market conditions and their social rights. In the interview, the community worker recalled the story of how:

“A woman called me and said: ‘We already packed our bags and we will move to Germany. How does it work in Berlin?’ – ‘With what?’ – ‘Well, work won't be a problem. Our neighbour told us that he works in a pizzeria and earns 3000 Euros [...] Please give me the address for social housing’. - This shows the kind of expectations raised in Poland, and how wrong these expectations are”.

Similarly, a social lawyer (S26_Legal expert) told me about the case of a Bulgarian client he had. She had immigrated to Germany following a news report on the national television channel, which broadcast the story of a pregnant Bulgarian citizen who was granted job centre benefits in Germany. She falsely assumed she would be eligible, while missing the nuances and the complexity of the conditions of access to benefits.

Job centre administrators generally shared key informants' views of the ill-informed ideas some EU migrant applicants would have when they arrived in a local German job centre. As this representative (J17_Advisor) explained:

“They are attracted by a completely different set of expectations. They have not looked into the system before [immigrating] [...] they come with the expectation: ‘Germany, land of milk and honey, which will pay for everything’”.

Such limited understandings of their rights and entitlements could easily lead to misinterpretations of the claim experience, as a migrant counsellor (S18_Paritaet) highlighted in our conversation. Often, EU migrant respondents perceived decisions to be arbitrary and discriminatory when the underlying rationale behind them was not

conveyed. This was the case of one of the Bulgarian citizens (M4_BG) I interviewed, who was unaware of how to qualify for eligibility. At several points during the interview she stated that *“I don't know my rights in Germany”*. She recalled that she felt unfairly treated by the job centre, and kept wondering why a Bulgarian acquaintance of hers had received *UB II* benefits while working, whereas she did not, being unemployed.

According to a lawyer I spoke to (S26_Legal expert), such misconceptions of welfare entitlements tended to be shaped by erroneous information circulating in either their home countries, or within closed community networks in Germany:

“Many think money is just flowing here, that there is work [...] They came with false ideas [...] with romanticised ideas [about Germany] which don't correspond to reality [...] Back in their home countries, they think that Germany is looking for workers, that the social system is better, and that when things don't work out, the German state will provide for them”.

Moreover, EU migrant applicants were often unfamiliar with the conditionality logics embedded into the claiming system, and the demands set out by the job centre. They were unaccustomed to the tacit behavioural expectations, such as the expected self-initiative in securing employment. As this Bulgarian respondent (M17_BG) pointed out:

“I assumed my social worker would contact me [...] and that clearly was a mistake”.

EU migrants also showed limited understandings of the technicalities and procedures involved in the claiming process, as well as the types of social benefits they could apply to. Many did not know *“what exactly to do”* (M6_FR) or *“which [benefit] to apply for”* (M3_BG). EU migrant applicants commonly conflated contribution-based unemployment benefits *UB I* administered by the local employment agencies and the tax-financed jobseeker's allowance *UB II* handled by the job centres.

Job centre interviewees highlighted EU claimants' common lack of knowledge about the rules and procedures⁵⁰ (see J47_Reception), as this receptionist (J48) stated:

“Sometimes there are a lot of communication difficulties [...] we highlight the

⁵⁰ The interview material highlighted distorted expectations concerning access in benefits and the German labour market. Job centre staff described EU claimants as having *“unrealistic labour market expectations”* (J4_Management; J7/J8_Advisors), concerning the sort of qualifications necessary to exercise certain occupations in Germany.

processing times we need and people cannot understand that we need three weeks to process a case.”

Migrant counsellors similarly pointed to informational knowledge deficits:

“Many clients don’t understand why they have to prove so much with documents when they ask for help. They don’t understand why they don’t receive benefits if they did not bring certain documents” (S18_Paritaet).

“Some claimants think that it does not matter if they do not provide a certain document. It’s not only a problem of miscommunication but of misunderstanding” (S17_Diakonie).

The above accounts were mirrored by migrant interviewees, who did not always understand why they had to bring certain documents (M4_BG, M7_ES) or what their obligations were. For instance, one of my respondents (M2_US) wondered why she was sanctioned after she missed a scheduled appointment, even though procedural guidelines allow for cutting benefits by 10 per cent for three months if claimants miss a scheduled appointment (see Schmitz 2014):

“So I came and I was maybe 10 minutes late or so [...] they basically sent me away because I had missed the timeline for whatever reason, to either meet with them or [...] I have no idea why“.

A Polish community worker (S24_NGO) asserted how EU citizens tended to be misinformed about their obligations. He also explained how procedural mistakes were commonplace. For example, many were not aware of the procedures for creating a small business, which would allow many to qualify for benefit eligibility.

Such a finding contrasts with the street-level perceptions among many administrators. The latter often perceived EU citizen claimants as knowledgeable enough to exploit the legal loopholes of the system (see Chapter 7.3). The often distorted welfare expectations and procedural misunderstandings of EU migrants could entail severe compounding effects. Key informants (such as S23_NGO, S26_Legal Expert) highlighted the risk of incorrectly set-up businesses being qualified as intentionally established fictitious self-employment, which could engender the immediate termination of benefit receipt. The phenomenon discussed above, of EU migrants' (absence of) knowledge of manoeuvring the local

German welfare bureaucracy has been discussed by legal scholarship in terms of 'procedural capital' (Spire and Weidenfeld 2011).

The role of cultural intimacy in claim-making

The notions above described of false entitlement, unrealistic expectations, and lacking procedural capital seemed to be linked to, and exacerbated by, a lack of tacit knowledge of the typical scripts of action in the German societal context. As this section shows, EU citizens tended to recur to their home country's social systems as a point of reference during the claim, which could result in mistranslations of their obligations and rights in Germany. Job centre staff often expected such unwritten behavioural norms to be known and enacted. As Tuckett (2015, 1) noted, "successful encounters with bureaucratic systems require users to be familiar with 'insider' rules". These implicit cultural frames of reference can be captured by the term 'cultural intimacy'. Adapting from Herzfeld (2005), the latter can be defined as elements of (cultural) identity, which are recognisable by all members of a given community. The implicit behavioural expectations structure predictions of how the counterpart might react within a social interaction.

EU migrants described how they were often unfamiliar with the tacit expectations. They noted how they faced a double translation problem, of the German language and the host society's implicit cultural repertoires from which to construct their strategies for action (see Swindler 1986). Their own cultural reference system was no longer valid in a domestic context other than their own. A Polish applicant (M11_PL) illustrated his lack of familiarity with the implicit cultural codes through the metaphorical image of the three monkeys, the first of which cannot speak, the second of which hear and the third cannot see. He explained that, as a newcomer to Germany, he had to learn "*how people function here, that people think differently and have a different mentality*". His experience was mirrored by that of an Anglophone applicant, who was similarly underscoring the significance of unspoken assumptions in social interactions (M2_US):

"There seems to be a pool of tacit knowledge that all newcomers have to learn".

Such ideas about 'culture' being codified through tacit codes speak to Anderson's (1983) writing on 'imagined communities', which portrays a culturally-bound community as static and cohesive (see Chapter 3.2).

Both job centre and EU migrant respondents perceived the mastering of the tacit cultural

knowledge to be closely linked to an applicant's ability to decipher a specific institutional set-up. EU migrants recounted how, in contrast to German-born nationals, they were socialised in a different society, which impacted their understandings of a given bureaucracy (M2_US, M11_PL). Two job centre respondents, who had themselves migrated to Germany during their childhood or adolescence, explained how such informal socialisation processes were likely to influence the applicants' ability to appropriately decipher a given socio-cultural and bureaucratic context:

“Somebody who grew up in Germany [...] grows up with the social system and knows what to bring along and where to go, is familiar with the whole bureaucracy, having been socialised into this bureaucracy” (J21_Advisor).

“If I grew up in a system, I understand [that system]. If I go to school here [...] I understand the [cultural] codes, and migrants do not. It is more complicated for them” (J28_Special Rep).

The EU migrants' claiming experience could be contrasted with the one of migrants who, by now, had spent a decade or more in Germany. As captured in the *IAB's* secondary data set on long-term migrant residents, the latter appeared to struggle less in substantiating their claim (such as M.E3_TCN, M.E8_DE, M.E10_TCN, M.E11_DE, M.E20_PL). How long-term residents spoke about their claiming experience suggested that they tended to know their rights and obligations much better than most of the EU migrants I interviewed. It appeared that they were often more apt to decipher the implicit behavioural expectations and to respond to the implicit conditionality of work activation.

This allows for conclusions to be drawn about how cultural aptitude and intimacy may increase with time spent in Germany. Resonating with Mezzadra and Neilson's (2013) argument on the importance of temporality, migrants' (perceived) status as cultural outsiders seems to wane as their length of stay increases. Through acculturation effects, their position as newcomers to the German language, society and administrative culture might slowly diminish, along with the associated risk of mistranslating implicit behavioural norms and welfare entitlements. This process could be captured by the idea of progressive assimilation, a concept first proposed by Chiswick et al. (2018) to describe immigrants' integration into a foreign labour market.

EU citizens' welfare expectations of German public provision

Key informants spoke about how, in the absence of detailed knowledge of the German system, recently arrived EU migrants' expectations tended to be shaped by the perceptions of their home country's social security provisions. Several migrant counsellors (S16/S22/S24_NGOs) highlighted how pre-existing ideas about the role and generosity of public support tended to inform EU migrants' understandings of entitlements in Germany.

Accordingly, EU migrants' preconceived notions of what to expect of German public support, once they moved and settled in Germany, varied quite considerably. EU respondents overall expressed a strong motivation to support themselves rather than to be financially dependent on German social benefits. In contrast to the prevailing myth of welfare tourism (explained in Chapter 7.2), decisions to immigrate were commonly inspired by economic rationales of better job opportunities. The majority of highly skilled EU respondents framed their immigration to Germany as a lifestyle choice. Their decisions to migrate were often motivated by various economic objectives of enhancing their professional opportunities, and of furthering their personal development through a stay abroad (M3_BG, M5_FR). EU migrant interviewees commonly spoke about the new adventures in a city like Berlin, which was portrayed as attractive due to its art scene (M6_FR, M7_ES; M8_FR). Personal motives such as love, or family also played a role (M10_FR, M14_PL, M17_BG). Less skilled EU migrants (such as M11_PL) similarly explained their decisions to come to Germany to have been motivated by reasons other than the comparatively comprehensive German social protection system.

Key informants (S14_Caritas, S15/S27_NGO) described the reliance on German social assistance-type benefits as a default strategy of last resort when EU migrants were not able to integrate into the German labour market. In their initial decision to migrate, the idea of being able to access state support tended to play a subordinate role, as this Polish counsellor (S17_Diakonie) explained:

“The motives differ, clearly. They are, first of all, economic. They simply want to have a job. Make money [...] many say they don't see a future in Poland, that their children want to have a better education [...] and that there is a better safety net here”.

Almost all the EU migrants I interviewed anticipated that a strong logic of reciprocity or

need should define their benefit eligibility and legitimacy to file a claim. Thus, notions of (not) feeling “*poor enough*” (M8_FR, M10_FR), with other people being more “*in need and distress*” (M9_HU), were activated to justify decisions to (not) reach out for German public money. Several respondents perceived German citizen claimants, compared to themselves, as not being self-sufficient enough (M8_FR). Some even described German nationals as being “*obsess[ed] with getting support from the state*” (M1_DE). Interviewees also expressed surprise about the generosity of the benefits and services available to them (M10_FR, M16_ES).

Many EU respondents perceived a claim to be socially legitimate, and expected some public support, only once they faced circumstances beyond their control. The latter resonates with one of van Oorshot's (2006) five deservingness criteria. For example, one of my French respondents (M6_FR) considered it fair to apply to a housing subsidy in the light of the ever increasing rents in Berlin. A Spanish interviewee (M7_ES) relied on social subsistence benefits as a temporary aid while she was setting up her own business, even though she highlighted her unease asking for public support.

There tended to be one group of EU applicants which could be characterised through a different set of welfare attitudes. They could be described as having a complicated, strenuous relationship with the German welfare administration. Respondents spoke about their perceptions of the job centre not as a benevolent institution, which would support residents in need, but as an opponent representing the interests of the state. Several Eastern European interviewees explained such attitudes prevailing among some EU migrant respondents by their socialisation processes in the post-Soviet home countries, where state institutions tend to be perceived as “*corrupt*” (M3_BG). They described that such perceptions could result in the frequent circumvention of rules and laws, for instance by becoming involved in fictitious or only partially-declared employment, as explained by a Bulgarian respondent (M4_BG). Another Bulgarian interviewee (M17_BG) disclosed the underlying way of thinking as follows:

“Rule of law is a more problematic concept in ex-Socialist countries. It's doesn't work in quite the same way. [...] [corruption] exists there to a much stronger degree and it is systemic. So, no one actually believes that the state is benevolent towards the individual. The state is generally seen as an enemy of the

population. [...] We see a complete lack of legitimacy; you don't trust the government; people don't trust institutions. [...] So, you don't see the state as your own representative. And I feel that here it is different. People here [in Germany], people who work in these institutions, are generally trying to help you”.

Such an adversarial nature of the state-claimant relationship is not unique to the post-Soviet space. The same could be observed in neo-liberal welfare regimes such as the UK (see Wright 2003). Interestingly, the German welfare state seemed to be reputed for, and expected to perform better and be fairer towards its patrons. Consequently, some felt disappointed by the apparent arbitrariness of local welfare bureaucracies.

Overall, due to their status as newcomers to German society, EU migrants tended take their home country welfare system as a point of reference when trying to make sense of the German social system and their claiming experience. EU migrants' expectation management, based on the (often less generous) home country welfare systems, might explain the dissonance between their predominantly positive interpretation and evaluation of the claiming experience, which contrasts strongly with the negatively co-notated descriptions of their long-term settled peers (surveyed by the *IAB*). The latter made more frequent reference to notions of stigma, humiliation and shame when claiming than the EU citizens I interviewed. Such differential interpretation of the same process of claiming is likely to relate to their implicit comparison. Those claimants who were surveyed by the *IAB* had commonly experienced the previous, less punitive social assistance system before the reforms in 2005, which resulted in a different set of pre-set welfare expectations. Long-term migrant welfare users' experiences seemed to resemble those of German-born claimants rather than mirroring the experience of newly arrived EU migrants.

The role of social divisions in shaping perceptions of administrative exclusion

Some of the evidence described above has alluded to how time spent in Germany could act as a predictor for both the degree of cultural intimacy or dexterity, and for the type of pre-set welfare expectations EU migrants might have when filing a claim in Germany. The data suggested that EU migrants' preparedness to claim was not necessarily a question of educational background. Several highly-educated respondents appeared to

struggle as much with their applications as some of the less-educated interviewees. For instance, a university-educated French interviewee (M5) was taken by surprise when her online application was invalidated, because she did not follow up with the mandatory in-person appointment.

Education level nevertheless appeared to play an indirect role. According to two welfare counsellors (S2_AWO, S9_Diakonie), educational level shaped EU migrants' abilities to familiarise themselves with the host country setting. This included the learning of the German language and the society's tacit rules and norms (see Carmel 2016). Respondents perceived educational background to influence EU migrants' abilities to navigate the complex administration, and to engage in processes which Scheibelhofer and Holzinger (2018) qualified as 'welfare learning'. As trained critical thinkers from university education, key informants judged educated EU citizens as being better prepared for claiming benefits in an unfamiliar setting. One of the community workers I interviewed (S23_NGO) shared his observation of how the highly qualified tended to be faster in decoding tacit behavioural expectations and acquiring new knowledge, including language abilities. He described those with lower educational levels as less well prepared, and therefore sometimes more prone to exploitative labour situations:

“These are commonly people who are not at all prepared for the situation. They do not know the language or things like how health insurance works or the difficulties of finding housing. Many of them work under ludicrous working conditions. Their lack of knowledge is often taken advantage of. [...] many who have low levels of education, who only went to school for a few years in Bulgaria”.

Key informants shared the view that EU migrant claimants' educational level influenced their respective ability and motivation to engage in a cultural learning process.

The problematique of migrants' limited ability to convert social and cultural capital has been raised by Esser (2001) in his work on migrant integration and acculturation. Over time immigrant residents become acquainted with the respective cultural scripts and forge social connections which can help them meaningfully participate in their host society (see Garces-Mascarenas and Penninx 2016). EU migrants appeared to not always have the same cultural capital to draw from when claiming compared to German national

claimants.

Job centre staff (including J1/J10_Advisors; J25_Reception; J50_Payment) similarly acknowledged the role of educational capital in influencing EU migrants' readiness to engage with bureaucratic processes. The latter aspect was well illustrated by a receptionist's account (J47_Reception) of her day-to-day interactions with (EU) migrant applicants:

“There are people who understand very well what I am telling them. But there are others who are completely helpless in dealing with a bureaucracy. [...] When we say we need your income statement or your bills [...] to process your case, they often don't really understand”.

A benefit clerk (J43) noted that *“the lower the educational background, the more likely it is that benefit forms are not correctly filled in”*. The observation relates to scholarship on class and access to social security (Zahradnik et al. 2016). The authors demonstrated how administrative practices tend to be biased towards an educated middle-class, discriminating against less-educated claimants in the ways in which the system functions and what is expected of the claimant.

5.3 EU migrants' strategies to navigate their social protection needs

The impediments to benefit and service receipt EU migrant citizens encountered at local level could take various forms, occur at different stages of the claiming process, and depending on their respective social and cultural capital shape different trajectories of claiming. This last part discusses the various strategies of EU migrants to navigate the complex bureaucratic environment. EU respondents commonly relied on a mix of several, formal and informal welfare strategies to satisfy their social protection needs (see Appendix 5, Table 5.2). Strategies ranged from:

- (i) disengaging from the host country system, by turning to either their home welfare state or to informal support networks;
- (ii) to engaging with formal German social support. The latter entailed the upscaling of information-seeking efforts, including the outreach and reliance on third-party support and advice, the display of strict rule-abiding behaviour, subverting the

system by creative, artful rule bending to qualify for claims, or secure legal recourse to redress denied claims.

Tactics of needs satisfaction when disengaging from German social provision

Several of the EU migrants who either decided not to claim, or whose benefit request to *UB II* benefits was denied, (re-)registered with their host country's social provision to secure their livelihood. Some continued to receive unemployment support from another EU country, such as a French respondent (M6_FR). He did not declare his move to Germany for 1.5 years and remained registered with the French *Pôle d'Emploi* instead. Similarly, a Spanish interviewee (M16_ES) informally exported unemployment benefits from her home member state:

“By the end of 2015, I almost ran out of money and I kind of cheated to the Spanish 'Arbeitsamt' [job centre] [...] My aunt runs a bar, she provided me with a three months contract (even though I never worked there). And she paid me a salary which I returned to her and I paid her the taxes. In return, I could obtain 'Arbeitslosengeld' [unemployment benefits] in Spain for two years, or for three months in another country in Europe”.

Furthermore, anticipating a potential shortfall of resources during the transition period of moving and settlement, respondents thought of alternative sources of income to cover their expenses once they arrived in Germany. Some interviewees (M6_FR, M7_ES, M8_FR, M17_BG) saved money before moving to Germany. They also supplemented their income by small-scale, casual labour once they had settled in Berlin, such as a Spanish respondent (M16_ES) who worked in a call centre for six hours a week. Others started part-time work in a diverse range of occupations, namely as sales assistant in a wine shop (M10_FR), providing translation services online, giving guided city tours (M6_FR), private piano lessons (M7_ES), working in refugee camp, then in an art collection and a theatre (M18_HU). According to key informants, some (Eastern European) population groups also made ends meet engaging in marginal economic activities such as of playing music in public transport or collecting deposit bottles, which could be exchanged for small amounts of money at local supermarkets (field notes civil society meetings).

A common problem EU migrants encountered when settling in Germany related to their

access to medical care. Many informants spoke about their difficulties in obtaining health insurance in Germany (M4_BG, M5_FR, M6_FR, M7_ES, M8_HU, M17_BG). While access to medical care tends to be residence-based in some EU countries such as the UK, membership at a statutory health insurer in Germany is linked to paid employment. For unemployed residents, the German state covers the monthly fee for health insurance once the user is registered with the local job centre. Those remaining without public support have to cover the costs on their own. For this reason, EU migrants often remained signed onto the national health service in another European member state, aiming to obtain health coverage in Germany by means of the *European Health Insurance Card*. Others tried to rely on less expensive private health insurance. The latter group often remained unregistered in Germany, which put some of them at the margins of legality, as this Spanish interviewee (M16_ES) highlighted:

“During this year I wasn't 'angemeldet' [registered with the local authorities], so I could avoid paying the 'Krankenkasse' [health insurance]. I had a travel insurance that was like one third cheaper than the 'Krankenkasse'. It was like if I didn't exist in Berlin at all, sometimes it was uncomfortable”.

Besides, some EU citizens relied on their interpersonal networks to offset their lack in access to formal welfare in Germany, which has been seen elsewhere as a common informal welfare strategy (see Lafleur and Romero 2018; MacAuslan and Sabates-Wheeler 2011; Serra Mingot and Mazzucato 2018). In this regard, family and partners played a prevalent and effective role, for instance for a French respondent (M10_FR) who was financed by her German boyfriend after her arrival in Berlin. Similarly, a Polish interviewee (M15_PL), who came to Germany with her child after separating from her partner in Poland, was supported by her mother, who already lived in Berlin. In some instances, semi-formal intermediaries stepped in to fill the void of state provision, such as in the case of a Bulgarian citizen (M4_BG) who arrived in Germany pregnant, and whose childbirth was, in absence to access to German health insurance, financed by a local NGO.

Strategies to engage with German formal provision system

However, not all EU citizens I interviewed had turned away from the formal German provisioning system. Instead, some respondents sought to find ways to engage with the

bureaucratically complex job centre system. As a form of welfare learning, EU migrant interviewees reported to first have scaled up their information-seeking efforts better to understand eligibility conditions and the process of application (M3_BG, M4_BG, M5_FR, M8_HU). Most relied on detailed internet research, as this quote exemplifies:

“I finally looked things up on the Internet, translated words and stuff, and understood how to find the job office, the employment agency. And I went there and signed up” (M17_BG).

Others relied on word of mouth, through friends and acquaintances (M8_FR). The excerpt below is an example of how social networks helped a Spanish respondent (M16_ES) secure housing:

“I heard from my friends about the WBS [a form of housing subsidy] [...] I obtained it easily and started searching for a flat. I couldn't find anything. Then I heard from my friends that, in Germany, there are cooperatives for rental (that doesn't exist in Spain) and soon I found a nice small flat for myself”.

Some EU respondents (such as M4_BG, M7_ES) discussed resorting to subverting eligibility rules to qualify for *UB II* benefits, having learned to develop strategies to manipulate legal loopholes and to adjust legal ambiguities in their favour. In this respect, key informants (S24_NGO, S25_Embassy, S27_NGO) described small business creation as a commonplace strategy. As this migrant counsellor (S20_Diakonie) explained,

“Small business creation is often the only way to get into the system, small businesses as a way-in. Some qualify this to be fraud, even though the person really wants to make a life here”.

Such a strategy of small business creation led some respondents to operate at the margins of the labour market (SI_Paritaet). For instance, a Bulgarian national (M4_BG) recalled a conversation with an acquaintance who received 1400 Euros from the job centre, because, according to her,

“he says [he is] only working half a day, so that he receives money from the job centre [...] If you lie a little bit, it works”.

However, key informants, such as a local community worker (S23_NGO), asserted that purposefully created fictitious employment remained an exception. The respondents

explained many EU citizens slid into illegal forms of work because of their procedural knowledge deficits, as he outlined in our interview:

“People who try to get job centre benefits through fictitious self-employment are isolated cases [...] most arrive here without being able to speak German. In this case getting full-time regular employment is very difficult. One can take small, casual jobs, by creating his/her own business and then you are automatically self-employed”.

Once respondents made a successful claim, they often chose to become over-compliant with the job centre requests in order to ensure their continued access (M1_DE, M3_BG, M8_FR). For instance, a French claimant (M10_FR) recalled constantly being in contact with her local job centre to inform them about changes in her situation and her progress in the job search. The latter could be interpreted as a symptom of the sense of insecurity perpetuated by the system, whereby claimants had internalised the self-discipline expected by them.

If none of the strategies were successful, several respondents decided to file a legal appeal as a recourse of last resort. For instance, a Polish citizen (M11_PL), who had received benefits from his local job centre, but whose claim was rejected by his new city borough's job centre after he had moved within Berlin, appealed to the local social court which granted him an entitlement.

An unanticipated finding of this research is that none of the interviewed EU citizens went through the administrative process on their own (see Appendix 5, Table 5.3). When navigating German bureaucracy, all migrant respondents turned to, and relied on external support in one form or another. The Polish respondent (M11_PL) above was supported by a local community worker, who filed the appeal for him, as he lacked procedural knowledge of how to realise his entitlement. Migrant counsellors were instrumental in realising a substantive claim in practice. They explained EU migrants their rights and duties and guided them through the claiming process, including the appeal if necessary.

EU applicants reached out to external support once when they wanted to start a claiming process, but did not know how. An Anglophone respondent described her partner as having played a key role in explaining “*tiny things*” of how the system worked. Without his help she believed she would not have succeeded in making a claim (M2_US):

“I wouldn’t have known I have these rights. My partner explained to me that I have these rights [...] a system which is completely new to you, [... the process] was made transparent through my partner [...] He had the tacit knowledge, of what I had rights to [...] I was essentially blind to the process and he walked me through it”.

He not only acted as an interpreter, translating from English to German, but also provided her with the tacit knowledge on the behavioural norms which social administrators expected to be known. Third-parties also commonly mediated the substantive knowledge deficits on the concrete steps involved in the administrative procedure, as this welfare councillor (S23_NGO) explained:

“My role as a social worker is to explain to people [...] what assumptions are embedded into the system”.

One of local community worker (S27_NGO) I interviewed, who supported EU citizens in their claims, similarly described his job role as one of building bridges into German society, and into German social bureaucracy specifically:

“We try to create bridges through our language and cultural knowledge”.

Research on social and cultural capital (Nohl et al. 2006) suggested that (EU) migrants had diverging educational capitals which they could mobilise when settling in Germany. Some EU respondents had access to national-culturally homogeneous or closed community networks, whereas others were more diverse. The data revealed that more educated EU migrants tended to have access to transnational social networks, which included German-born acquaintances, friends or family members. The latter actors fulfilled the important role of intermediaries, who could offer bridging capital into the host society. As translators between two divergent socio-cultural systems, so-called 'cultural brokers' (see Städtke et al. 1999) assisted EU migrant residents in their efforts to convert and adapt their various capitals to the destination country context.

Considering the prevalent role of migrant counsellors, community workers, partners or friends in advising and assisting EU applicants in realising their entitlements in practice, their role and characteristics warrants further unpacking. This is the focus of Chapter 8.2, which engages with the notion of 'cultural brokerage' in everyday claim-making on a more conceptual level. The analysis demonstrates how such third-party intermediaries are

part of the local-level filtering system of EU citizens' claims.

5.4 Concluding reflections

This chapter reflected on what happens when EU migrant applicants claim poverty-relieving, non-contributory *UB II* benefits in local German job centres. The chapter uncovered the everyday practices of allowing or refusing benefit access in practice, which resulted in substantive inequalities of benefit receipt. The exploration illustrated Mezzadra and Neilson's (2013, 159) idea of (EU) migrants' 'differential inclusion' into their host society, whereby they "can be subject to varying degrees of subordination, rule discrimination, and segmentation". EU citizens' privileged status as free movers lost part of its significance once they engaged with the local German welfare bureaucracy. The chapter also explored with the EU citizens' perceptions thereof, which related to their preparedness and strategies for navigating a new and complex bureaucracy.

By showcasing EU migrants' struggles to access job centre benefits and services in practice, the findings called the effectiveness of EU social citizenship into question. In summary, EU citizens commonly struggled to access information about their entitlements. Once they tried to engage in a claim, some of their initial requests were categorically denied by reception staff. The refusal to formally screen applications violated the legal and administrative framework and potentially qualifies as a form of individual and direct discrimination. Moreover, EU citizens were rarely provided with an interpreter, even though administrative rules granted them the right to one. Administrative practices also included administrative burden which was unlawfully shifted onto EU applicants. Burden-shifting included the outsourcing of the burden of proof regarding their legal residence status, and their social security contribution records in their previous country of residence, which has been equally evidenced by Blauburger and Schmidt (2014). While the first strategy of claim interception was most visible against non-working EU citizens, the other practices of administrative exclusion were observed towards EU migrant applicants independent of 'worker status'. Furthermore, the street-level practices which this chapter described are likely to apply, with some variation, to non-EU foreign claimants. Though focus of my analysis was to describe the specific ways in which they occurred with respect to the EU citizen group.

Overall, different types of direct and indirect discrimination could be revealed, which put the idea of EU citizens' status as equally treated co-nationals into question. Legal statutory exclusions, for instance for job-seeking EU citizens, allowed for forms of direct discrimination captured by the formal law. Yet, the subtle forms of indirect discrimination documented in this chapter go beyond what the law allows for. Sometimes, public goods were also allocated differently by putting more hurdles into the path to access for some applicants, making the claiming process more onerous through disproportionate administrative burden. As rules tended to be dense and administrative discretion limited, administrative burden tended to emerge through the unauthorised use of administrators' procedural discretion, for example by requesting unnecessary documents. This resulted in elevated compliance costs, which could discourage applicants from pursuing their claim.

The observations fit findings from Hemker and Rink (2017) and Buss (2018), who demonstrated a discriminatory bias in German social administrations' treatment of claimants of a 'migration background'. However, not all EU citizens were equally subject to practices of administrative exclusion. Some portrayed their claiming experience as positive, describing staff as enablers of their claims. As a key characteristic of street-level work, front-line administrators had the power to decide on benefit access (Lipsky 1980). The interaction between welfare bureaucrats and EU migrant applicant was characterised by an inherently asymmetric power relation.

But EU migrants were not merely passive, powerless claimants. Instead, they actively shaped their claiming process. Similar to Isin's (2009) idea of activist citizenship (see Chapter 3.3), the findings illustrated how some applicants were able to subvert system rules. EU migrants mainly engaged in two main navigation strategies to fulfil their basic welfare needs. Some disengaged from the host country welfare system, and turned towards informal sources of support or towards their home country provision. Other EU citizens, once they decided to engage with German bureaucracy, actively choose to comply or resist. They either strategised on potential legal loopholes, such as not declaring residency in Germany, or resorted to legal appeals through the tribunal system in order to enforce their access as a legal right. EU respondents often relied on a mix of multiple arrangements to address their welfare needs. The former tended to combine informal support and some source of formal social protection, either in their home or host country.

Whether EU citizens decided to claim related, following Foster (1983), to their cost-benefit analyses on the accessibility to benefits and to alternative means of support. Their decisions to claim also related to their perceived social legitimacy to draw on German public social support. Most of them only decided to claim once they faced circumstances beyond their control, not always being able to overcome structural barriers to accessing a highly formalised and rigidly regulated German labour market. The claiming experience itself tended to be influenced by their pre-existing welfare ideas and their own perceptions of deservingness and belonging, taking their home country as a point of reference. Such culturally specific interpretations commonly transpired into imperfect translations, giving way to distorted welfare expectations and misconceptions of their social entitlements in Germany.

Much also depended on an individual's ability to navigate an unknown administrative system in times of personal distress. Study participants highlighted how knowledge deficits on the host society's unwritten codes and scripts of action could exacerbate barriers to accessing public goods. EU respondents described how they felt unacquainted with the bureaucratic procedures, and unable to decipher the implicit insider rules. The lack of knowledge of administrative procedures could be referred to as procedural capital. The lack of both cultural and procedural capitals, transpired into a double translation problem of German language and (bureaucratic) culture. The findings spoke to the role of cultural capital to engage in welfare learning, which helped EU applicants substantiate their entitlements despite the unfamiliar institutional context. The observation may allude to the existence of socio-economic classed patterns in accessing social subsistence-securing benefits and services. The well-educated and economically well-off gave the impression to be able to decode their host society faster and more efficiently, or they could pay for help compared to their less educated peers. Though respondents perceived educational level to remain an unclear predictor of explaining EU citizens' inequalities of benefit access observed at street-level. Instead, triangulation with long-term settlers' claiming experiences suggested that time spent in Germany seemed to play a role, allowing for potential acculturation effects.

Finally, some EU applicants appeared to be able to secure alternative, informal sources of social support, or to draw on third parties in to assist them during the claiming process. Such allies or advocates, including welfare advice or community organisations, family,

friends and partners, could enhance their economic capacities and procedural knowledge. Third parties also financially supported some EU migrants. In other instances, they served as intermediaries, bridging tacit knowledge gaps on administrative procedures and behavioural expectations to help them secure a benefit claim.

The following chapter continues exploring the first of the two overarching research questions, pertaining to the emergence of inequalities in access among EU citizens. It shifts the focus from EU migrants' experiences of engaging with the local German welfare bureaucracy to the organisational constraints which shape the administrative practices of inclusion and exclusion in practice from the perspective of the street-level bureaucrats, showing how inconsistent treatment cases may not be necessarily a story of overt discrimination but of procedural flaws.

6 Institutional Constraints shaping Local Claims-Processing

This second chapter on the research findings focuses on the administrative practices which structure the local-level implementation process from the administrators' perspective. As the first of two explanatory chapters, it explores the institutional constraints which tend to shape the ways in which front-line staff interpret EU citizens' claims. While the risks of bureaucratic discrimination in processing migrants' claims has been covered by earlier works (Dittmar 2016; Brussig et al. 2017a), the everyday practices on the ground have been explored less extensively. The analysis shows how blind spots with respect to processing EU citizen claims can occur in an institutionalised and systematic manner. Pertaining to the first research question, the chapter complements the analysis of Chapter 5 of how the inequalities in access among the EU migrant citizen group have become constructed through the street-level implementation dynamics.

The chapter first discusses the organisational structures, which lead to an institutional bias in processing EU migrant claims. The analysis focuses on the mechanisms through which institutional discrimination can occur during local implementation, such as legal uncertainties or token diversity policies. Second, the chapter delves into local implementation variance between individual localities, tracing them back to their local leadership and the job centre's exposure to the target group. The findings are based primarily on 55 interviews with job centre staff, as well as observational data from internal training, administrator-claimant interactions and practitioners' meetings.

The exploration connects to the early works of implementation scholarship, such as Lipsky (1980), which focussed on organisational demands structuring local policy implementation behaviour. Building on existing street-level literature (see Chapter 3.1), the analysis examines how local administrators' discretion to act on their ideas of deservingness and belonging is potentially bounded by institutional constraints and failures. The chapter seeks to explain how the aforementioned inequalities in access to benefits and services relate to bureaucratic (in)capacities in processing EU migrants' claims to *SGB II*, which go beyond instances of individual discrimination.

6.1 Operational demands, administrative practices and institutional bias

This first part of the chapter analyses the administrative practices and the operational setting at local job centre level, which create patterns of institutional bias in the processing of EU migrants' claims. These are

- (i) the legal ambiguities of EU citizens' entitlements to *UB II* benefits,
- (ii) non-coordinated operational dynamics in local job centre's everyday work,
- (iii) administrators' understandings of their professional role,
- (iv) the current accountability framework,
- (v) institutional unresponsiveness to EU migrants' needs, and
- (vi) a lack of 'intercultural awareness' among job centre staff.

The analysis is centred on administrators' experiences and perceptions of the institutional constraints and organisational demands which shape their responsiveness to EU migrants' claims.

Legal uncertainty and knowledge deficits in processing EU migrants' claims

As one way of excluding claimants from benefit receipt in practice, some EU migrant workers were denied benefit receipt despite their legal eligibility. The phenomenon could be traced back to the legal uncertainty surrounding the legal entitlements of certain EU citizen groups, and administrators' knowledge deficits.

Effectively, key informants reported on cases of EU applicants whose claim to *UB II* benefits was rejected because the former were not involved in 'meaningful economic activity'. As one welfare councillor (S1_DGB) explained in our interview, job centres often disputed the credibility of employment with short hours and little remuneration in unskilled occupations as genuine employment (also see J32_Management; J50_Payment). The latter finding mirrored the results of other research, including Shutes and Walker (2017), and a small-scale survey conducted by one of the German welfare organisations (Tießler-Marenda 2016). According to job centre representatives overseeing the local legal redress units (J18/J49_Management), local job centre statistics indicated that up to 25 per cent of the cases received unjustified rejections.

False rejections of claims appeared to be interrelated with legal ambiguity. Most job

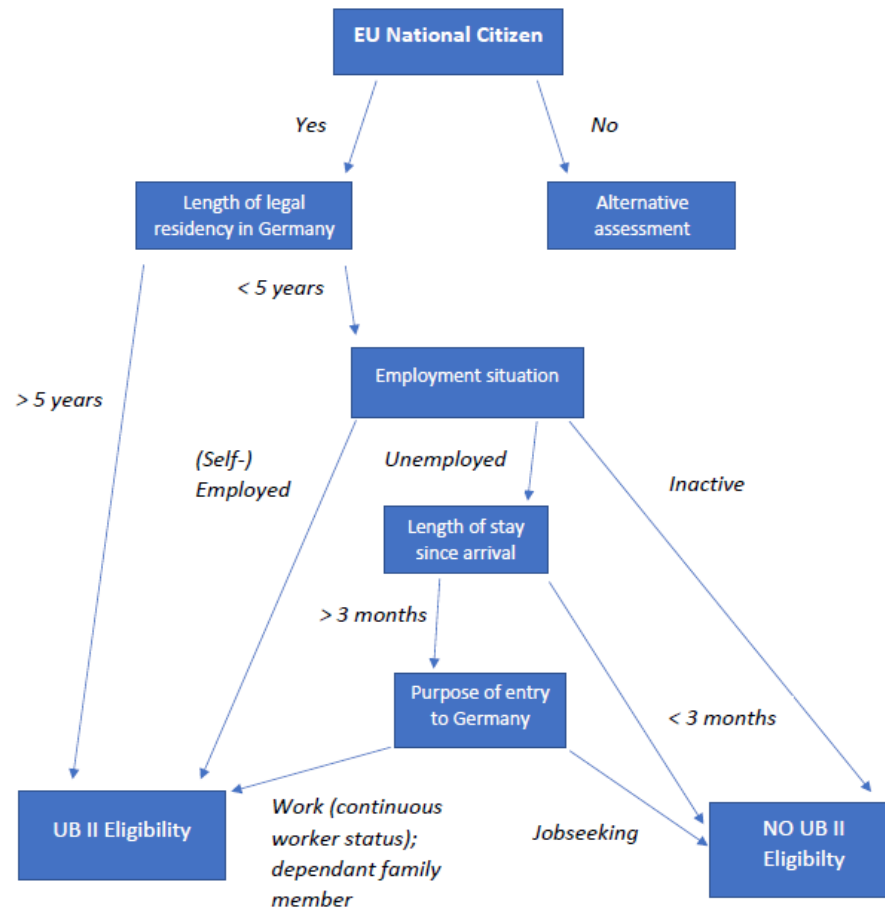
centre respondents highlighted the prevailing legal uncertainties on EU citizens' entitlements as one of the most significant implementation challenges. Such ambiguities mainly applied to jobseekers and EU citizens in marginal employment. In this respect, the conditions of defining 'worker status' were a case of contention. There was a high degree of incoherence regarding the interpretation of the legislation among administrators (see Frings 2009, 2010). Administrators commonly felt unsure of how to assess the claims of EU citizens and reverted to categorical containment, i.e. the rejection of their application on principle (J18/J32_Management; see Heindlmaier 2018).

Categorical containment could be considered a result of the EU legislation, which only vaguely defined a worker as '*any person who pursues activities which are real and genuine, to the exclusion of activities on such a small scale as to be regarded as completely marginal and ancillary*' (Directive 2004/38/EC). The administrative internal guidelines of the *Federal Employment Agency* remain similarly ambiguous (J18_Management; see Bundesagentur für Arbeit 2016a). The document only advises administrators to assess EU citizens' working conditions regarding their eligibility to sick pay, paid holidays and the length of the contract (ibid, p.30). The guidelines specify a weekly employment of at least eight hours to be sufficient to confer 'worker status'. Regarding remuneration, the guidelines only indicate a 'non-marginal income' (ibid, p.32).

Figure 6.1 specifies how job centre administrators ought to assess an EU citizen's claim. This includes an applicant's legal residency in Germany, his or her employment status and the reasons for claiming. In short, if a migrant applicant is identified as an EU citizen, job centre staff should first assess the person's legal residency status in Germany. If the applicant has reached the permanent or habitual residence threshold of five years, he or she is eligible to receive UB II benefits, independent of the respective worker status. If the applicant has lived in Germany less than five years, his/her employment situation needs to be assessed. Those in employment can receive UB II benefits as a top-up; those who are inactive and have no connection to the labour market are not eligible to benefits until they have reached the five year threshold. In case an EU applicant is unemployed at the time of application, his/her length of stay in Germany matters. Below the three month threshold, UB II benefits are not granted. After three months, the purpose of entry and stay in Germany ought to be evaluated. If the applicant has entered for the sole purpose of job-seeking, he or she is not eligible to receive UB II benefits. He or she may be eligible on

other grounds, such as a continuous worker status conferred through previous employment, or as a dependant family member.

Figure 6.1: The administrative model for assessing EU citizens' claims



Source: Based on field notes (JC B) and Bundesagentur für Arbeit 2016c.

The decision tree illustrates how assessing an EU citizen's claim is rarely a straightforward task. With respect establishing an employment status, jurisprudence of the *Court of Justice of the European Union* clarified in the *Genc* case (C-14/2009) that a minimum threshold of 5.5 hours per week and 175 Euros per month could be sufficient to establish 'worker status'. However, the findings of this research revealed how local job centres tended to establish their own, informal thresholds as to what they considered to constitute genuine employment. A legal expert working at one of the German welfare organisations (S14_Caritas) explained that job centres often expected an employment contract with a monthly pay of at least 450 Euros, which corresponded to the threshold of a socially insured job in the German system. Other key informants (such as S21_Caritas)

mentioned thresholds of a monthly income of at least 200 Euros. A leader of a legal redress unit (J32_Management) referred to the practice of eight hours a week and 100 to 300 Euros of monthly income to confer 'worker status'. A clerk from one of the Benefit Teams (J44) in the same job centre mentioned the informal claims-processing rule of a minimum of 160 Euros per month. Others talked about thresholds of 10 hours a week, and 200 Euros monthly income (J48_Reception). One respondent (J47_Reception) even claimed that no guidance on thresholds has been put place, thinking that the assessment was left to an administrator's discretion. In practice, what would qualify as 'genuine employment' remained open to discretion (S1_DGB). Employment below the eight-hour threshold remain a grey area.

As a result of these legal ambiguities, the majority of job centre respondents found the instructions regarding 'worker status' vague, unclear and complex, not least due to the complicated legal language employed in relevant documentation. As one administrator stated, "*it is insane how many exceptions there are in the legal framework. It is very ambiguous*" (field notes JC B). Time lags of up to several months between new laws entering into force, or new jurisprudence put into force, and the update of the administrative guidelines further complicated administrators' day-to-day work. Additionally, the *Federal Employment Agency* did not necessarily communicate updates in a user-friendly manner. Some simply appeared on the intranet accessible to all local job centres without further notification, while other information was passed on via email (J12_Advisor).

Consequently, administrators found it difficult to sift through and filter the relevant instructions for claims assessments. Interviewees highlighted how clear legal rules, of EU citizens either "*having an entitlement or not*", would facilitate their work, instead of having "*so many maybes*" (J32_Management). Many job centre respondents reported to feel at a loss about the myriad of legal rules, administrative guidelines and court rulings, which all had to be considered when assessing an EU citizen's claim. In the words of a benefit clerk, "*EU citizens are among the most difficult claimant groups, because their cases are very complicated to process*". A colleague of his reiterated "*how EU citizen cases are legally more complex to deal with than those of refugees*" (field notes JC B).

The legal complexity of assessing an EU citizen's claim resulted in discretion not always

being adequately applied. Illegitimate rejections often could be traced back to administrators' erroneous evaluation of the applicants' 'worker status'. Administrators either lacked the legal knowledge of how carry out such an assessment, or they struggled with the ambivalence of the law and interpreted legal provisions inappropriately. Local job centre management representatives linked the administrative errors to the insufficient legal training they received (see J13/J18/J33/J36/49_Management). A member of a benefit team highlighted how the legal complexity of EU migrants' entitlements was rarely addressed in the in-house courses. Instead, *the training of new staff is done by us [caseworkers]. There are some training sessions, but not enough*" (J50_Payment).

The legal reform of 2017, which introduced a statutory exclusion clause for economically inactive and job-seeking EU citizens for the first five years of their residence in Germany, intended to bring more clarity. However, many details of how to assess EU citizens' claims still remain unclear in practice. Uncertainty persists of how to establish the involuntary nature of an applicant's loss of employment, whether several short-term employment contracts adding up to a year established legal eligibility, and what documents are necessary to prove a five-year residency in the country (JII_Payment; field notes civil society). As a benefit clerk described, *"when the residency condition is considered to be fulfilled is a case of personal discretion. It remains unclear in practice how to prove it"* (field notes JC B).

At the time of fieldwork, many administrators lacked precise knowledge of how to process a claim, in particular for cases of EU applicants involved in non-statutory employment. When asked about EU workers' rights, job centre respondents often referred to the federal-level administrative guidelines, suggesting I read them myself (JIII_Advisor; JIV_Reception). This finding may suggest that the legal framework played a less important role than could have been anticipated prior to the research. As the tendency of not knowing the specificities of the legal framework prevailed at local job-centre level, the law appeared only to serve as a cursory reference point during policy implementation.

However, considering the common time lag between a legal reform and its effect unfolding on the ground, the impact of the institutional change may only be felt over time. While the analysis took account of the legal change in early 2017, it could not gauge its

influence on street-level bureaucrats' implementation behaviour and migrant respondents' conduct due to the timing of the data collection (which, as highlighted earlier, did take place between fall 2016 and summer 2017).

Nevertheless, some insights on the legal reform's impact on the ground could be gained through a non-representative survey by the German welfare organisation *Caritas*, which was conducted among migrant advisory organisations in Germany (n = 122) in summer 2017. It appears that in the aftermath of the legal reform, substantive access to *UB II* benefits was continuously restricted. Almost half of the surveyed institutions reported cases where the local job centre refused to accept a benefit application in written (in a total of 780 cases they had advised on, of which 520 cases concerned Berlin-based institutions). About a quarter of the respondents also signalled that their clients had experienced problems to get their 'worker status' recognised (in a total of 264 cases, of which 70 cases were recorded in Berlin). Most commonly, their employment was judged to be marginal, as job centres expected a minimum of 10 to 15 hours of working time per week, even though EU case law established a minimum threshold of 8 hours. Slightly above 10 per cent of the migrant advisory organisations referred to cases where the local job centre requested EU citizens to provide documents from the German immigration authorities to process the application, which the latter no longer issued. Finally, about 20 per cent of respondents highlighted that they had clients whose home countries were signatory of the *Council of Europe's European Convention on Social and Medical Assistance*, which legally entitles them to subsistence-securing benefits in Germany, but whose request were denied in practice. With respect to the claimant side, the survey results pointed to the heightened insecurity among EU citizens about their legal entitlements in Germany, which deterred many from applying (see Tießler-Marenda 2017). These findings indicate that, in the aftermath of the legal reform, job centre staff continued to exercise vast informal discretion beyond what the law foresees. Suggestive evidence from this research may explain such 'categorical containment' by several interacting factors, such as knowledge deficits on the legal situation and macro-level policy signalling effects to restrict access to benefits, which potentially may reinforce perceptions of EU citizens' illegitimacy to claim *UB II* benefits present at street-level.

What added complexity to assessing EU applicants' cases was the straddling between immigration and social policies. As shown in Chapter 2.2, the legal framework assigned

welfare administrators the role of evaluating the EU migrants' lawful residence in Germany. However, this task fell beyond the traditionally social mandate of a welfare administration. Many administrators felt insufficiently trained on *Immigration Law* to carry out such as an assessment of the regularity to stay (JII_Payment). The *Federal Employment Agency* provided some general administrative guidelines on that matter (Bundesagentur für Arbeit 2016b), but remained vague.

The findings described here mirror evidence from Blauburger and Schmidt's (2014, 2017) studies. The studies documented similar implementation challenges for EU member states' administrations which they traced back to the ambiguity of the EU law. While the tensions between EU migrant citizens' social entitlements under EU law and the *German Social Code* might not be a novel observation (see Heindlmaier 2018), this chapter points to the consequences on the lived experiences of claiming. Legal ambiguities played significantly into the processes of administrative exclusion of EU citizens at street-level.

The uncertainty of the law played out in two ways. First, uncertainties led to blind spots among the bureaucracy on the exact legal entitlements of EU citizens. To compensate, local job centre management and administrators invented informal rules to process EU migrants' claims, as a form of unfettered discretion beyond what the law foresees. Secondly, as the next chapter illustrates, extra-legal considerations were what guided decisions when the law was ambivalent, such as administrators' moral deservingness perceptions. Legal uncertainty fed into instances of individual, but also structural discrimination against EU applicants whose claims were complex and difficult to assess. In practice, such inconsistencies in treatment led similar cases, in legal terms, being treated differently during policy implementation.

Non-coordinated operational dynamics in local job centres

What often exacerbated uncertainty in EU migrants' case processing was administrators' everyday work in silos, offering few opportunities for cooperation. Such processes of compartmentalisation had an important impact on the processes of knowledge exchange which could facilitate claims-processing. Generally, job centres seemed to be characterised by a low degree of coordination and exchange, both within the local institutions and across different job centres. The little opportunities for exchange isolated administrators in their daily work, which exacerbated the risk of an erroneous application

of the law.

Administrators described their working environment as highly uncooperative, being left to their own devices in understanding EU migrants' complex cases. Job centre respondents often struggled to locate the relevant information for the claims-processing (J12_Advisor). Administrators perceived the intranet administrated by the *Federal Employment Agency* as hard to navigate. In theory, the intranet should constitute the main resource to access the relevant legislation and administrative guidelines (field notes job centre B). Though in practice, an advisor (J10) stated,

“I have to see for myself where to get the relevant information from. And the knowledge I have, sometimes, it is half-baked, as nobody checks whether I am knowledgeable and where I get my knowledge from”.

The interview material pointed towards a lack of systematic information storage, to institutionally retain how to assess EU applicants' residence and employment statuses (J23_Management; field notes policy practitioners' exchanges). According to a key informant from the federal policy level, data and knowledge management within local job centres remained voluntary to data (PI_Office for Equal Treatment of EU Workers).

Job centre interviewees also highlighted the lack of opportunity to exchange on files across departments, which made a holistic case assessment challenging. Units commonly operated independently from one another, as uncoordinated silos. As an advisor (J10) described,

“I am left to my own devise to network, but this it part of the problem. As everyone keeps their knowledge for themselves and thinks, ok, I am only catering for my own clients”.

A local job centre management representative reiterated that *“the processes at local level are often too complicated and uncoordinated”* (field notes practitioners' meetings). Working relations across departments tended to only emerge from personal initiative (J6/J8/J10/J12/J14_Advisors). A receptionist (J25) thus qualified contacts outside of the team as sporadic and mostly accidental⁵¹.

⁵¹ Some regional variation occurred. A respondent, who had worked in the North-West of Germany before joining one of the Berlin-based institutions (J44_Payment), described cross-departmental communication as more frequent and better institutionally embedded in her previous job centre than her present one.

Benefit clerks were described as particularly hard to reach. Their isolation was explained through the high workloads the Benefit Teams faced (J15_Management; field notes job centres A and B). In the words of an advisor (J12),

“Contact with the Benefits Team? Very rarely [...] which I think relates to the amount of work they have to deal with”.

A colleague noted *“how the information flow between benefits and advisory teams is generally dysfunctional”* (J17_Advisor). The frequent restructuring of the teams' composition jeopardised staff's ability to establish lasting inter-departmental contacts, and associated opportunities to exchange ideas about complex cases (J24_Advisor).

Similarly, institutionalised contacts and exchanges with external actors were missing. Migrant counsellors from local community or the German welfare organisations reported to only have incidental contacts with job centre administrators. Representatives from several welfare organisations explained the absence of institutionalised cooperation through a lack of political will among the welfare administration's central management (S8_Diakonie; field notes civil society). Overall, administrators felt ill-informed about existing civil society initiatives, and possible interlocutors they could clarify questions with (J10_Advisor; J53_Management). The myriad of external actors who professionally dealt with EU migrants' complex claims remained mostly separate from the job centre world.

Consequently, the welfare organisations' often highly specialised and in-depth knowledge on EU citizens' legal entitlements remained largely untapped. As a civil society representative put it, *“there is a substantive communication gap between the job centre and migrant counsellors”* (field notes civil society meetings). Knowledge deficits and blind spots with respect to EU citizens' legal entitlements in local job centres could not always be countered. Administrators commonly felt left alone in searching for the information they needed, which more often than not transpired into erroneous claims-processing.

The role of administrators' professional identities

Structural knowledge deficits on EU migrants' cases were exacerbated by job centre respondents' divergent professional identities. Their self-understanding of the role was a recurring theme in the interviews, which interviewees brought up to explain the

administrative exclusion of some EU claimant groups.

In fact, advisors tended to portray benefit clerks, who determine benefit eligibility, as heartless administrators (J34_Advisor; field notes JC B). According to the accounts of several advisors, financial clerks were missing the “*human angle*” in the claims-processing. They depicted benefit clerks as career bureaucrats, who were only focussed on processing their case and not necessarily interested in the person beyond the file (see J10_Advisor; J25_Reception; J28_SpecRep).

The benefit clerks' role conception was contrasted with the advisors' professional identities as social workers. As one advisor (J17) portrayed it, “*advisory and benefit teams have never been friends, to put it mildly*”. Many job market advisors viewed themselves as supporting those in need. They portrayed their job as one of alleviating situations of individual hardship (J2/J7/J8/J12/J21/J34_Advisors). One of the advisors (J10) summarised the prevailing role understanding in the following words:

“You cannot say, two minutes [of conversation] and bye. That does not get us anywhere. I have many motivated colleagues who want to find out what the barriers [to employment] are [...] Many say to their clients: 'Hey, tell me what's going on. You don't look well, is everything ok?' [...] people who act humanely”.

Such accounts relate to parts of the public administration literature, which explored the relationship between organisational variables and professional role perceptions. For instance, Kennedy's (2013) work provided a nuanced account of street-level workers' role understanding as active representatives of claimants' interest. Administrators' self-perceptions as traditional career bureaucrats, concerned with managerial efficiency, versus the minority role representatives and advocates of social equity and diversity matters tended to interrelate with their claims-processing behaviour (see Kennedy 2012).

Respondents explained the difference in role perceptions through the functional division of labour, which characterised the local job centre setting (J22/J25_Reception). Interviewees (cf. J13/J15_Management) highlighted the conflicting missions between the two departments. Labour market advisors tended to focus on establishing a good working relationship with their claimant, in order to develop long-term strategies of sustainable labour market integration. Benefit clerks, on the other hand, aimed at getting recipients off benefits quickly in the name of efficiency. They also were concerned with the overall

correct administration of the budget (J50_Payment). In the words of an advisor (J17),

“the benefit teams focus on processing claims and the time that needs [...] But we [as advisors] are not interested in that. We are interested in the client. The logics often counteract one another”.

Moreover, benefit clerks had fewer contact hours with claimants than labour market advisors, as most of their assessments were carried out based on the submitted paperwork (J2/J12/J17_Advisors). Such little contact time rarely allowed for interpersonal relationships with claimants to develop. A former Benefit Team leader also pointed to how assignments changed quickly, as cases were often processed by several benefit clerks in parallel. The meagre contact with the claimant contact transpired into what were piecemeal, compartmentalised assessments, which hindered a more comprehensive understanding of the claimants' situation (J13_Management). Reducing the complexity of claimants' individual circumstances could be seen as a classic feature of street-level work (Garsten et al. 2016; Maynard-Moody 1989). But while dynamics described here applied to EU and German national citizens alike, the dynamics sometimes played out in a more pronounced way for the former group, as I discuss further below.

Interviewees also spoke about the impact of administrators' different pathways of recruitment on their divergent professional identities (J16_Management). A steering committee composed of representatives of both the *Federal Employment Agency* and the municipality managed the Berlin-based job centres (see Chapter 4.1). The double-headed management structure resulted in two pathways of recruitment. Staff could be hired by the central management in Nuremberg. This included staff trained at one of the *FEA's* own graduate schools in public management (J7_Advisor). Staff employed by the local authorities commonly joined with prior work experience in the municipality or in one of the social assistance offices. As an advisor formulated it,

“the colleagues who came from the social assistance offices were socialised very differently than those hired by the Federal Employment Agency” (JVIII_Advisor).

One former team leader said that staff's differential hiring process could result in different styles of claims-processing (J13_Management). Whereas those affiliated with the *FEA* were depicted as focussing on efficiency and legalistic treatment, administrators from local government were associated with community social worker ethics of a holistic,

benevolent claims assessment (J17/JVIII_Advisors; J25_Reception; J13_Management).

These findings mirror the results of the aforementioned studies on street-level bureaucrats' professional identities (Kennedy 2012, 2013). Observations in the German setting also match accounts on active welfare reforms across Europe. For instance, van Berkel and van der AA (2012) showed how welfare activation programmes, such as the *Hartz IV* reforms, led to a stronger presence of technocratic law enforcers than social workers.

The accountability framework inspired by 'New Public Management' ideas

However, it was not only the recruitment pathways that shaped administrators' professional identities. How job centre respondents exercised their job role also related to the overall accountability framework, through which current welfare administrations reported on their performance. As discussed below, the former incentivised administrators to process cases quickly, which disfavoured legally complex cases such as those of EU migrants.

Respondents described how efficiency-driven performance measurement indicators driven by *New Public Management* principles counteracted the individualised processing of claims. In fact, every year the *Federal Ministry for Labour Market and Social Affairs* and the *Federal Employment Agency* concluded quantitative performance targets for each individual institution. The latter were benchmarked against a set of three overarching, aggregated performance indicators, namely (i) the job centre's local labour market integration quota, (ii) the total sum of financial benefits paid out to beneficiaries within a year; and (iii) their percentage of long-term beneficiaries⁵². Individual institutions were evaluated against one another in their performance. The aim was to induce a culture of internal competition between local job centres (J5_Management).

Such an accountability structure led to an efficiency-driven logic of favouring quantity over quality⁵³ (J17_Advisor; J4/J5/J13_Management). As an advisor (J2) described in our interview, “*the job centre operates on a system focussed on control instead of care and charity*”. The quality of service provision was not monitored at the time of fieldwork.

⁵² See <http://www.sgb2.info/DE/Kennzahlen/Aktuelle-Kennzahlen/aktuellekennzahlen.html;jsessionid=54C6D47316A97DE7414B61158C75037F> (last accessed on 22.01.2019).

⁵³ Towards the end of fieldwork, managers of the *Federal Employment Agency* started discussing a change in institutional culture (cf. J2_Advisor; J13_Management; field notes internal training job centre A). This coincided with a change in leadership, as a new head of the *Federal Employment Agency* entered office in 2018. He appears to advocate for shifting from the quantity and efficiency-driven paradigm to a focus on the quality of services delivered by job centres (field notes policy meetings).

Instead, the focus was put on keeping the administrative and financial costs of implementation low (field notes job centre A).

The efficiency focus described above played out in several ways in administrators' everyday work. The performance-focussed accountability logic inspired hire-and-fire managerial principles in staff recruitment. Whereas welfare administrators had traditionally been career civil servants, they were no longer appointed the special status of public officials. Instead, many employees received limited employment contracts, so that they could be flexibly hired and fired based on the workload and demands of the local job centre (J13_Management; J17_Advisor). Jewell (2007) related the change to increasing financial pressure, which welfare administrations had experienced in recent years. Though, the often precarious employment conditions had a significant impact on employees' daily work performance. Staff on temporary contracts felt a high pressure to fulfil the performance indicators set out by the central management (cf. J12/J51_Advisors; J22_Reception). As this advisor (J9) explained:

“We have indicators of how many claimants we have to integrate into the labour market per month, and quality does not necessarily count here [...] the only thing which counts is that they get back into employment. It does not matter what kind of job [...] the numbers count [...] and we feel pressured to fulfil them”

Administrators on precarious contracts commonly felt restricted in using their discretion to the claimants' advantage. Respondents on permanent contracts tended to perceive their discretionary margin in benefit decisions to be larger than those on contracts of limited duration. Level of experience in the profession also played a role. The longer they had worked in the job centre, the less they seemed to be concerned with following the administrative guidelines (J17/J34_Advisors; J22/J25_Reception).

A former benefits team leader (J13_Payment) summarised his view as following:

“Social issues cannot be measured by numbers, they do not capture the social reality [...] social competence means the will to not simply categorise people according to their perceived deficits”.

Several informants perceived the quantitative output control as an obstacle in addressing the needs of beneficiaries (J9/J12/J40_Advisors). As an advisor (J12) pinpointed,

“I do enjoy the work with clients. I find it fulfilling. But the pressure we get from above [...] as a colleague put it, you need to be a bit autistic to perform this job role [in order to be able to ignore the pressure of fulfilling quotas]. But not everyone can do that”.

The tensions captured by the quote above led to frustration and feelings of alienation, as staff often felt not valued in their efforts. Personally insecure situations, combined with the pressure of high workloads, were seen as contributing to high rates of absenteeism and turn-over by job centre respondents from all units, as situations of burn-out occurred (J7/J12/J35_Advisors; J27/J29/J31/J36_Management; J54_Payment; J22/J1X_Reception; see Brussig et al. 2017a; Osiander and Steinke 2015). Unequal employment conditions between staff appeared to exacerbate absenteeism and turn-over rates. Respondents pointed to their dissatisfaction with the differential salary structures between those employed by the *Federal Employment Agency* versus those salaried by local government. The former earned a salary up to 50 per cent higher (J17_Advisor; J13/16_Management).

Overall, the institutional culture permeated by controlling and monitoring of quantitative outputs ran counter to the job centres' official mandate of individualised case assessment and service provision (J2/J12_Advisors; field notes civil society). Associated, time-consuming administrative tasks such as recording outcomes of meetings with claimants could take up 50 per cent of working hours (J23_Management; JJ10/J17/J24_Advisors). Consequently, staff perceived to lack the time to substantially engage with the individual circumstances of a claimant's situation (J7/J10/J12_Advisors). To meet their quantitative targets, administrators retreated into superficial and standardised claims-processing.

Observations of internal staff training highlighted the discrepancy between aspired ideals and the reality of claims-processing. Administrators tended to agree with the basic premise of holistically engaging with a claimant's lived reality. But they reported how the latter ran counter to the structural constraints they faced in their daily work. The strong focus on fulfilling targets did not allow them to apply the principles they were taught in their everyday practice (field notes job centre A).

As a former team leader (J13_Management) summarised:

“The administrative demands of the system are so challenging that there is no time and energy left to engage with the claimant's case”.

In line with Zacka's (2017) observations in the US context, some administrators thus shifted their focus to ensuring their own survival in the organisation. Such a strategy brought about a legalistic and standardised style of claims-processing (J2_Advisor), characterised by a certain degree of indifference towards the claimants' personal circumstances (J29_Management). The development of personalised relationships between claimants and administrators became hardly feasible because of the organisational demands outlined. The scramble to fulfil pre-set quantitative performance indicators resulted in parking of cases which were perceived as too complex to handle⁵⁴. Parking effectively delayed work on the case file. As explained in the Chapters 2 and 5, parking, or the inadequate servicing, of hard-to-serve claimants could take the form of inducing unnecessary administrative burden⁵⁵. The latter included the requesting of documents that were not essential to claims-processing. It could also engender the categorical denial of a claim without properly assessing the individual case. As a third variation, claimants often were assigned to labour market insertion programmes to get them off the caseload (J2/J7/J9_Advisors; J5_Management, also evidenced by Brady 2014).

The dynamics described above left several applicants (M1_DE, M2_US, M3_BG) with the feeling of being busied by the job centre with some form of occupation, while not being served according to their labour market needs. Parking techniques, to push hard-to-serve claimants out of sight, helped administrators cope with their sometimes unmanageable workloads of 600 to 900 cases. While strategies of busying and burdening applied to EU migrant and national German claimants alike, there appeared to be strong suggestive evidence for parking to more commonly occur in cases of a complex nature, such as the ones of EU citizens.

Such coping strategies created counterproductive dynamics in the daily processing of claims (J5_Management). An advisor (J30) explained how, under the current accountability scheme, it became more advantageous to push claimants into any kind of job instead of sustainably integrating them into the labour market. Thereby, claimants would disappear from the unemployment statistics and improve the quotas of the local job

⁵⁴ The same phenomenon applied for German-speaking claimants with severe health problems. The parallels pointed me to the role of case complexity in explaining inconsistencies in treatment, even though a comparative analysis between both groups would go beyond the scope of the dissertation.

⁵⁵ For one of the few examples of creaming, see Chapter 7.2.

centre. The account mirrors Promberger's (2015) findings of how the current system entrenched precarious employment and raised the number of working poor living on benefit top-ups.

Parking seemed more prevalent in larger job centres, where pressure of caseloads were particularly high (J5/J14/J15/J20_Management; J25/J47_Reception). According to an advisor (J17), smaller institutions had more leeway in implementing personalised service provision than the Berlin-based mass bureaucracies, "*where claimant demographics are completely different, with much higher workloads*". The organisational pressure led to a different working culture. Another respondent (J47_Reception) pointed out how in job centres based in rural areas,

"everyday processing works differently, as everyone knows the other colleagues, and the advisors know all their clients".

Representatives of job centres' local management felt that the quantitative targets set by the *Federal Employment Agency* rarely matched their and the claimants' lived reality (J3/J5/J29/31_Management). They believed that the abstractly calculated statistical targets catered to political objectives of lowering the country's unemployment rate (J2/J12/J17_Advisors). But economic managerialism did not fit well with the procedures of a public welfare administration, as the former had little bearing of the daily realities on the ground (J7/J12/J21_Advisors; J13_Management). As a receptionist (JVII) put it, "*they [the claimants] aren't numbers, and we aren't robots*".

While the dynamics described have been well documented elsewhere in the literature (Bothfeld and Betzelt 2011; Betzelt and Bothfeld 2011; Jewell 2007; Osiander and Steinke 2015; Zimmermann and Rice 2016), they impacted the EU migrant group differently than German national claimants. The ambivalent legal entitlements of EU migrants rendered their cases particularly complex to process. As a result, their files became the object of parking processes, and of a superficial and legalistic treatment. The efficiency-driven administrative culture incentivised the categorical rejection or delay of time-consuming cases. Thus, market-driven accountability principles unfolded unintentional discriminatory effects on EU migrant applicants, whose cases were often complex. EU claimants constituted the least likely target for 'creaming', or case prioritisation.

Responsiveness to EU migrants' needs

The implementation hazards and organisational constraints described so far mainly pertain to patterns of erroneous administrative claims-processing. Such dynamics became exacerbated by a system-wide immanent insufficient awareness for EU migrant claimants' needs as newcomers to German society.

The institutional responses to ethnic minority and migrant claimant groups in accessing public services have been studied by scholars of diversity management. These scholars described the necessary (inter)cultural competence as the respectful and valuing response to people of all nationalities, languages, class, ethnic and religious backgrounds, on both the individual and the system-level⁵⁶ (Eagleton-Pierce 2016; Nadan 2016).

In the context of German administration, several diversity trainers pointed to the blind spots among job centre staff, when the latter engaged with claimants from various cultural backgrounds. The diversity trainers highlighted the narrow and essentialist understanding of the concept of culture, which tended to prevail at street-level (S11/S13_NGOs). As a diversity trainer (S16_NGO) pinpointed:

“Essentialist thinking is still present [among job centre staff], for the most part. During the training sessions, many participants ask for tips and tricks [of how to deal with] specific cultures, how they call it. No-goes and taboos [...] there is a need for tips to deal with what they call 'culture', of how to deal with these people. This is what they understand by intercultural competence”.

The aforementioned way of dealing with diversity and cultural difference encouraged stereotyped thinking about some EU national groups. Administrators abiding to an essentialist cultural understanding tended to project their world views onto claimants. As several administrators of a 'migration background' pointed out, some of their German-born colleagues were not necessarily able to reflexively engage with other points of view (J28_Spec Rep; J35_Advisor).

The static and homogenising understanding of culture led to a lack of awareness for the complexities of individual circumstances (S16_NGO). Observations of internal staff

⁵⁶ This encompasses two aspects. Intercultural awareness refers to the ability to (re)view one's own bias and prejudices, and thus to understand how culture affects the way people think and act. Cultural knowledge pertains to the differential values that might come into play in the professional-client relationship. Together, they allow for an individual to adapt their behaviour to a particular situation or context (Fernández-Borrero et al. 2016).

training also revealed the impact the prevailing feelings of insecurity administrators had about their interactions with claimants of different nationalities. Job centre interviewees talked about not having the means to overcome language barriers, or to adequately address unexpected behavioural conduct (field notes job centre A).

The findings mirror the observations on the role of 'cultural intimacy' discussed in Chapter 5.2, describing how EU migrant applicants who remained unfamiliar with the German cultural context struggled to substantiate their claims. Effectively, bureaucrats often felt ill-equipped in addressing the challenges that could arise from migration-related diversity. Many administrators tended to ask for country-specific advice in intercultural awareness training (S11/S13_NGOs). They wanted to learn about other 'cultures', which could be qualified as a form of everyday racism (Essed 2012), i.e. the unintended, subtle and unconscious forms of 'othering' or essentialisation.

In this regard, a special representative for migration (J28_SpecRep) made an interesting observation. In 2007, the function of *Special Representatives for Equal Opportunities and Migration* was created, better to provide for the particular needs immigrant claimants. As experts in diversity-related matters, the *Special Representatives* were meant to champion the interests of immigrant claimants and to support their colleagues through specific expertise (Dittmar 2016). The interviewee saw herself as an advocate for matters of diversity in the institution, which resonated with Kennedy's (2013) analysis of professional role conceptions as minority advocates. She aimed to structurally anchor intercultural sensitivity into operational practices. The special representative contrasted her professional role understanding with the vision of several of her colleagues in other job centres, who interpreted a non-German background as a deficiency. They focussed their work onto the provision of specialised language courses to enable foreign claimants' socio-cultural adaption (J28_SpecRep).

Respondents also highlighted the impact of administrators' educational background on their take on diversity. Qualification levels varied between the job centre departments and their respective work portfolios (J1_Advisor; J28_SpecRep). Whereas labour market advisors could only join with a university degree, most benefit administrators and reception staff had a vocational training background. According to one diversity trainer (S16_NGO), the different educational training, impacted the ways in which administrators

engaged with claimants from other national backgrounds:

“I believe that the prerequisites of staff [to engage with questions around diversity] are very different. In advisory teams, many have studied at a university, in social sciences, for whom conceptual thinking is nothing unusual. They can easily engage [with a non-essentialist model of culture] [...] easily relate to such ways of thinking. Whereas in the reception area [...] and the benefits teams, they tend to work a lot with stereotypes, with generalised assumptions about certain groups”.

Insufficient access to intercultural awareness training for benefit team and reception staff exacerbated this trend. At the time of research, resources had remained concentrated on training labour market integration advisors, considering that the latter had the most contact hours with claimants (J28_SpecRep, S11/S13_NGOs). Such an institutional handling of diversity could be qualified as an instance of what Bach and Wegrich (2018) called a 'blind spot', as the institution's biased attention led to insufficient awareness and incomplete information processing of non-German claimants' needs.

Observational data from the job centre setting further illuminated the adverse effects the unawareness for EU migrants' needs could create. As behavioural norms were usually not explicitly and transparently communicated to the applicants, many newly arrived EU citizens were not aware what was expected of them (S18_Paritaet). EU migrants commonly lacked detailed knowledge about their legal entitlements and the tacit behavioural expectations embedded into the claiming process. Some were also misinformed (see Chapter 5.2).

The resulting mismatches entailed two types of asymmetrical expectations, namely misled expectations about the German social system and the role of administrators, and insecurities about what administrators expected of them as claimants. For instance, several administrators shared the feeling that EU applicants were unwilling to meet their obligations actively to seek employment. But, as mirrored in the quote below, the other side did not necessarily know what was expected:

“It is a challenge [for many] to understand what [they] have to contribute [...] I think that many [...] find it challenging to communicate with me. Because I ask them what they think [...] For many, that is too demanding”(J10_Advisor).

As a migration counsellor (S17_Diakonie) explained, Polish applicants often perceived administrators as authoritarian representatives of the state and experts in their field, who they should not contradict. Hence, EU applicants commonly remained passive, expecting advice and guidance, which led “*two worlds to collide*”. As she outlined,

“People are often surprised when their advisor asks them about their opinion, about what they want to do [as an occupation]. They think that their advisor should tell them what to do, as he or she knows the local labour market much better. ‘I don’t know what I can do here’, while the advisor thinks that they can only mentor and support [the claimant] if they know what they would like to do. There is a difference in mind-sets”.

Such asymmetric expectations on behavioural conduct could lead to dysfunctional and disrupted communication between the two parties if miscommunications were not clarified. Some EU migrants' limited communicative abilities and apparent non-compliance with bureaucratic protocols appeared to have a catalysing impact on administrators' pre-existing ideas about deservingness. As Chapter 7 illuminates, perceptions of misconduct might activate stereotyped perceptions. Gudykunst (2004) shed light onto the potential underlying mechanisms. As he noted, an unsuccessful communication between a member of the in- and the out-group can lead to anxieties, once the respondent deviates from the communicative or behavioural predications.

The data further showed how an expectation mismatch could have detrimental compounding effects on EU migrants' ability to substantiate their claims. The case of the Polish claimant I met during my shadowing activities was exemplary in this regard. When I observed the meeting at the local job centres, the first question the claimant was asked was whether she was able to speak German. As she answered “*Not very well*”, the immediate reaction of her labour market advisor was irritation about why she did not bring an interpreter. When they tried to fill in the application together, inconsistencies in the claimant's work history arose. The inconsistencies appeared to result from miscommunications and the claimant's inability to express herself in German. The inconsistencies nevertheless fuelled the suspicion and anger of the administrator, who ended up concluding: “*This all seems a bit strange, a bit dubious to me. I have a hard time believing you, I have to admit. I have to investigate*”. After the meeting, the

administrator turned towards me, stating that *“towards those who try to advance a pregnancy to circumvent the work requirement, [I am] always suspicious [...] as for Eastern Europeans, one has to investigate very carefully”* (field notes, JC B).

The above episode illustrates the impact a situation of dysfunctional intercultural communication could have on administrators' benefit decisions. What I could observe during the fieldwork was that communication might become dysfunctional when claimants shared neither a common language with nor an educational background with the local bureaucrat. A similar conclusion was reached by a migrant counsellor (S9_Diakonie). As Hall and Lamont (2013) argued, socio-demographic characteristics can influence communication patterns. Zahradnik et al. (2016) demonstrated in the German job centre setting how the social distance between claimants and job centre staff created by different educational backgrounds could lead to communication problems, which made it less likely for less educated claimants to successfully claim benefits.

Thus, what emerged in the observed field setting was not necessarily a situation of intentionally discriminatory behaviour. Instead, administrative exclusion sometimes appeared to arise from a situation of communicative breakdown, or, in other words, a communication gap between job centre staff and EU migrant claimants. EU citizens were not always able to convey their message due to linguistic deficiencies and/or informational gaps about their social entitlements and tacit cultural codes:

“It is somewhat about how things are communicated to you. There is always a kind of a mismatch, or a misunderstanding, or a miscommunication. That tension, or frustration, that happens because you can't speak the same language”
(M2_US).

Unshared, and unfamiliar communication patterns then led to imperfect translations. The latter could transpire into situationally restrictive decision behaviour, as this job centre representative (J3_Management) diagnosed:

“Wrong [job centre] decisions can often be reduced to something very simple, of how we communicate here with each other”.

In sum, in situations of communicative breakdown, and a lack of awareness for the other side's tacit behavioural expectations tended to prevent local bureaucrats and EU claimants from being able to clarify their misunderstandings. Administrators might decide on the

basis of incomplete information or false premises. When their expectation did not match, distorted perceptions emerged.

A team leader (J23_Management) described how such cognitive distortions could lead to essentialisation processes on the salience of claiming by certain EU citizen groups. The former re-enforced pre-existing perceptions:

“When I think of the group of the Sinti and the Roma, they have big families [...] and when I have a family with twelve people [in my office], I can subjectively have the impression that it is the [entire] population [group of the Sinti and the Roma who is claiming]”.

As the interview excerpt above illustrates, distorted perceptions were often fuelled by an overemphasis on situational evidence, whereby the strong presence of some EU migrant claimant groups in a respective work portfolio led to a conflated problem perception (also S16_NGO).

Moreover, in instances where misinformed EU claimants tried to assert themselves through specific wishes or expectations, administrators often perceived them as overly demanding (field notes JC2, also J7_Advisor), as this administrator conveyed:

“I had clients where I was wondering where their sense of entitlement comes from” (J17_Advisor).

Similar to Tuckett's (2015) findings on the role of affective factors in decisions of the Italian bureaucracy, unexpected claimant behaviour appeared to trigger feelings of anxiety among local welfare bureaucrats. Superficial communication across cultural divides seemed to foster mistrust towards those with different language competences and culturally different behaviour, as shown elsewhere in the literature (Koopmans 2015; Thuesen 2017). Less benevolent allocation of benefits could be the result. As a migration specialist from a local job centre (J28_SpecRep) explained, administrators had a tendency to subconsciously connect their experience with a claimant to group-based stereotypes:

“If my presumption is that migrants are at the bottom [of the social hierarchy], and then he/she claims something... I think it is nonsense that they expect and ask for more than others. I think that when the expectation is that they come last in the food chain, then their claim appears bigger than it is. I think the number of

demanding claimants is the same everywhere. It depends on the character and has nothing to do with the cultural background”.

In summary, the interaction dynamics between a poorly-informed EU migrant claimant and a culturally unaware administrator could entail expectation mismatches. The latter could feed into a restrictive application of the law if misunderstandings were not lifted. An outsider's apparent demanding behaviour seemed to trigger harsher scrutiny of infringements than that of a German national claiming, as EU foreign claimants could provoke pre-existing stereotypes (see Chapter 7).

A system-immanent lack of 'intercultural awareness'

Considering the historical legacies of immigration policy in Germany, welfare bureaucrats' frequent unawareness for EU migrants' needs described above might not come as a surprise. The original *Hartz* Commission report did not refer to migrant claimants as a target group, which might have specific needs. The development could be seen in the light of the country's path-dependent self-perception as a non-immigrant country. Germany lacked an immigrant integration policy for most of its history (see Chapter 3.2). Such path-dependencies may explain the only very recent shift of focus and resources to diversity-related issues in public administration.

Moreover, the *New Public Management*-inspired accountability structure, as outlined above, provided little incentive to invest in the quality of service provision. As an advisor involved in internal diversity training (J2) explained, the review of administrative processes meant a journey “*to unknown territory*” for the local management. The result of such a trial and error process could be a temporary decline of the quantitatively measured outputs, which would downgrade the job centre performance indicators compared to other localities. Thus, organisational learning was not necessarily rewarded. Diversity-related activities were not considered to be a top priority on the agenda of the local executive (J11_SpecRep). Instead, organisational learning was associated with little credit and potentially high costs.

Other authors attributed instances of institutional discrimination against migrant claimants to the organisational practice of formulaic equal treatment (see Brussig and Dittmar 2010; Brussig and Knuth 2011; Dittmar 2016; Frings 2009). Most administrators interpreted procedural principles of equality as formulaic equality of treatment (J24_Advisor;

J3/J23_Management). As the quotes below illustrate, unresponsiveness to individual needs was justified by the limitations of the law, and a logic of fairness of applying the same rules to everyone:

“I treat every client the same, I take it fairly literally. Thus, I don’t experience any moral conflicts. I treat all my clients the same, independent of how I perceive them, nice or not nice, whether I understand them or not” (J30_Advisor).

“For me, it does not matter whether a client is an EU citizen or not. The SGB II is decisive, it is the law and we act according to it” (J21_Advisor).

In fact, the equality paradigm was commonly interpreted in terms of formal equal treatment rather than the creation of substantively equal chances (J5_Management). The resulting inequalities of opportunity is what Dittmar (2016) qualified as a form of institutional discrimination. Such formulaic equality of treatment may reinforce migrants' structurally marginalised status in German society in practice (Brussig and Knuth 2011).

The data also pointed to a lack of will among senior managers to commit to diversity policies (field notes job centre A). Interviewees from both inside and outside the job centre (J11_SpecRep; J35_Advisor; S11_NGO), identified insufficient institutional commitment to diversity as one of the biggest obstacles to the practice of a migrant-sensitive institutional culture. Although local institutions had started implementing the *Federal Employment Agency's* diversity strategy of 2007, practical implementation deficits persisted (Ratzmann 2018).

The internal diversity strategy emphasised two aspects, namely the diversification of staff and the need for increased intercultural awareness during claims-processing (Bundesagentur für Arbeit 2010; see Brussig and Dittmar 2010; Frings 2009). Most job centres in Berlin recently started recruiting more diverse staff with respect to migration-related experiences (field notes job centre A). However, the local management remained predominantly German-born (J28_SpecRep). The staff composition rarely mirrored the overall claimant demographics (J35_Advisor; J53_Management). Moreover, resonating with Gussgard Volckmar-Eeg's (2017) analysis of cultural sensitivity among Norwegian welfare administrators, a rhetorical approach to diversification of staff seemed to be in place. Non-German born administrators were often seen as embodying cultural sensitivity, but the diversity paradigm remained insufficiently integrated into the

organisational culture (S13_NGO). The sheer presence of non-German born staff was assumed to suffice better to serve migrant applicants. However, not all administrators of non-German origin were automatically inter-culturally aware. And of those who were able to review their own biases, the skills tended to remain under-utilised. Administrators of a 'migration background' were rarely consulted in their role as potential 'cultural brokers' who had the potential to mediate between the job centre world and the EU claimants' lived reality (J2_Advisor; J28_Spec Rep).

Secondly, intercultural awareness training conducted in most Berlin-based job centres rarely yielded the intended outcomes. A special representative for migration (J28) declared the initiative as having failed. She explained how substantial financial investments had been made into intercultural awareness training. However, training often remained voluntary and only attracted staff members who were already inter-culturally aware. Moreover, training often lasted not more than one day, which was insufficient adequately address stereotyped ways of thinking about 'culture' (S11/S13_NGO). The initiative had remained insufficiently anchored into the operational practices, as no mentoring, supervision or follow-up seminars were in place at the time of fieldwork (J2/J35_Advisors, field notes JC A).

As a result, diversity-related changes in administrative procedures have remained incidental and superficial thus far. Fieldwork revealed instances of individual discrimination against (EU) migrants. For instance, a special representative for migration (J28_SpecRep), herself of Eastern European origin, recalled an incident at a staff meeting, where most of her (German-born) colleagues laughed about a participants' comment on the alleged backwardness of nurses trained in Central and Eastern Europe. He declared it to be a simple joke when the interviewee labelled the comment as racist. Several of her ethnically non-German colleagues recalled instances of similar individual discrimination. One of them (J35_Advisor) related their occurrence to the frequently insufficient intercultural competence of German-born administrators.

What can be observed in the German job centre context is an incident of what Ahmed (2012) qualified as rhetorical, non-performative diversity practice. In her study of the British university setting, she illustrated how the latter took the shape of a tick-box approach, whereby local management visibly engaged with the issue, but did not

structurally anchor any reform. Ahmed (2012) argued that such symbolic action, which remained without any substantive change, furthered institutional discrimination (see Harrison and Turner 2011; Jani et al. 2016). Similarly, diversity practices in the German job centre context tended to remain at the level of political lip service. Practices took the shape of policy declarations (such as the *FEA*'s internal diversity strategy), good practices of training staff on intercultural awareness, the hiring of new administrators because of their migration background, and the appointment of a specialised officer. But change was measured quantitatively, in terms of occurrence. Reforms rarely entailed a detailed review of the operational practices. The former did not permeate the institutional structure. Instead, change remained on the level of perception management, creating an institution that appeared diverse.

Respondents nevertheless pointed to a window of opportunity created by the current arrival of refugees to Germany. According to key informants, the topic of migrant integration gained salience among the management of local job centres as well as at the central level (S8_Diakonie; S10/S11_NGOs). A higher portion of the general budget became allocated to diversity practices, such as internal awareness training for staff, the recruitment of administrators with migration experience, and the provision of specialised language courses for foreign national claimants. According to respondents, the endorsement of such initiatives by the local and federal leadership could create the institutional commitment which had been lacking. As a special representative for migration (J28_SpecRep) summarised:

“The arrival of refugees has created change. I think it can be a good opportunity”.

Similarly, another job centre representative acknowledged,

“that the topic of foreigners [and their challenges in accessing public services] starts to be taken more seriously” (field notes JC 2).

The latter observation mirrored the account of another advisor (J2), who noticed how

“the debate about refugees effectively engendered a stronger focus on immigration more generally, with regard to the ways in which the job centres operate”.

The shift in claimant demographics engendered a reflection on newcomers' needs in accessing public service provision, so the argument of several job centre representatives (J2_Advisor; J28_SpecRep; J39_Reception J31/53_Management). However, the increasing institutional responsiveness to refugee claimants' needs did not necessarily transpire into a higher awareness for the challenges of EU citizens⁵⁷ (J47_Reception). As noted during a workshop of job centre representatives from across Germany, “*not only refugees need support to integrate but EU citizens do too*” (field notes practitioners' exchange). Resonating with European policy-thinking, job centre administrations to date have rarely recognised EU migrants as a sub-group with particular needs. Instead, in line with the political rhetoric portraying them as co-nationals, administrators expected EU citizens to integrate by default (see Muegge and van der Haar 2016). Their needs continuously fell through the cracks of organisational attention.

In sum, systematic knowledge deficits among administrators with respect to EU migrants' legal entitlements, and their limited opportunities of outreach to compensate for the former, appeared to increase the likelihood of erroneous claim-processing. The *New Public Management*-inspired accountability framework played in as a compounding factor, as it incentivised administrators to park cases which they perceived as complicated and time-intensive to process. What further disadvantaged EU applicants compared to German national claimant groups was the prevailing lack of awareness for their needs as newcomers to Germany. Due to insufficient intercultural competence and shallow diversity policies, many administrators treated them the same way as German national applicants despite their different needs.

6.2 Accounting for local implementation disparities

The organisational blind spots and biases with respect to the EU migrant applicant group appeared to apply to local job centres across Germany. Fieldwork for this study primarily took place in Berlin. But interviews with stakeholders from other parts of Germany and participant observation at practitioners' meetings with job centre representatives from across Germany were carried for purposes of triangulation.

⁵⁷ The administrative categorisation system in place at the time of fieldwork did not allow administrators to identify who among their claimants was an EU citizen. Foreign applicants were either categorised as refugees or claimants of a 'migration background', based on their place of birth (J47_Reception).

While an in-depth examination of the intra-regional differences goes beyond the scope of this study, the data analysis yielded some preliminary insights. In summary, informants pointed to similar trends across different *Bundesländer*. Such a similarity in trends is likely to be linked to the local job centres' centralised management through the *Federal Employment Agency* in Nuremberg. The evidence suggested that regional variation was not as pronounced as anticipated at the start of this research project. However, the magnitude of 'administrative inclusion and exclusion' processes of EU migrants seemed to vary by locality.

This section delves into some of the factors which could explain such local implementation variance. The data analysis brought two factors to the forefront. These could be summarised as exposure to, or awareness for EU migrant claimants as a target group with special needs, and the job centre's institutional culture as instilled by its local leadership.

Exposure to the EU migrant claimant group

Local job centres' responsiveness to the needs of EU migrant claimants seemed to be linked to the centre's claimant demographics. The latter, in turn, was based on its geographic location. The more exposed the institution was to the EU claimant group, the more administrators and local management appeared to be aware of their needs.

Several key informants pointed to the relation between the demographics of a job centre's claimant population and its geographic location (S16_NGO). In this respect, the former highlighted the role of the regional factor of Berlin as an urban space. As a traditional migrant destination and hub, the city had been more pro-active in tackling issues around migrant integration than some of the surrounding rural areas (S10/S11_NGOs, also see De Graauw). This included initiatives focussing on the potential barriers to accessing public services, as the municipality was commonly involved in managing local job centres conjointly with the *Federal Employment Agency* (JVIII_Advisor; J3/J23_Management; field notes practitioners' meetings). As a job centre executive (J3_Management) put it,

“Berlin is relatively advanced in matters of diversity and intercultural awareness. Cities in general. The topic made in on the political agenda of the Berlin Senate a few years back”.

Respondents attributed an individual institution's awareness for migrant groups' challenges in claiming to the local claimant demographics (J29_Management, also S13/S16_NGOs). For instance, one of the Berlin-based job centres, which was characterised by a strong presence of migrant claimants, actively sought to overcome language barriers in claiming. The institution started tackling migration-related challenges in claims-processing since 2007. Initiatives included the translation of signage within the job centre into several foreign languages, such as English, French and Polish, as well as the placement of complementary pictograms on the signs. The job centre also started offering services in languages other than German (J55_SpecRep; field notes JC C). Furthermore, the local management employed a visibly noticeable percentage of staff with migration experience, whose language competencies were retained in a central database (J3_Management, J8_Advisor).

It appeared that the job centres in Berlin which traditionally had a higher share of claimants of a 'migration background' tended to be characterised by a more migrant-sensitive institutional culture. Cooperation with local initiatives, including migrant community initiatives, also seemed more common in those cases (field notes civil society; practitioners' exchange). Simultaneously, the processing of EU applications on a more frequent basis increased the institutional knowledge base of how to handle such cases. As Heindlmaier (2018) documented in her qualitative implementation study on EU migrants' entitlements in Germany, administrators' assessments became more routinised once they were confronted with many similar requests. Overall, the local job centre's relative responsiveness to the needs of the EU claimants appeared to be linked to the claimant demographics, in terms of an institution's exposure to the target group.

The local leadership style

A job centre's awareness for EU migrants' needs also seemed to be affected by the local leadership (J3/J15/J29/J38_Management). Similar to what Dittmar (2016) argued, the existence of integration programmes and services which accommodated the needs of migrant claimants in a job centre depended on the respective Directorate's strategic orientation and commitment towards migrant claimants. A local job centre representative (J27_Management) highlighted how responsiveness to migrants' needs

“depends on the individual institutions, on the colleagues in the lead. [...] there

are some job centres which simply have no problem awareness”.

The local leadership had the power to decide on diversity-related policies, for instance with regard to reviewing and adapting its internal operating procedures, or the principles upon which staff was hired and trained. Whether the job centre's executive focussed on migration-related issues or not often depended on their awareness for such issues, and the overall feedback culture in place.

Regarding the latter, respondents distinguished between two kinds of administrative leadership styles. Interviewees argued that some Managing Directors displayed a paternalistic and authoritative leadership, characterised by a reliance on formal rules, strong hierarchies and little recognition or valuation of the staff's work (J2_Advisor; J13_Management; J28_Spec Rep). Such a top-down management culture rarely involved street-level bureaucrats in the review and revision of operational procedures (J35_Advisor). As a result, street-level workers had little leeway to give feedback on matters such as migration-related diversity.

Even though a bottom-up feedback culture officially existed, its implementation remained shallow. Insights from staff on the ground were rarely taken into account in the administrative planning process. If administrators' suggestions did not fit the agenda of the local management, they were quickly discarded. As a local team leader (J5_Management) described the process as such,

“there is officially a bottom-up planning process, where the lower levels can make suggestions. But if the latter do not fit the ideas of the higher echelons [...] they asked for a new proposition.”

This resulted in operational procedures that did not necessarily fit the daily reality of claims-processing. Instead, respondents mentioned how institutional demands made their work more onerous (J2/J12_Advisors; J5/J13_Management).

Other local managers were associated with a more participatory leadership style, which focussed on equal worth, the distribution of power and a more transparent and easy access to service provision (J24_Advisor; J5_Management; J13_Payment). Respondents (including J13/J14_Management) argued that managing directors recruited through the *Federal Employment Agency* tended to display more authoritative leadership styles than their counterparts from local government. In the latter case, the management tended to

allow for space to innovate and to adapt to claimants' needs. Such a management approach increased the room for creative solutions and organisational learning from the bottom-up, as street-level bureaucrats could feed back on their daily experiences of claims-processing (J4/J5/23_Management; J28_SpecRep). Such bottom-up feedback could, according to a team leader (J13_Management), benefit migrant claimant groups.

An institutional culture focussed on improving the quality of service provision allowed for a higher probability to engage with, and respond to immigrants' needs (J5_Management). Such was the case in one of the Berlin-based job centres this study examined. The Special Representative of that institution (J28_SpecRep) described the Managing Director as open to change:

“I have a boss who is very open. I mean, you can always convince him with good arguments. He simply understands the issues at hand, and if he doesn't, he listens to your explanations.”

She recounted in the interview how the topic of refugee integration had become endorsed by the local leadership. After describing the situation to the Managing Director, he tasked her with creating and leading a specialised working group, with the objective of developing instruments to address the needs of newcomers, for instance through a systematic hiring of interpreters. The first initiative led to the establishment of five more working groups to address the barriers to immigrants' access to benefits and services (J28_SpecRep). The example illustrates the impact sponsors in the top management and champions in the middle management can have on developing innovative responses to the challenges of serving an increasingly diverse claimant population. As Ahmed (2012) noted, the commitment of the senior leadership is necessary for diversity-related values to become embedded into the organisational processes.

6.3 Concluding reflections

This chapter disentangled the different organisational factors which impact the ways in which local administrators processed EU migrant's claims. The analysis built on the existing literature on street-level studies, such as the role of administrative burden and performance measurement frameworks, and on wider public administration and management literature on diversity. The data illustrated how organisational failures could

affect EU migrants' substantive benefit receipt, such as the role of legal uncertainty, administrators' inability to access specialised knowledge on EU migrants' entitlements, the current accountability frameworks and potential blind spots regarding (EU) migrants' needs. Together, they could create sources of systematic institutional bias beyond instances of individual discrimination. The chapter then moved to a brief examination of local variance in implementation behaviour, relating the latter to a local job centre's exposure to the EU migrant claimant group and the institutional leadership.

While the existing street-level bureaucracy literature has discussed the role of administrative burden, along with the often perverse incentives of an efficiency-driven performance measurement culture, the impact on public services for foreign national claimants has remained insufficiently explained. This chapter illustrated how and why processes of parking may occur for EU migrant claimants, as their cases appear to be complex and time-consuming to process. Effectively, work pressure enhanced the role of pragmatic and standardised policy implementation, which has been demonstrated in other street-level bureaucracy studies, including Eule's (2014) analysis of German immigration offices. Overall, the findings illustrated how the administrative setting governed by managerial economic performance measurement and little focus on quality left administrators with insufficient room for reflection or time to engage with an applicant's individual circumstances.

The analysis also pointed to administrators' insufficient awareness for, and selective perception of both EU migrants' legal entitlements and their potential needs as newcomers to German society and bureaucracy. The chapter provided one of the first reflections on the implementation deficits of the *Federal Employment Agency's* diversity strategy (see Ratzmann 2018). Drawing on Ahmed's (2012) analysis of the higher education sector in the UK, the findings showed how diversity policies have remained superficial to date. Intercultural initiatives were implemented as rhetorical, non-performative add-ons. In their current shape, diversity strategies risk the fuelling of stereotyping and a homogenised understanding of culture and diversity, and thus might lead to instances of institutional discrimination. Efforts to review administrative practices, in order to sustainably integrate diversity-related ideas into the organisational culture, appeared to remain absent.

Knowledge gaps were furthered by the job centre's current organisation into specialised units with a relatively large degree of autonomy. The latter trend could result in the isolation of administrators and limited possibilities for intra- and inter-institutional exchange. In summary, the findings pointed to how local and central leadership only recently started acknowledging the organisations' blind spots regarding EU migrant applicants' needs.

Generally, EU migrants continuously appeared to fall between the cracks of organisational attention. Moreover, parking effects could add to the compliance costs imposed on EU migrant claimants compared to German nationals, in the form of requesting additional, non-essential documentation or the immediate rejection of a claim without processing it. Considering the organisational pressure of daily claims-processing, street-level bureaucrats' reliance on simplifying routines could be interpreted as a coping strategy.

The aforementioned organisational demands of efficiency, controlling and documenting could exacerbate tendencies for differential claims-processing by national origin⁵⁸. As the next chapter explores, administrators tended to rely on stereotyped representations of certain EU claimant groups, which appeared to serve as a tool for making quick decisions in such a high-pressure work environment. Labelling them as unworthy of claiming seemed to legitimise administrators in their behaviour to impose hidden compliance costs onto EU claimants whose cases were time-consuming and difficult to handle. The following Chapter 7 illustrates how such ideas about EU migrants' deservingness for receiving benefits gained salience when administrators interpreted ambiguous legislation.

⁵⁸ Administrators' tendencies of 'othering' some EU migrant groups, as labelling them as undeserving of German public support, is an aspect which the next chapters explores.

7 The Undeserving EU Migrant? Framing Inequalities in Access

This chapter centres on administrators' perceptions of the social (il)legitimacy of EU migrants to claiming collectively financed basic subsistence benefits. Ideas about deservingness and belonging present at street-level constitute a second element in explaining the inequalities in access to job centre administered benefits and services among EU migrant citizens, which pertains to the second research question. The core of analysis are four inductively developed frames, through which welfare bureaucrats tend to justify their differentiations of EU claimants when exercising procedural discretion. The frames unveil administrators' constructions of the (un)deserving EU migrant. These frames seem to, at least in part, shape local implementation behaviour when policy gets translated into practice. The analysis relies primarily on the interviews conducted with job centre representatives and observational data from the field.

The chapter begins by outlining the frames through which job centre administrators interpret EU migrants' claims locally. The analysis highlights some of the similarities with the ways in which German national applicants are judged. It shows how interpretations of the perceived legitimacy of a claim might overlap, but are not congruent. Instead, alternative moral criteria come into play once administrators assess EU migrants' worthiness of receiving help from the German welfare state. Next, the chapter delves into macro-level institutional and policy frameworks, as these institutional logics unfold policy signalling effects during local implementation. The chapter finishes with a reflection of how ideas of deservingness and belonging play out in local claims-processing, when situational judgements have to be made. In this respect, the analysis examines the role of stereotyped perceptions of some EU migrant claimant groups in street-level work.

The chapter connects the thesis to some of the more recent street-level studies, which examined what Maynard-Moody and Musheno (2003) termed the 'citizen-agent' narrative. But while the latter highlighted the role of deservingness perceptions in administrators' discretionary decisions, the scholarship insufficiently covered the impact of migrant status. As EU migrants are outsiders to traditionally nationally bounded welfare, they are likely to activate identity-based ideas of deservingness. Part of the contribution of this

research is a more in-depth examination of deservingness perceptions in what concerns non-citizens. To that end, the focus is put on the entanglements between ideas of deservingness and (welfare) belonging. The aim is to unveil how local administrators fill van Oorschot's (2006) *identity* criterion, in terms of those seen as closer to 'us', with meaning.

The analysis shows how local administrators tend to mobilise an ethnocentric understanding of belonging to the German welfare community, which transpired into restrictive processing of EU applicants' claims. The latter finding adds an interesting nuance to Dwyer et al.'s (2019) claim on the fourth level of conditionality which structures EU migrants' substantive social security receipt. The data brought to the forefront the element of 'performance-based, cultural conditionality'. When assessing EU migrants' claims, behavioural conditionality often took the form of an implicit normative expectation to assimilate into the German (bureaucratic) culture.

7.1 Local-level understandings of EU migrants' deservingness to claim

Chapter 5.2 briefly reflected on EU migrant applicants' perceptions of their deservingness of German tax-financed social support. The aforementioned analysis demonstrated how many respondents only considered a claim to be legitimate once they faced circumstances beyond their control or if they had contributed to the German social system beforehand. This section focuses on local-level framing of ideas of deservingness, and the associated hierarchies of 'welfare belonging', which appeared to inform administrators' use of discretion.

The frames have been inductively developed, in a grounded theory approach, from the interview data with job centre staff. As a reminder, a frame in this analysis is understood as the lens which administrators adopt to make sense of EU migrants' claims (see Chapter 3.2). A frame constitutes the viewpoint from which sense is made of the story of claiming. The analysis is informed by van Oorschot's (2006) framework on welfare attitudes, which proposed five criteria upon which individuals tend to judge a claimant's (un)deservingness, namely being in control over one's situation, the respective level of need, reciprocity-informed ideas on previous or future contributions to society, individual attitudes of gratefulness, and the role of shared identity.

What makes such a 'deservingness judgement' salient in the context of this research is that bureaucrats are not only citizens of a given country, but local-level decision-makers who decide on substantive access to poverty-relieving benefits. As a local representative (J31_Management) summarised:

“[The willingness of staff to accommodate migrant claimants] is mixed. Many are interested and engaged. Other less. Like the overall population”.

In line with findings from recent street-level bureaucracy research (see Chapter 3.3), the interviewed administrators conceded to the value-led nature of their decisions, as the following two respondents described:

“Everyone is deciding according to their own values” (J1_Advisor).

“Personal attitudes play a role, with the effect that, sometimes, requests are turned down unlawfully, or granted upon conditions which are not justified” (J13_Management).

This chapter shows, ideas on deservingness and belonging impacted how administrators processed cases where the law remained ambiguous. The data analysis⁵⁹ helped to cluster respondents' attitudes into four types of moral value frames, which administrators mobilised as tools of quick decision-making in a high pressure work environment (see Appendix 5, Table 5.4). Street-level bureaucrats interpreted EU migrants' claims, in descending order of occurrence, through: (i) the earned entitlements frame (19 instances), (ii) the welfare tourism frame (12 instances), (iii) the human(itarian) frame and (iv) the European social rights frame (4 instances each). How job centre interviewees interpreted the nature of EU migrants' legal entitlements is best portrayed through a continuum, ranging from highly conditional, earned entitlements to genuine rights. Different rationales were sometimes mobilised concurrently or combined in decision processes.

The earned entitlements frame

The most frequently mobilised criterion to justify EU migrants' socially legitimate access to tax-financed German social support was a conditional one, which could take several forms. The majority of respondents advanced notions of earning entitlements, through previous financial contributions to German social security. Several other job centre

⁵⁹ Interviews with job centre management often lacked insights into their deservingness attitudes. Hence no meaningful comparison between front-line workers and those in higher-level positions could be drawn.

respondents argued in favour of limiting benefit receipt temporarily. Proposed time limits ranged from three (J48_Reception) or four (J17_Advisor) months to a two-year threshold (J5_Management, J10_Advisor). The underlying idea was one of providing financial aid to smooth a transition between jobs, which could lead to a shortfall in income, as this administrator (J10_Advisor) outlined:

“In case of need, it is important to offer this [the benefits] as a transition, when people search for employment here, as they cannot get a job back home [...] but it needs to be a transitional benefit, as support to find employment”.

A third group linked the right to *UB II* support to EU migrants' length of residency in Germany. Instead of a maximum period in access, respondents argued in favour of a minimum of five years of residence in the country (J8/J51_Advisors) to define eligibility, which coincides with the habitual and permanent residency thresholds. Both the described financial and temporal pre-conditions could be seen as variations of van Oorschot's (2006) reciprocity-based deservingness criterion. The findings mirror the results of a recent qualitative investigation of deservingness preferences among the German population, which pointed to contribution-based and time-bound reciprocity as a recurring idea (Laenen et al. 2019).

A fourth group of job centre staff alluded to a different kind of conditionality, which implied the display of pro-active behaviour to integrate into German society. These respondents generally expected EU citizens to learn the German language and gain some societal knowledge before being allowed to claim benefits (cf. J8_Advisor, J15_Management, J17/ JVIII_Advisors). The interview excerpts below exemplify such culturally infused ideas:

“Often, they don't speak the language, but they tend to know how to get access. I find that bit annoying”(JVII_Advisor).

“Problematic are foreigners who don't speak German [...] they are too lazy to understand the official letters”(J41_Payment).

“Here [in Germany], certain rules apply, and people normally have been socialised in a certain way. And I expect from my [foreign] clients that they assimilate, and it's not happening”(J9_Advisor).

Similar to what Belabas and Gerrits (2017) found in Dutch social administrations, respondents expected migrants to first earn deservingness through active participation in society, expressed by their willingness to integrate (see Chauvin et al. 2013). An interesting finding of this research is that the rationales put forward were often informed by group-based stereotypes, of how certain (national) groups were unwilling to integrate, which I expand on at the end of this chapter.

The latter quote (of J9) provides a telling example of such stereotyped perceptions. The finding was substantiated by the accounts of key informants. A social lawyer (S26_Legal Expert) explained in our interview how some public administrators portrayed certain EU citizen groups, such as Bulgarian nationals, as un-assimilable:

“When people hear Bulgarian, they often think: ‘Ah, Bulgarian’. And only when he or she speaks in fluent German [...], they rethink and reorient their perceptions”.

The reasoning put forward relates to what Chauvin et al. (2013) and Chauvin and Garcés-Mascareñas (2014) have reflected on under the heading of 'performance-based deservingness', whereby newcomers were expected to abide to a set of cultural norms and rules. As a form of 'culturalisation' of citizenship rights, entitlements were granted in exchange for cultural acculturation efforts (Mourão Permoser 2017).

The obligation to culturally fit seemed to have been internalised by several of the EU citizens I interviewed. The latter perceived communication difficulties with job centre staff *“not as a problem of the system but of”* themselves (M2_US). A French (M5) and Bulgarian (M17) respondent highlighted the significance of German language skills in their settlement process, asserting that:

“language [is] the means through which you get integrated” (M17_BG).

They expressed ideas about how job centre staff made them feel as 'not belonging' if they were not able to converse in German. Such considerations fit more theoretical writings, of how language is crucial in manoeuvring a given society (Anderson 1983; Lizardo 2010). In Fanon and Philcox (2004)'s terms, such internalised demands for language acquisition could be interpreted as a form of internalised racism or ethnicism.

Ultimately, 'performance-based deservingness' could be seen as an expression of what

Bauböck et al. (2006) and Bauböck (2015) summarised under the 'stakeholder' conception of citizenship. According to this normative stake-holding principle, membership is granted upon prospective members showcasing of a willingness to contribute to society and its collective goods. Allegiance, according to Bauböck, could be demonstrated through employment and the performance of social and civic duties. Those not living up to such pre-defined ideals of the 'good' citizen are, by consequence, undeserving.

In sum, EU citizens could demonstrate their long-term commitment to Germany in different ways, in exchange for access to benefits. While some respondents stressed the need for previous (or future) financial contributions to the social welfare system to establish a reciprocal relationship, others focussed on the time component, defined through their length of residency or a maximum length of support. A third group, following a culturally-infused rationale, was willing to grant welfare access as a reward for (ethno-)cultural assimilation, such as language acquisition or the demonstrable (tacit) societal knowledge of norms and values expectations. Failure to comply with, or to perform such implicitly set out integration demands led to perceptions of undeservingness. Effectively, those EU migrants who failed to earn their entitlements through self-sufficiency, prior financial contribution or acculturation were portrayed as "ill-fit" residents.

The findings are mirrored by public attitude data. The latter highlighted the strong expectations of newcomers that the majority population shared. In 2015, three out of four respondents of a representative survey among the German resident population expected immigrants to assimilate into 'German culture' (Bertelsmann Stiftung 2015). Newcomers could demonstrate their willingness to integrate mostly by acquiring cultural capital such as knowledge of the German language and norms, and civic obligations of respecting the constitution and being engaged in gainful employment (ranked as important by 80 to 99 per cent of respondents). Formal markers of acquiring German citizenship played a lesser role, being considered significant by less than 40 per cent of the respondents (Bertelsmann Stiftung 2017). Such a line of reasoning corresponds to what Farris (2017) qualified as the national(ist) turn in integration programmes, whereby exclusionary policies became increasingly based on performing cultural similarities.

The welfare tourism frame

The welfare tourism frame, which was the second most frequently mobilised rationale, is closely related to, but not to be conflated with the earned entitlements frame. Instead of defining different forms of contributions, ranging from financial, to temporal, to behavioural pre-conditions, respondents mobilised the welfare tourism frame to categorically exclude EU migrants from legitimate access, as these two respondents asserted:

*“Foreigners should not have access; the whole system does not function”
(J41_Payment).*

“We have freedom of movement, which means that they [i.e. EU citizens] can come here without any difficulties, can stay on a sort of three month tourist visa and nothing happens [...] and we have many of them, and the law foresees [...] that they can top up their income through benefits” (J32_Management).

As the quotes illustrate, some respondents perceived the current legislative framework to be insufficient to protect state resources, and thus considered it their role to limit EU migrants' access to welfare. Interviewees justified the creation of informal barriers to substantive social security through their underlying belief of some groups purposefully abusing the German welfare system. They qualified them as undeserving of public social support in principle, as these respondents alluded to:

*“It is attractive for other Europeans to come here [...] but it is often abused”
(J10_Advisor).*

*“There were [...] Greek, Spanish, Italians, young people, mid-20s, around 30, EU citizens, French. They directly came from the airport to the benefit office to live of 'Hartz IV' benefits in Berlin [...] it is irritating, because these are German taxes”
(J51_Advisor).*

*“The information circulates quickly. As soon as they know, ok, you need a mini-job to subvert eligibility rules. They then just get a job somewhere”
(J46_Reception).*

The findings mirror evidence from the few existing studies on the implementation of migrants' social entitlements in local-level practice, such as de Wilde's (2017) analysis of

eligibility discrimination in social agencies in Belgium, which she attributed to the prevalent personal prejudice.

Respondents who described EU migrants as a category endemically prone to welfare (ab)use often attempted to draw upon an indirect hierarchy of deservingness between foreign claimant groups, mobilising van Oorschot's (2006) criterion of circumstances beyond control. In the current context of refugee politics, several administrators placed asylum-seekers as involuntary immigrants on top of such a hierarchy. EU citizens, understood as economic migrants, were portrayed as being in control of their economic well-being, which implicitly put them further down the hierarchy:

“For refugees we could say: Okay, they have no other choice, they fled from a country at war. They have to arrive first and rebuild their lives” (J45_Payment).

“Citizens who come from abroad and who never paid into the system [...] I would bar them from access if they are not asylum-seekers or refugees, but economic migrants and immigrants. And give them one year to find a job [...] in my view it is not financially sustainable in the long run that most immigrated foreign claimants are unable and unwilling [...] to find a job and to integrate” (J9_Advisor).

This implicit hierarchy of deservingness in accessing German tax-financed benefits is mirrored in the accounts of EU citizens, as this quote illustrates:

“If I would be a refugee, I would be allowed to survive here. As I am Polish, I am not... I am forced to starve” (cited by S2_AWO).

Interviewees abiding to ideas of intentional welfare fraud saw themselves as the watchdog of the state (including J21/24/40_Advisors, J23/31_Management). They understood their professional role as one of guardians of fiscal state resources against the illegitimate access of EU migrants who apparently burdened the taxpayer. Respondents expected EU claimants to engage in self-sufficient employment. A job centre representative (J49_Management) elaborated on this role conception of protecting taxpayers' resources through the image of stake-holding:

“We are stakeholders. Stakeholders of the job centre, representing the interests of the tax payer and the job centre”.

Those job centre administrators who discursively mobilised the welfare tourism frame tended to equate EU citizens living and claiming in Germany with 'welfare tourists'. They perceived EU migrants to come to Germany to receive tax-financed social benefits, without any willingness to contribute in return. Such attitudes could be classified as welfare chauvinistic, as (some) EU migrants were portrayed to be an endemic fiscal burden to the welfare state (see Reeskens and van der Meer 2015).

The welfare tourism frame disregarded the institutional barriers to meaningful participation within Germany's coordinated market economy, which is characterised by a highly regulated labour market (see Soskice and Hall 2001). In parallel with long-standing discourses on welfare dependency of a lazy, unemployed national underclass (Gans 1995; Patrick 2016; Solomos 2003), respondents applied a cultural behavioural explanation of economic deprivation to EU migrant populations (see Bonjour and Duyvendak 2017). Welfare chauvinistic attitudes guided local implementation in Germany to a degree, whereby certain characteristics, such as an unwillingness to work, were attributed to certain national groups mostly of Eastern European origin (see Section 7.3).

As a result, many EU citizen respondents felt placed under generalised suspicion of free-riding and unlawful abuse. The latter contrasted with their individual motivations to migrate to Germany in the first place (see Chapter 5.2). Several felt accused by their respective administrators to be *“in Germany to get money without work”* (M10_FR), of *“newly arriving and immediately wanting a hand-out from the German state”* (M6_FR). Two respondents were explicitly told to *“better go back home”* (M5_FR, also M18_HU).

Regarding German national claimants, a parallel discourse on the 'culturalisation' of poverty prevailed. Several job centre respondents similarly portrayed German citizens' experiences of economic hardship as an individual failure:

“I am really convinced that the majority of our clients does not want [to work]. They only want the money” (field notes JC1).

“Some have a career as 'Hartz IV' recipients, mother, father, and daughter, all receive SGB II benefits. [and they] are satisfied with that” (J3_Management).

The salience of the reciprocity principle described here, or a perceived lack thereof, resonates with the historic legacies of the German moral economy (see Chapter 2.3). As

part of the literature explicated (see Laenen 2018; Mau 2003), welfare institutions are likely to shape individual's deservingness attitudes on what individuals consider to be a fair allocation of public resources. Participants, to some extent, echoed the normative criteria of reciprocity into the architecture of Germany's welfare system. What commonly distinguished the deservingness perceptions towards German nationals versus EU migrants were perceptions of the salience or the amplitude of the phenomena of endemic welfare abuse, which Section 7.3 explores.

Overall, the welfare tourism frame portrays the reciprocity relation between non-citizen claimants and the state to be irreparably ruptured. In this respect, administrators rarely perceived themselves as impartial adjudicators. Instead, they often saw themselves as servants of the state. By drawing on ideas of stake-holding, respondents displayed an interest in protecting resources against unlawful abuse, and in defining the rules under which they considered legitimate access could be granted. Ideas about cost awareness featured centrally in their line of reasoning, which Laenen et al. (2019) qualified as a context-related deservingness criterion. It related to the fiscal sustainability of the broader welfare system rather than the characteristics of the individual welfare targets.

The human(itarian) frame

A third category of job centre respondents argued in favour of allowing access to *UB II* benefits on the basis of need and dignity, independent of an applicant's national origin. They considered residence in Germany to be enough to qualify, as this team leader (J23_Management) explained:

“I think that those who live in this country, [...] and who get into difficulty should be helped. Full stop. Completely independent of their religion, skin colour, origin or something else”.

Instead of setting pre-conditions, this group of job centre interviewees considered it to be a moral duty to support those who experience a spell of poverty, which maps onto van Oorschot's (2006) needs criterion. Respondents tended to argue from a human rights perspective, as this receptionist (J26_Reception) said:

“In principle, I think it is good that foreigners can access [...] for me, all human beings are equal”.

Their discussion of welfare access as a universal right, independent of a claimants' descent, combined two complementary logics to justify the legitimacy of a claim. Respondents recurring to the humanitarian frame commonly supplemented van Oorschot's (2006) need-based criterion with a human-rights perspective of a life of dignity as an alternative moral rationale. However, only a very select group of four job centre interviewees mobilised ideas of a moral duty towards their fellow humans, expressed through ideas of universalism in access.

The European social rights frame

Finally, some respondents considered EU migrants' entitlements to basic subsistence-type benefits an unconditional (EU) citizenship right. Interestingly, only one of the 55 interviewed job centre representatives explicitly referred to ideas of an European identity, and the legal free movement rights (J52_Payment):

“I am a convinced Europeanist. I am German, my boyfriend is Czech. But, on both our passports, it says European Union. For me, these [EU citizens] are not foreigners in the literal sense. These are citizens of a Union of French nationality, or of German nationality. Of course, we are German citizens. But the law is different than what people have in mind. Why should they not get money? As I said for me, Europe extends from Lisbon to Vladivostok”.

Alternatively, respondents mobilised van Oorschot (2006) rationale of circumstances beyond respondents' control in what regarded their deservingness to receive benefits. In contrast to their peers abiding to the welfare tourism frame, they argued not to blame EU citizens for their shortfall of income, as structural reasons beyond their influence might have caused their spell of poverty. In this context, respondents commonly expressed resentment against political elites, which they held responsible for some EU citizens' lack of opportunities, as this interviewee explained:

“There are huge disparities between Northern and Southern Europe, Western and Eastern Europe. Including the welfare systems [...] Central and Northern Europe depend on cheaper labour. Mostly from Eastern Europe. [...] Many work in low-qualified labour. [...] Eastern Europe is socio-economically weaker than Central- and Northern Europe, Western Europe. So I think, ok, people are looking for new perspectives. And come to Germany to try to improve their livelihoods [...] not all

are here voluntarily. And I think, the majority needs support, and only a few take advantage“(J21_Advisor).

As the quote shows, several respondents problematised the issue of socio-economic disparities between EU member states, including their unequal welfare systems, which put the functionality of EU social citizenship into question. They argued that such geographical inequalities could create distorted incentives to claim social security in Germany for citizens whose home countries have less generous social security coverage. But instead of stigmatising the individual as a welfare tourist, interviewees drew attention to the potential welfare magnet effects of a predominantly neo-liberal European project:

“If I were in that situation [of poverty], I would also think about where I might get more than I currently have [...] And it is not unlikely that the benefits they receive here [in Germany] are more than what they can earn [in Romania and Bulgaria]”(J43_Payment).

“Personally, I do understand why Bulgarians or Romanians come here. I would do the same if I were them, because we [in Germany] pay more [benefits]. But we should not be surprised that people come, that [higher benefits can] have a magnet effect“(J15_Management).

“If I would come from Romania with my family, I would feel equally compelled [to claim]. Things are wrong on the political level“(JV_Reception).

As the interview extracts above highlight, so far, little political focus had been put onto harmonising social protection regulations between member states sufficiently in practice, or on redressing labour market inequalities between individuals (Dean 2018). As several scholars have pointed out, countries like Germany continuously benefited from less qualified Eastern European labour, while indirectly contributing to their inequalities by not granting them equal welfare protection (Amelina and Vasilache 2014; Bellamy and Lacey 2018; Room 2017).

Considering this policy context, interviewees argued that the free movement legislation only poorly reflects the needs of EU citizen workers from the European periphery, which resonates with part of the socio-legal literature (see Kukovec 2014, 2015). Respondents relied on explanations of geographical disparities to legitimise EU migrants' access to minimum income benefits in Germany, as this administrator (J12_Advisor) described:

“I try to put myself in their shoes. I think about how I would feel if I had to leave my home country, and my family for economic reasons. It is a difficult step. This is not easily done, not to simply get 400 Euros [of social benefits] somewhere [...] I also think Germany has an obligation. As the German economy lives off other countries being poorer [...] I think we have an ethical obligation here“.

This way of reasoning and of expressing solidarity has similarities with the human(itarian) rights frame. By bringing to the forefront inter-country inequalities, participants introduced an alternative, context-contingent, moral rationale of equality in access, which van Oorschot's (2006) deservingness heuristic does not capture. They implicitly broadened the discussion of EU migrants' legitimacy of welfare rights to structural facets beyond the individual case.

Overall, the findings pointed to four ways in which front-line bureaucrats discursively framed EU citizens' social entitlements. These were the earned entitlements frame, and closely related, one of welfare abuse. Other respondents understood EU citizens' claims as a right on humanitarian grounds or by virtue of their EU citizenship. Comparing the four frames, we can notice a change of logic from one of strong conditionality, emphasising an individual responsibility to earn access to subsistence securing benefits legitimately, to a logic emphasising genuine rights, conferred by EU citizenship. Administrators judged EU migrant applicants as more or less deserving depending on the frame they adopted as a cognitive point of reference.

Local understandings of belonging

The entanglements between moral ideas of deservingness and perceptions of 'belonging' conjointly played into the interpretation of EU citizens' status and their perceived legitimacy to claim benefits. Indirectly, each frame mobilised notions of belonging to German society and the welfare state in one form or another. The frames revealed how the imagined boundaries of the German community of solidarity were drawn.

In this respect, respondents tended to divide claimants into an in-group and an out-group on the basis of their national citizenship in all except the human(itarian) frame. The latter prioritised need over an applicant's country of origin. The other frames portrayed belonging as essential in establishing the deservingness of an EU migrant applicant. In more detail, geographical belonging, expressed through citizenship from one of the EU

member states, sufficed to legitimately place a claim within the European social rights frame. EU claimants were perceived as part of the in-group. For those abiding to the welfare tourist frame, as the terminology alludes to, EU citizens were seen as outsiders. They were portrayed as transnational journeyers who seek to illegitimately access limited public resources, which called for their categorical exclusion. The welfare tourist frame closely connected to the reciprocity frame, which tended to advance a double conditionality. This encompassed a work-centred conditionality, whereby deservingness ought to be acquired through financial contributions, and a performative conditionality of demonstrating belonging through language, which mirrored the collective myth of the German nation as an entity 'where people speak German' (Hogwood 2000).

Generally, administrators tended to refer to, or re-categorise EU *citizens* as EU *foreigners* (*EU Ausländer*). EU citizens appeared to be perceived first and foremost as *foreigners*, and only then as potential applicants in need of public support. By reframing *EU citizens* as outsiders to the German society and welfare community, street-level bureaucrats implicitly assigned them the status of economic migrants. With a few exceptions, administrators' way of thinking stripped EU *citizens* of their equal status as co-nationals foreseen by the European frameworks. As a migrant counsellor (S9_Diakonie) asserted,

EU citizens may have “*many rights on paper, but this has not trickled down yet*”.

Job centre respondents subconsciously tended to sort applicants into “*native, real Germans*” and “*the rest, [independent of whether they had] a German passport [or not]*”, as a counsellor for EU migrants (S2_AWO) explained in our interview. Ideas of 'ethnic descent' marked some claiming experiences. Such was the case for a Hispanic, naturalised respondent (M1_DE), who described the ethnicisation process he was subjected to by the job centre, highlighting

“*the positive surprise when [he] handed in a German ID [during the claiming process. As he was told:] 'Oh, you are a little dark [for a German], but you are a German national'.*”

A respondent of Vietnamese origin (M2_US) similarly recalled experiences of 'othering' based on her ethnicity. Administrators' thinking revealed similarities with the logics embedded into the 'migration background' category (see Chapter 3.2), as the category constructed belonging based on the cultural markers of descent and linguistic

performance. The findings could be seen as an illustration of how policy categories may affect individuals' perceptions of the social reality. Resonating with Ruhs' (2017) and Ruhs and Palme's (2018) research, an ethno-cultural understanding of Germany's collective identity can mark local perceptions and preferences. Apart from a small group of respondents who interpreted EU citizens' claims independent of their (non-German) nationality, welfare boundaries tended to be extended to only those EU citizens who were perceived to culturally "fit". What this finding may imply is that ethnicity, defined as the belief in a common origin and shared cultural practices (see Chapter 3.2), rather than migrant status, may be the key marker of belonging.

In short, supra-national ideas of a collective European identity seem not to have permeated local-level understandings of EU migrants' entitlements. EU citizens' downward shift in the symbolic hierarchy of belonging draws attention to the limits of the European project in practice, when EU migrants interact with local bureaucracy. This observation may explain the little preponderance of the European social rights frame on the ground. Based on EU claimants' apparent unfamiliarity with the German language and tacit rules of claiming, social administrators re-assessed EU migrants as culturally non-belonging, which contrasted with EU-level policy rhetoric.

7.2 The signalling effects of macro-level policy rhetoric

While the four frames give insights into administrators' thinking on the social legitimacy of EU migrants' receipt of minimum income benefits, such ideas never emerge in a vacuum. Instead, normative welfare perceptions are contingent on a specific political, cultural and socio-economic context. Building on Scharpf's (1997, 2000) framework of actor-centred institutionalism (see Chapter 3), the second part of this chapter delves into the interrelations between macro-level institutional welfare logics and micro-level frames on EU migrants' claims. Such an exploration contributes to explaining the salience of the reciprocity and welfare tourism frames at street-level.

The discursive framing of the 2017 reform

The 2017 legislative reform with respect to EU migrants' entitlements widened the statutory exclusion clause for inactive and job-seeking EU citizens from a six-month threshold to five years of habitual residence (see Chapter 2.2). The new legislation also

tasked job centre administrators to notify the *Foreign Office* of all EU migrants who are likely to burden German welfare financing, so that their rights to freedom of movement could potentially be withdrawn. But deporting an EU citizen living in a member state other than their own on the basis of 'being a burden for the national welfare state' may not be in line with EU law (see Voigt 2016a, 2016b). The ways in which legislation on free movement is implemented in the German context is more restrictive than what the scope of the EU directives appears to allow for.

An examination of the official Parliament proceedings revealed the two rationales put forward in justifying the restrictions on EU migrants' social entitlements. First, policy documents highlighted the need for clarification of existing legislation. The law had become ambiguous after the 2015 and 2016 *Federal German Court* rulings, which had granted job-seeking EU migrants' potential access to the subsidiary *SGB XII* social assistance benefits. Secondly, the legislator advanced aspirations to ease the financial burden of local governments, which distribute *SGB XII* payments (Deutscher Bundestag 2016).

Considering the timing of the legislative change in early 2017, the reform could be seen as a form of appeasement politics during the pre-election period. The government at time might have been trying to secure the votes of those who risked to turn to populist parties in the September 2017 parliamentary elections. In fact, in the lead-up to the federal election, the ever-resurgent debate on the so-called 'German guiding culture' (*Deutsche Leitkultur*) (Loch 2014; Paul 2015) had most recently flared up. Shortly after Germany had admitted over one million asylum-seekers, politicians started fiercely discussing the values upon which *outsiders'* entry and settlement in Germany should be based (Holzberg et al. 2018). What values and norms this would entail remains unclear. The discussion on 'cultural integration' ranged from the acceptance of the rule of law and the constitution to norms of the everyday life, such as clothing and greeting rituals (see SVR 2019). The public debate highlighted the continuously disputed nature of German national identity. It problematised the idea of integration, oscillating between cultural assimilation and a two-way process of meaningful societal participation.

According to several high ranking officials of the *Federal Ministry for Employment and Social Affairs*, the curtailing of EU migrants' access to tax-financed minimum income

benefits was intended to maintain fairness in an increasingly socially divided society. The interviewees portrayed the new legislation as a way of curbing the development of xenophobic attitudes (field notes policy meetings). By granting full rights only to those EU migrants who actively contributed as workers, the reform appeared to aim at resolving the tension between nationally defined entitlements and free movement (see Dwyer et al. 2016a; Kramer 2016).

Similarly, Dawson and Witte (2015) interpreted the legislative change as an attempt as the German government's attempt to regain control over domestic welfare legislation after (supra-)national jurisprudence had extended EU migrants' welfare rights against the will of the executive. In fact, several member states, including Germany, had previously submitted an open letter to the EU Presidency, requesting practical measures to alleviate the pressure of EU mobility on national welfare systems. The governments had asked to tighten EU migrants' welfare entitlements granted by *Directive 38/2004/EC*, which was rejected by the European Commission.

Political discourse framed the 2017 legislative reform as a necessity to protect state welfare resources from EU migrants who had not financially contributed to the German taxpayer base. In a 2016 press release, the Social Minister of the time, Andrea Nahles, highlighted the importance of the reciprocity principle. She argued that residency on the German territory is not enough to legitimately claim benefits:

“Somebody should not be able to qualify for social benefits in another country by simply moving within the EU, considering that their home country has a functioning social security system [...] Those who live here [in Germany], work and contribute, should have an entitlement to benefits from our social system. Those, however, who have never worked here and who need state social support to secure their livelihood should apply for support in their home country”⁶⁰.

The 2017 reform inscribed itself into a historically path-dependent view of immigrants as a disposable workforce rather than as potential new fellow citizens. As Dean (2011) noted, conservative welfare states only tend to concede social rights to those migrants who have financially contributed to the host society through prior social security

⁶⁰ Interview given in daily German newspaper „Die Welt“ (14.02.2016). See: <http://www.bmas.de/DE/Presse/Pressemitteilungen/2016/klarstellung-zugangsozialeleistungen-eu-auslaender.html> (translation by the author, emphasis also put by the author).

contributions and taxes.

The conditionality rhetoric embedded into the political speeches and documents was commonly paired with an essentialising discourse on welfare migration. For instance, an information letter by the *German Parliament* singled out the salience of the inward-mobility from Bulgaria and Romania after the transition period. Their inward migration had previously been restricted after the 2007 enlargement, but the transition period had ended in 2014⁶¹. The communication represented Bulgarian and Romanian migrant citizens as a potential threat to the viability of the public finances (Deutscher Bundestag 2016).

Administrative internal guidelines of the *Federal Employment Agency* subsequently picked up on the topos of social tourism and poverty migration, which allegedly threatened public resources. The federal agency published a document entitled “*Fighting EU citizens' systematic welfare abuse*”. The latter described organised welfare fraud by Romanian and Bulgarian citizens as a substantive risk to the German welfare state. The guideline urged administrators to be particularly diligent and vigilant when processing their claims. The document also provided a checklist of how to identify fictitious employment, and encouraged administrators to report any suspicious behaviour to the relevant German authorities (Bundesagentur für Arbeit 2017a).

In short, policy documents portrayed the integrity and cohesion of their traditionally nationally defined community of solidarity to be under threat. Such a line of reasoning relates to Waever et al.'s (1993) writings on 'securitisation', whereby public speech acts, which depict migration a threat to national identity, transform the non-security issue of mobility into an urgent security concern (see Bigo et al. 2013; Boswell and Geddes 2011; Feldman 2012; Hollifield et al. 2014; Pécoud and Guchteneire 2007; Voiculescu 2017). The welfare security frame, whereby a state seeks to protect its national economy from perceived threats posed by outsiders, could be subsumed as a subcategory of wider security-related issues (McGovern 2012). Policy-makers effectively represented incoming EU migrants' potential unlawful abuse of state resources as the policy problem (Bacchi 2009). The policy framing had been present since the antecedent of the 2004 enlargement

⁶¹ Already during the negotiation of the first Eastern European enlargement in 2004, the German government advocated for restricting Central and Eastern European workers' mobility. Germany maintained the transitional arrangements for free movement of workers in place for the maximum possible duration during both waves of Eastern European enlargement.

when eight low income, Eastern European countries joined the European Union (Ruhs 2017). Free movement had been nationally politicised in Western European countries ever since.

Such a policy diagnosis implied domestic benefits restrictions to allegedly unproductive EU migrants as the only viable policy solution to tame societal insecurities. But contrary to the propelled public rhetoric, relative benefit generosity rarely constituted a pull factor to immigrate to Germany. As the findings of Chapter 5 illustrated, benefit applications tended to result from EU migrants' inability to access the structurally rigid German labour market. Studies have generally proven how EU migrants contributed more to German public finances than they took out in social benefit claims (Bruzelius et al. 2014; Foti 2015). Considering the difficulty of substantiating claims that EU migrants abuse the welfare state by evidence, the marco-level policy rhetoric could be qualified as a 'policy imaginary' (Mayblin 2017).

The interrelations between micro and macro-level policy rhetoric

Nonetheless, the image of the EU welfare tourist unfolded important signalling effects at local level. Connecting back to the theoretical writings on policy categories and frames (see Chapter 3.2), the aforementioned findings illustrated how individual ideas are never independent of the larger policy context. Effectively, local bureaucrats tended to echo the normative ideas of (welfare) belonging and deservingness embedded into the institutional and legal structure of Germany's welfare and migration regime.

As the analysis of policy documents has revealed, concerns about the costs of immigration were central to the 2017 legislative reform. Public speech acts and policy documents institutionalised ideas of welfare chauvinism. The data collected at local level pointed to a similar emphasis on ideas of earning entitlements and unauthorised welfare (ab)use. The data showed how social courts might not be the only institutions with signalling effects (see Heindlmaier 2018). Local bureaucrats' perceptions of welfare abuse as an endemic issue closely mapped onto institutionalised ideas of social tourism and poverty migration, which featured in the policy documents.

As Ruhs (2017) underlined, the social security architecture can shape individual ideas about the fairness of welfare claiming. In the German case, the policy legacies of the Bismarckian insurance architecture became reinforced by the current EU legislative

framework modelled on the continental European welfare regime, which similarly emphasises the importance of work (Ruhs and Palme 2018). Both German and EU policies institutionalised reciprocity as the societal norm. The inactive or marginally employed were portrayed as less worthy beneficiaries. Administrators appeared to align their interpretations of EU citizens' entitlements with the federal-level policy rhetoric. Many respondents believed that EU migrants had to first legitimately earn their access by satisfying various financial and temporal qualifying conditions. Interviewees implicitly built on the idea of the disciplined EU migrant worker (see Anderson 2013). This constituted a major difference with German citizens, who may access German minimum income benefits without restrictions once they experience a shortfall in income.

In short, what we might see playing out at the German local level is Ruhs and Palme's (2018) postulate of formal welfare institutions shaping informal welfare preferences. In the light of the role of institutions in shaping welfare attitudes, the parallel between the micro- and macro-level framing is not unexpected. Political rhetoric interconnected with street-level perceptions on EU citizens' legitimacy to claim, which substantiates Dwyer et al.'s (2019) idea of 'institutionalised welfare chauvinism'.

7.3 The influence of belonging on situational 'deservingness judgements'

So far, the analysis has illustrated how local bureaucrats' interpretations of EU citizens' social entitlements were complex and ambiguous, as their status as non-nationals tended to activate ideas of belonging although individual welfare restrictiveness ultimately rested upon a situational judgement. This section delves into the social interaction dynamics on the ground, of how social divisions pertaining to age, social upbringing, class and gender may influence administrative decisions along with administrators' perceptions of EU claimants' behavioural compliance, or lack thereof.

The role of social divisions in judging an EU claimant's deservingness

As briefly insinuated above, administrators' ideas of deservingness and belonging represent a set of attitudes that are present among the German resident population. A local job centre director (J14_Management) portrayed staff as a representative “cross-section of the population”. Other respondents described the job centre setting as a crystallisation point of the different welfare attitudes towards EU citizens (J2_Advisor;

J31_Management, but also S13_NGO). Generally, job centre staff perceived the social relations between administrators and EU claimants to influence their ideas about deservingness and belonging. Such an observation links to findings from quantitative welfare chauvinism research (see Chapter 2.3), which inquired into the role social divisions of age, origin, educational background, or gender in shaping public attitudes on welfare redistribution towards foreign claimants.

Regarding age differences, younger administrators often described their older colleagues as welfare chauvinists. For instance, a receptionist (J26) felt “*startled*” by what he perceived as essentialising statements he heard from older staff, such as “*all foreign claimants take away the money [of the German welfare state]*” (see JVIII_Advisor). An advisor (J21) similarly perceived the older generation to be sceptical towards migrant claimants. He described how older colleagues often adhered to immutable opinions about EU migrants' social illegibility to claim, irrespective of the individual case they assessed. He highlighted their fixed expectations on what they considered to be appropriate conduct, through which they approached the job centre exchange:

“I often think; it is definitely the case, that older colleagues grew up with a different understanding of how one should live in Germany. What one eats, or wears and how one looks [...] An image that one is disciplined, discipline in any case [...] And sometimes such clichés surface”.

Younger respondents linked the salience of what they perceived as essentialist thinking and negative attitudes of migration to inter-generational differences in socialisation and upbringing. They commonly portrayed themselves as more open-minded to difference, by being able to evaluate individual circumstances without a cultural bias (J12_Advisor). An advisor (J21) related such a level of reflexivity to the more diverse working experiences he and his younger colleagues have had. For him, intercultural exposure resulted in better-developed intercultural skills:

“What I notice [...] is that those colleagues who are now over 50 or 60 years, they finished high school and then went straight into higher education. Since then, they have worked in the same administrative setting for most of their life. Young colleagues have more colourful CVs. They finished school, did some vocational training, worked, studied, went abroad. They gathered intercultural experience

through their diverse circles of friends, they travelled [...] this leads to a different set of experiences they can draw on”.

Others highlighted the role of the former East-West divide of Germany, which has led to divergent socialisation experiences. Several respondents described how they perceived colleagues who grew up in the (post-)Soviet space as more restrictive and authoritarian in their decision behaviour, particularly towards claimants who deviated from set expectations (J13_Management). Diversity trainers (S13/S16_NGOs) reported on instances of overt racism, which the trainers related to the little intercultural exposure of many of those who grew up behind the *Iron Curtain*. According to their assessment, administrators from the former Eastern part of the country tended to rely on essentialist notions of culture. This included explanations of EU claimants' behavioural non-compliance through cultural stereotypes. Respondents also linked stereotyped claims-processing to educational differences. They attested that highly educated job centre staff had more developed critical thinking skills, and thus had a higher degree of reflexive awareness of the structural causes which might cause EU migrants' potential higher need for public support (S16_NGO, field notes JC A). The findings link to evidence from representative survey data on public attitudes. Results showed how respondents from the former Eastern part of the country exhibited lesser welcoming attitudes towards immigrants settling in Germany than their Western counterparts (Bertelsmann Stiftung 2017).

Job centre respondents' self-identity as migrants also appeared to shape their interactions with EU applicants. Both an administrator of Turkish origin (J35_Advisor) and one from the former Yugoslavia (J21_Advisor) argued that their shared immigration history made them more empathetic towards (EU) migrants. The latter respondent explained how she reflected differently than her German colleagues,

“because I also was a newcomer to German society at some point, because of my own immigration experience [...] I often notice that clients with migration background [...] they first ask me about my surname [...] I think they feel more understood; I often get that feedback” (J21_Advisor).

As Kennedy (2013) has illustrated for the US case, some street-level bureaucrats may perceive themselves as minority representatives and diversity advocates. The results

mirror public attitude data, which similarly emphasised the role of socio-cultural upbringing. Residents who experienced migration themselves or in their family more often wanted to make immigrants feel at home in Germany than respondents without any ‘migration background’ (Zick and Preuß 2019).

But in line with the findings of the representative bureaucracy research (see Chapter 3.1), shared background did not always entail benevolent views towards EU citizens receiving social entitlements in Germany. An advisor of Hungarian heritage (J8) outlined her conflicting attitudes towards EU migrants' social legitimacy to claim tax-financed German benefits.

A similar complex dynamic could be observed with respect to shared gender. According to a key informant, some female administrators projected their own “*Western conceptions of society*” (S13_NGO) onto their claimants. They expected EU migrant women to adhere to German family norms and to share their understanding of a work-family life balance:

“Female administrators [...] meet their claimants with certain expectations, expecting women of other (cultural) background to go to work and to emancipate themselves [...] they transfer our Western philosophy, our way of life onto them, that they should live the same way [...] they have a missionary vision of: ‘I made it,[so you can do it as well]’. Some might have felt hurt that other women did not embrace the same vision. And abused their position of power“.

The respondent described how female administrators often actively opposed some EU migrant women's self-understanding, who saw themselves as mothers and carers. Others were more aware of the perceived cultural specificity of gender norms. This was the case of a female administrator (J10_Advisor), who reflected about the diverging job expectations between women who grew in Germany as compared to some of her female claimants from Eastern Europe:

“Among Eastern-European women [...] the problem I am encountering is that they want to work in classic female occupations [...] I am discussing a lot about the role clichés I perceive to be at play. For instance, that I think that childcare should not only be a female business and that full-time employment should be possible”.

She highlighted the structural causes of female underemployment, even though her

narrative showed some essentialising assumptions about gender-specific work ethics.

Ideas of belonging appeared to impact situational decision-making positively if female administrators perceived EU migrant women to be the 'right' type of woman, sharing her work ethics. As one of the key informants (S16_NGO) described, common gender was often deployed in a “*missionary function*”. Administrators might aim at “*emancipating*” female claimants through active labour market participation. The findings resonate with Farris' (2017) concept of 'femonationalism', which she defined as a neo-liberal ideology transforming claims to gender equality into instruments of institutional racism. Her analysis showed how policy discourse commonly 'othered' non-Western women as passive victims of oppressive family models, who could be freed through employment as a means to secure their economic independence. Farris (2017) highlighted how such essentialising interpretative frames could hide structural inequalities behind the veil of the supposedly individual non-willingness to integrate (also see Eliassi 2013, 2014). Parallel to Farris's line of argument, some female administrators in this research judged Eastern European EU migrant women as less deserving if they did not abide to the local gender expectations. Respondents rarely acknowledged the structural root causes of female underemployment in the German labour market (see Soskice and Hall 2001). The findings mirror evidence from other street-level studies, such as Eliassi (2013) in Sweden, or Korteweg (2006) in the Netherlands and the United States, of how local bureaucrats can mediate rights to state support on the basis of their own gender norms.

Overall, the social divisions of age, gender and social upbringing evident among job centre staff became reflected in their ideas of deservingness with respect to EU claimants. Respondents attributed more negative views on EU citizens' claims to the older generation of administrators, as well as to bureaucrats who grew up in East Germany. Social divisions of shared gender or migration experience came into play in complex ways, as respondents described only EU migrants who demonstrated the 'right' behaviour as deserving.

Situational judgements of (un)deservingness based on circumstances and conduct

In short, administrators brought their ideas of deservingness and belonging into the decision process on granting access to benefits and services. Day-to-day claims-processing demanded situational, case-dependent judgements. In this respect, the data

exposed the role of behavioural compliance in street-level decisions on benefit access. Several job centre respondents described how they made their evaluations contingent on claimants' compliance with administrative rules and obligations. Positive behavioural conduct led to benevolent perceptions, as this administrator (J21_Advisor) explained:

“As soon as a claimant shows cooperative behaviour, I am willing to give him or her my full support and even finance expensive measures such as a job coaching [...] You definitively notice who wants to [...] be on board”.

Perceptions of claimants' non-compliance could engender disciplinary sanctions instead (J10/J21_Advisors, J23_Management, J24_Advisor, J33_Management, J39_Reception). As a benefit clerk (J50_Payment) highlighted,

“I first have a look how people behave towards me. If someone has a problem, and has no other opportunity [than to come to ask for support at the job centre], I very happy to help”.

Considering the welfare activation turn to earned citizenship policies (see Chapter 2.3), such an observation might not be surprising. While such ways of claims-processing might apply to EU migrant and German citizen claimant alike, they played out in a particular way for EU applicants.

Administrators rarely relied on only one form of van Oorschot's (2006) deservingness criteria when assessing EU citizens' claims. Instead, situational assessments appeared to be driven by administrators' *identity*-related deservingness frames, which were based on ideas of *reciprocity*, *need* or *control* and context-dependent principles of *cost awareness* or *equality* (see Chapter 7.1). The frames were mobilised alongside administrators' perceptions of EU claimants' *attitudes* towards claiming. Similar to what Ford (2015) and Kootstra (2016, 2017) documented in the British and Dutch setting, street-level bureaucrats appeared to scrutinise EU migrant claimants' apparent infringements more severely than those of German nationals. Job centre representatives, who perceived and re-categorised EU citizens as *foreigners* and outsiders to the national welfare community, tended to apply a double standard of morality, which they said transpired into more restrictive decision-making behaviour.

What the data further unveiled was how nationality-based stereotypes were linked to value judgements on EU migrant citizens' deservingness to claim. Administrators' harsher

situational judgements of EU citizens' apparent misconduct appeared to be linked to group-based thinking which such a behaviour may activate. Several job centre respondents referred to Eastern European claimants as those who purposefully circumvented the rules:

“Bulgarians and Romanians are often engaged in fictitious, fraudulent self-employment” (J4_Management).

“Our Eastern European immigrants, Romanians, Bulgarians, are known for that [i.e. fictitious self-employment]. [...] Most work in the low-qualified sector. Women usually work as cleaners [...] They often have only one client, a hotel or something like that. And they clean the hotel room for not more than one Euro. Men work in construction [...] They register a business and try to get through the first year. And if they have been there for a year, self-employed, they can come here and apply for 'Hartz IV'. [...] It's crazy what sometimes happen. But there are loopholes in the law which allow for that” (J17_Advisor).

The administrators quoted above extrapolated from individual occurrences of supposedly intentional misconduct to an entire national group, which Miles and Brown (2003) qualified as ethnicism or cultural racism (see Hagendorn 1993; Silverstein 2005). Those administrators portrayed endemic welfare fraud as a seemingly natural, representative attribute of anyone who shared the same nationality, as this conversation recorded during an internal job centre training revealed:

administrator: ‘They [i.e. Eastern European migrants] all work 8 hours in a restaurant, but only report 450 Euros; the rest they work illegally’.

Trainer: ‘Do you know that, or do you think so?’

administrator: ‘I know it. Clients have told me so.’

Trainer: ‘All clients?’

administrator: ‘Some told me. Many did’ (field notes JC A).

By interpreting fraudulent behaviour as behaviour typical of a certain nationality, administrators inferred a causal relationship between moral character and the country of origin⁶². The resulting essentialisation of certain EU nationals is a case of boundary work

⁶² Othering also was common towards Muslim, Arabic communities.

(see Lamont 2014; Lamont and Molnár 2002), whereby target groups became demarcated by the attribution of selected and exacerbated traits. The interview extracts below illustrate such boundary work in action. They show how respondents linked nationality to unlawful abuse of state welfare resources, while conflating nationality and ethnicity in their line of reasoning:

“A problematic group for us are EU citizens, mainly Romanians, Bulgarians, Polish. The danger is that they came for economic reasons, to receive social benefits here” (J32_Management).

“It is the behaviour, and not ethnic belonging, which is the problem. Among Sinti and Roma there is a lot of fraud [...] Almost all receive social benefits” (informal conversation JC B).

The individualisation of the root causes of potential misbehaviour characterised such essentialisation processes. Following neo-liberal ideas of earned citizenship (Kapoor 2013), job centre participants often considered it an individual affair to successfully integrate into the German labour market. Structural root causes of unemployment or underemployment, such as limited access to jobs other than on the grey margins of the economy (see Chapter 2.1), rarely featured in the accounts. Instead, administrators tended to expect EU migrants be financially independent. The interviews revealed how administrators advanced nationally-based frames to judge EU citizens who were not self-sustainable, but did not rely on a similar reasoning for German nationals. An Eastern European effect may prevail, as, despite occasional instances of welfare fraud allegations towards French citizens (M6/10_FR), administrators tended to be most suspicious of EU citizens of Bulgarian, Polish and Romanian background.

In line with what Picker (2017) argued, such generalised allegations of certain nationalities to commit benefit fraud could be qualified as a form of subtle ethnicisation. Parallel to the findings of this study, the author observed how administrators linked phenotype and moral ideas of perceived social deviance, which helped them to legitimise the exclusion of Romani groups of Romanian citizenship from public services in Italy, France and England. Picker's ethnography documented the hidden mechanisms of such racial discrimination, which operated in creating 'different shades of White', turning them into *peripheral Europeans* (Satzewich 2000; also Safuta 2018), resonating with debates

on 'colourism' in the US (see Norwood 2014). Portraying social deprivation as an individual failure allows policy-makers and public administrators to wilfully ignore the underlying structural forces of ethnic or racial inequalities, which Goldberg (2006) termed 'racism without race'.

Striking was the application of the aforementioned stereotypes towards EU migrants in work, who technically qualified for benefits. In fact, marginal job positions with few hours and little income could engender suspicious questioning of the genuineness of the employment, which transpired into allegations of welfare abuse, as these quotes illustrate:

“There is a mentality of free riding [...] Many people came from abroad, EU and non-EU, and tried self-employment” (J5_Management).

“How much they [i.e. the EU citizens] earn is a different story, [but the question is] whether they really have that job or not. But they all have employment contracts” (J44_Payment).

The latter example of EU workers' perceived illegitimacy to claim benefits allows conclusions to be drawn on the symbolic boundaries of 'welfare belonging'. While legal entitlements stipulated membership based on employment status (see Chapter 2.2), street-level perceptions spoke to delineations of deserving target populations by national origin and ethnicity.

An interesting variation of such ethnicisation processes could be observed with respect to intersecting migrant status and gender. As shown above, some administrators built on pre-conceived culturalist assumptions of family and care responsibilities. When judging female EU migrant applicants' deservingness to claim or lack thereof, the aforementioned street-level bureaucrats mobilised moralistic notions of work ethics and intentional welfare abuse, as these quotes exemplify:

“Among [Eastern European] women, among those who come [to the job centre], almost always with little children, I often have the impression that they are here to receive social security, and not to work, but to take advantage of public welfare [...] And they do not only have just one or two children [...] they are rarely willing to go back to work early. Many want to care for their children as long as possible. And then they are unemployed for six to ten years” (J9_Advisor).

“I had a client from Poland, who was pregnant and supposedly worked in greengrocer’s shop when she applied [for benefits]. She then had her baby. But her contract apparently continued. [...] So I was thinking whether she really [worked] or whether her boss just did her a favour by providing her with a proof of income”(J32_Management).

In such cases, ideas of EU migrants' deservingness to claim benefits became inflated by gender expectations, which appeared to be shaped by the predominant constellations of family life. Administrators' perceptions of divergent gender norms seemed to reinforce social divisions by nationality, and to result in an implicit hierarchy of EU migrant women's claim validity (see Anthias 2001; Eliassi 2014; Link and Phelan 2001).

Observations from the field further suggested that ideas about class may be reflected in, and entangled with, administrators' ideas about deservingness and belonging. The data indicated instances of creaming in administrative claims-processing of highly educated EU claimants. The latter could take the form of prioritising cases of those who administrators expected to be fairly independent in their job search and to quickly (re-)integrate into the labour market (field notes JC B). The positive claiming experience of two highly-skilled Bulgarian interviewees (M3/M17_BG) might be illustrative in this regard:

“I was concerned as an Eastern European going to the job centre, as I was fitting the stereotype [...] but even though I am from Bulgaria, I never felt discriminated”(M3_BG).

As Zahradnik et al. (2016) noted, habitual social distance between claimants and job centre staff could lead to negative attributions in case files. Similar to HARRITS' (2019) findings in the Danish context, stereotyped representations of recipients may be conditioned by class differences between street-level bureaucrats and claimants. In the case described above, shared class background may have eased communication. The former may have served as a common point of reference with respect to the respective value expectations and perceptions of appropriate conduct (see Hall and Lamont 2013). EU claimants' more developed set of social and cultural capitals may also have assisted them in better decoding and responding to the unknown bureaucratic context (see Chapter 5.2). In short, behavioural differences, which street-level bureaucrats tended to interpret

through a cultural lens of national origin, may reflect class differences. Considering the legacies of the historic guest-worker recruitment schemes, which led to a low qualified immigration population (see Chapter 3.2), German public perception tends to conflate migrant status with socio-economic characteristics.

To sum up, the social divisions described above came into play in complex ways when administrators spoke about their perceptions of EU citizens' legitimacy to claim. The evidence suggested that in cases of ambiguous legislation, such as marginal employment, extra-legal considerations of deservingness and belonging became apparent in local administrators' situational case assessments. In this context, group-based stereotypical simplifications and institutionalised welfare preferences could serve as implicit cognitive maps for quick decision rationales on the ground (see Harrits 2019).

7.4 Concluding reflections

The analysis above unravelled the criteria which local German job centre administrators applied to judge EU citizens' deservingness to claim benefits. While ideas of belonging and deservingness, as inscribed in policy categories and mirrored in public attitude data, have been explored in other works (see Chapter 3), limited attention has been paid to how such ideas play out with regard to administrators who shape access to benefits and services on the ground. As Laenen et al. (2019) highlighted in a qualitative study of van Oorschot's (2006) deservingness heuristic, the *identity* criterion has remained under-explored.

The analysis addressed part of this gap in three steps. First, the chapter developed a typology of job centre respondents' accounts of EU social citizenship rights, clustering ideas of deservingness and belonging into four value frames, which mobilised van Oorschot's (2006) individual deservingness criteria of *reciprocity*, *control* or *need*. Respondents suggested reciprocity to be the dominant norm for redistribution, which mirrored Laenen et al.'s (2019) qualitative findings on the welfare preferences among the German population. Beyond ideas of earning deservingness through work (Laenen et al. 2019; van Oorschot 2006), the data highlighted the role of cultural conditionality. Administrators tended to expect EU applicants to be acquainted with the German language and the perceived dominant socio-cultural norms.

Closely related was the chapter's finding on the ascriptive status differences between policy and practice. Most street-level workers perceived EU claimants as *foreigners*, implicitly defining them as outsiders to the redistributive community of solidarity. As the terminology suggests, such a local interpretation of EU citizenship status ran counter to the EU-level discourse, which tended to portray them as co-nationals. Local understandings appeared to be characterised by an economic immigration frame, not necessarily recognising the principles of free movement. However, EU citizens could compensate for their outsider status by demonstrating cultural belonging, such as German language skills and tacit societal knowledge. The findings illustrated how, at local level, EU citizenship was not simply understood as a bundle of legal rights but became blurred with cultural ideas of who is entitled to belong. Administrators' normative understanding had a strong undercurrent tied to ethnicity.

Next, the chapter illustrated how ideas about belonging and deservingness manifest at the administrative level, and were enshrined by institutional welfare preferences of redistribution. The policy-level rhetoric of welfare tourism became replicated in local ideas on the EU citizens' undeservingness to claim, even though some administrators challenged the dominant narrative. Street-level ideas of EU migrants' social legitimacy to claim reflected social divisions of age, gender and social upbringing. A shared migration experience and a common class background also interacted with administrators' normative understanding of EU citizenship status. The findings underscored the layered nature of EU citizenship as not merely a legal status, but as a relational process of making membership claims, with blurry boundaries between the rationales.

Finally, the evidence pointed to the presence of group-based stereotypes, which could be activated by perceptions of claimants' behavioural deviance and a marginal employment status. While administrators' rationales to distinguish between deserving and undeserving claimants might not vary between German and other EU nationals, perceptions of salience appeared to diverge. Street-level bureaucrats tended to scrutinise foreign applicants' potential infringements and misconduct differently from that of German nationals. In this respect, an Eastern European effect might prevail regarding whom the stigmatising welfare tourism frame was applied to. EU migrants' understanding of the tacit rules of the system were not always judged positively as a display of willingness to integrate but could be interpreted through the lens of intentional abuse. Ideas of deservingness and

belonging became imprinted by logics of 'culturalisation' of poverty, portraying situations of material deprivation as an individual failure. Both institutional constraints and ideas of belonging and deservingness contributed to the discriminatory bureaucratic practices described in Chapter 5. The following and penultimate Chapter 8 will discuss their interplay on the street-level.

8 Explaining EU Citizens' Welfare Access in Practice

The previous chapters showed how processes of direct and indirect bureaucratic discrimination can emerge during the street-level implementation process. The aim of this penultimate chapter is two-fold. The chapter synthesises the empirical insights outlined in Chapters 5 to 7, and relates them to existing theory. The explanation draws together the institutional constraints and the individual deservingness rationales, which shape welfare administrators' discretionary decisions on benefit claims. The chapter also explores an unexpected but significant finding of this research, namely the role of 'cultural brokers' in influencing processes of 'administrative inclusion and exclusion'. The concept of 'cultural brokerage' warrants further attention and unpacking, as such brokers can transform policy implementation in unexpected ways. The chapter finishes with a discussion of the main implications of the results on migration and social policy.

8.1 An account of EU migrants' inequalities in access to benefits and services

As outlined in the introductory chapters, Dwyer et al. (2019) recently argued that EU citizens' substantive social citizenship rights are stratified both formally and informally, through four types of conditionality. Recognising the salience of Clasen and Clegg's (2007) earlier work, which highlighted the importance of conditionality of category, circumstance and conduct, Dwyer et. al. (2019) added a fourth dimension of conditionality, i.e. the front-line interpretation and implementation of EU citizens' legal entitlements by street-level bureaucrats.

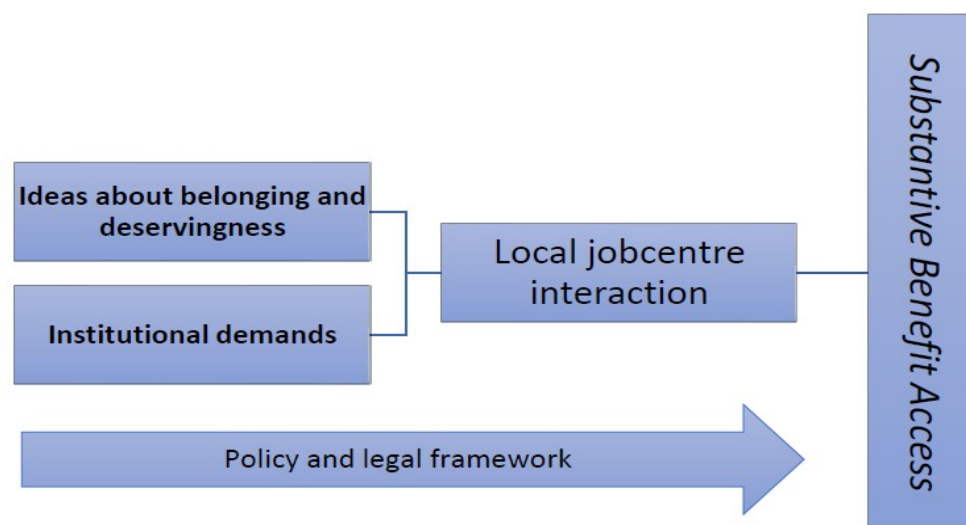
The contribution of this study pertains to a more detailed exploration of this fourth level of conditionality in shaping benefit access, which has remained overlooked by most scholarship. As this study has argued, street-level bureaucrats filter out claims of marginally employed EU migrants, of mostly Eastern European origin, based on ideas of belonging and deservingness. The review of the existing evidence (in Chapter 3) pointed to a double dynamic shaping local implementation behaviour. To explain the street-level process, the first section of this chapter focuses on this interplay between the institutional environment, with its operational constraints and demands, and bureaucrats' contested ideas of belonging and moral worthiness of EU citizens who claim benefits. The analysis

illustrates the mutually mediating and reinforcing effects of structure and ideas, which contribute to the administrative inclusion of some, and the exclusion of other EU migrant applicants from substantive benefit and service receipt.

To briefly recapitulate, the conceptual framework built on Scharpf's (1997, 2000) actor-centred institutionalism, which allowed for a combination of agency and structure in generating explanations. In short, Scharpf argued that institutions matter. Institutional conditions can shape actors' subjective aspirations, and their capabilities in terms of what they want and what they can do.

Applied to this study, the analysis showed how EU migrant claimants and local welfare administrators negotiate the social legitimacy of benefit access in the local job centre interaction. The institutional structure and contexts set the parameters for interaction, for instance with regard to the prevailing power dynamics. EU citizens seek access, street-level bureaucrats act as gate-keepers or enablers. But as this chapter explores, EU claimants are not merely passive recipients, but active agents who may assert their rights with the help of third-party intermediaries. Both parties have their welfare expectations and preferences, mirrored in their ideas of belonging and deservingness, which influence the ways in which they interpret and shape the interaction. Their individual ideas are not independent of the larger policy context, as street-level welfare bureaucrats act within the given institutional boundaries (see Figure 8.1).

Figure 8.1: Explaining administrative inclusion and exclusion of EU claimants



This section develops the different components of the street-level process in more detail.

The four levels of conditionality stratifying EU social citizenship in practice

EU migrants are subject to quadruple conditionality when administrators evaluate their claims to social benefits under the law⁶³. Substantive access to job centre-administered entitlements are stratified by: (i) their *categorisation* as non-nationals and EU citizens, which is non-contestable (ii) the *circumstances* of their formal residency and employment requirements, which require legal interpretation, (iii) semi-formalised criteria of their *conduct* and behavioural (non-)compliance, which calls for moral interpretation, *and*, so the argument of this study, (iv) an implicit cultural conditionality of stake-holding playing into *substantive implementation* (see Figure 2.1, Chapter 2). The latter, street-level expectations of performing belonging within the local-level interaction may entail stereotyped cultural assumptions about deservingness and belonging.

In summary, formal conditions of category (i.e. immigration status as EU citizens) and of circumstance (i.e. worker and residency status) establish legal eligibility. Once applicants are identified as EU nationals, job centre staff check their labour market status to determine their benefit entitlements. Within this interaction, administrators also evaluate a claimant's behaviour with respect to their perceived behavioural compliance or lack thereof, which they tend to scrutinise more closely for hints of fraud than for German-born nationals. Cultural ideas about deservingness and belonging play into these assessments during policy implementation, commonly in the form of an implicit 'cultural conditionality'. EU claimants are expected to display some willingness to adapt socio-culturally, by demonstrating knowledge of the German language and cultural norms. Social and economic conditionality logics could also be observed in the expectation that applicants contribute to society through work, either before drawing on German social benefits, or soon after.

Administrators' moral ideas illustrate two intersecting core logics, namely of fairness, through some form of contribution, and of solidarity with those in need of welfare to be able to lead a life. These core logics could be connected to broader philosophical reflections on distributional equality in a just society. Sen (2011) presented the reader with three different principles upon which resources could be allocated. Drawing on the

⁶³ As outlined in the introductory chapters, the analysis of the four levels of conditionality builds on and expands existing scholarship on EU social citizenship, namely Shutes (2016) and Dwyer et al. (2019).

anecdote of 'Three children and the flute', he showed how social arrangements can be based on limiting the gaps in the people's economic means (economic egalitarian grounds), on the fruits of one's own labour (libertarian grounds) or behavioural incentives of human fulfilment (utilitarian grounds).

Within this debate on the relationship between fairness and deservingness, a fourth variation might be missing. The latter relates to a justification for giving to a newly arrived, distant stranger without any friends. While according to Sen (2011), one child deserved the flute because she was poor, one because she made it, one because she could play it, the fourth child might deserve it to make her welcome. But the critical question remaining in street-level judgements is what counts as belonging. The data of this study highlighted the cultural performative element (see Chapter 7.1). To demonstrate allegiance, and, staying on the metaphorical level, to create friendships, the stranger has to be able to converse in German and act according to behavioural conventions. Following meritocratic ideas, in-group membership could be earned as a reward. Just making the flute or knowing how to play it were often seen as insufficient.

Administrators tend to draw on such moral and cultural ideas, as alternative criteria, when they exercise their informal discretion in cases where the law remained too ambiguous to generate a clear entitlement. In line with Lockwood's (1996) more conceptual writings, formal social rights claims become supplemented by informal status ascriptions on the ground. At street-level, EU citizens tend to be perceived as *foreigners* rather than as potential fellow citizens and holders of equal rights. Job centre staff's perceptions about belonging and deservingness could play out in the form of a double stereotyping or stigmatisation process of EU citizens as potential welfare claimants of a state-financed hand-out, and as outsiders to the nationally-bound welfare community, which tend to be seen as less deserving in principle than fellow insiders.

The policy framing of the legislative reform revealed the complexity and heterogeneity of the EU citizen category, who are distinguished into EU migrants who are deserving to stay and settle, and those who are not. EU migrant workers are considered worthy of participating in German society, whereas those who are inactive, job-seeking, or involved in marginal employment tend to be portrayed as 'unproductive' in an economic sense, and thus as 'undeserving' of potential (social) citizenship rights, which resonates with the

trope of the 'undeserving migrant' outlined elsewhere in the literature (see Anderson's 2013, 2015; Bonjour and Duyvendak 2017).

The aforementioned normative assumptions, once embedded into current policy framing, unfold policy signalling effects during claims-processing. Effectively, administrators' ideas of EU claimants' deservingness tend to resonate with the federal-level policy trope of social tourism. The latter merges ideas of economic (in)utility with national belonging. This link has previously been discussed in more theoretical pieces (see Bhopal 2011; Castañeda 2015; Gutiérrez-Rodríguez 2010; Silverstein 2005). The authors analysed the experiences of inequality of Eastern European migrants in countries such as Germany through the lens of ethnicisation, of how economic rationales camouflage selective participation logics by ethnicity. Following this line of reasoning, the framing of welfare tourism may be qualified as a form of everyday racism (Essed 2012), whereby assumed difference is evaluated negatively in relation to in-group norms, and may result in exclusionary practices.

Though, not all job centre respondents share this negative view of Eastern European migrants as potential 'abusive welfare tourists'. Some respondents position themselves as veto-players against the seemingly dominant policy discourse of restricting access, and advance ideas of equality of rights and/or equality of opportunities instead. Social divisions of age, social upbringing, gender and migration experience become reflected in administrators' perceptions of EU migrants' social legitimacy to claim benefits (see Chapter 7.3).

How local deservingness frames relate to styles of administrative decision-making

Considering administrators' roles as gate-keepers to public benefits and services described in the street-level bureaucracy literature (summarised in Chapter 3.3), their subjective interpretations of EU citizens' social legitimacy to claim benefits bring about important distributional consequences. Depending on whether administrators perceive EU claimants as vulnerable beneficiaries or potential welfare tourists, they decide whether or not include them in public welfare support. This section explores the links between ideas of deservingness and belonging and administrators ways of processing EU migrants' claims, i.e. their administrative styles or approaches of decision-making.

In short, administrators who judge an EU applicant to be undeserving try to impede

benefit and service receipt on the ground. Negative characteristics may be ascribed in order to legitimise EU migrants' exclusion from benefit access. Positive deservingness appreciations lead to access to social provisions. Similar to what Belabas and Gerrits (2017) showed in the Dutch case, street-level workers who perceive the policies in place to be insufficient or inappropriate, were willing to go an extra-mile and bend the rules. As a third variation in claims-processing, access is made conditional, leading to gate-keeping for those who do not comply with the conditionality rules. As Maynard-Moody (2000) noted, street-level bureaucrats “make moral judgements about the relative worthiness of the citizen client, and then they use rules, laws, and procedures to help those they consider worthy and punish those they deem unworthy” (Maynard-Moody and Musheno 2000, 351).

The data illustrated how the four frames developed in Chapter 7.1 offer administrators a more straightforward way of processing EU citizens' claims with respect to EU citizens' social entitlements than the often ambiguous law. Frames, as simplification devices of the social reality, help to reduce complexity during situational assessments, which could entail consequences on the allocation of public goods (see Fraser 1998, 2005). As this job centre representative explained,

“in theory, the advisor should not reduce the individual claimant to his or her culture. They shouldn't look for explanations in an essentialising manner. Instead, they should examine the individual circumstances to understand how the barriers [to employment] have come about in this particular case” (field notes JC A).

In this context, unfamiliar behaviour may activate group-based stereotypes with respect to belonging and deservingness. When EU citizens' strategies of navigating German job centre bureaucracy do not meet administrators' anticipated behaviour, situations of a communicative breakdown may occur. If misunderstandings are not addressed, such communication gaps could activate pre-conceived stereotypes of intentional misconduct, and in turn, over-zealous administrative processing – with individual perceptions being reinforced by the institutional circumstances. Cultural stereotypes effectively could help to reduce complexity.

In short, perceived behavioural deviance may lead to the blocking of access to benefits

and services on the ground, deviating resources from legally eligible EU claimant populations. Structural demands and organisational logics could reinforce individual level perceptions, by distorting views of salience when similar cases cumulate in the work portfolio of an individual administrator. Prevailing language and communication difficulties might exacerbate misunderstandings when both local administrators and EU claimants are culturally in-versatile or misinformed. The situational interaction dynamics at the job centre, for instance with respect to the available information, shape the ways in which administrators acted upon their ideas of deservingness and belonging. Zacka (2017) captured the latter dynamics under the heading of modes of appraisal, referring to the decisions administrators reach at a given moment. The proposed frames should be seen as a heuristic model, as the framing adopted in real life decision-making is likely to be hybrid and less clear-cut.

Referring to the findings presented in Chapter 5, Table 8.1 below offers a summary of the administrative practices of inclusion and exclusion, with respect to the dominant styles of local decision-making. The table, as typology of actions in the light of a situational assessment rather than of actors, links the approaches to policy implementation to administrators' decision rationales. It describes how street-level bureaucrats tend to use their margin of discretion in substantive implementation to include or exclude EU citizens from substantive benefit receipt.

Table 8.1: Styles of administrative decision-making

	Restrictive Enforcer (restricting access fully or partially)		Lenient Caregiver (enabling access)		Indifferent Bureaucrat (partial gate- keeping)
Decision rationale (frame)	Welfare tourism	Earned entitlements	Human (-itarian)	EU social rights	Survival in the organisation
Underlying motivation	Safeguard national resources	Link receipt to cultural or economic reciprocity	Human duty to help (independent of origin)	Genuine right derived from freedom of movement	Pragmatic fulfilment of performance quotas

Source: *Expanding on Zacka (2017)*.

The table clusters the ways of processing EU citizens' claims observed during fieldwork into three patterns of decision-making behaviour on the ground, which bear resemblance

with Zacka's (2017) typology of moral dispositions among street-level bureaucrats in the US. The findings highlighted the tensions around the construction and the understanding of roles.

The ways in which administrators handle EU migrants' claims appear to be linked to their professional identities, which could range from a self-understanding as compassionate social workers or care-givers, who enable a claim, to ideas of a rule-enforcing bureaucracy who protect the interests of the state (see Chapter 6.1). The first group encompasses administrators who have favourable, benevolent views of EU migrants' claims, which maps onto Zacka's (2017) conceptualisation of 'the caregiver'. This group aims at granting access to EU citizens through a loose interpretation of the law. To legitimise their decisions, they either mobilise the needs-based human(itarian) or rights-based EU social citizenship frame. The second category of bureaucrats has a more negative outlook onto EU citizens' legitimacy to claim benefits, called 'enforcers' in Zacka's (2017) analysis. Administrators either judge EU citizens' claims to be categorically illegitimate, adopting a welfare tourist frame, or expect access to be earned within the welfare conditionality frame. Both frames of evaluating EU citizens' claims tend to result in guarded attitudes and administrative gate-keeping techniques. However, no clear link could be discerned between and administrators' job role as benefit clerks, labour market advisors or receptionists and the frame they rely on to interpret EU migrants' social legitimacy to claim benefits. Once ideas of belonging, and questions of the social legitimacy of non-citizens to claim non-contributory benefits come into play, role conceptions become more blurred.

The analysis tangentially touched upon a third type of bureaucratic implementation behaviour, namely the pragmatic, 'jobsworth' category, or as in Zacka's (2017) words, the 'indifferent and emotionally distant administrator'. As apolitical actors, these street-level bureaucrats are concerned with their own survival in the organisation. Whereas the first two categories let moral fairness concerns guide their decisions, the third type of bureaucrat portrays an attitude of withdrawal. The latter group seeks to apathetically apply the law, rules and procedures to fulfil administrative quotas efficiently. They tend to understand their professional role as mere executors of bureaucratic routines, perceiving their margins of administrative and informal discretion as limited.

The heuristic described above resonates with part of the representative bureaucracy literature on professional role conceptions (Coleman et al. 1998; Kennedy 2013). The latter highlights the trade-offs between efficiency and equity concerns, distinguishing between a traditional bureaucratic understanding of exercising neutral competence, versus advocates of minority interests, who could be, in line with Brodtkin and Majmundar's (2010) or Maynard-Moody and Musheno's (2000) writings, qualified as politicised actors. As such, administrators aim actively to take a stake in public redistribution processes, intending to shape the boundaries of welfare provision through the ways in which they implement the legal provisions. Yet, in the case of this study, the frames mobilised at street-level were applied as lenses of interpretation depending on the claimant case in question, as a situational judgement, rather than street-level bureaucrats always acting schematically following the same type of implementation behaviour.

The interplay between local job centre culture and individual claims-processing

Though, a 'cultural conditionality' appears to operate through both agency and structure. The prevailing culture in the local job centre has an additional effect on the dominant administrative styles of decision-making discussed above. The institutional environment's role contributes to shaping the extent to which administrators could act upon their preferential decision outcome, while simultaneously intervening into the elaboration of their assessment of the claimant case.

To add complexity to the picture of administrative inclusion and exclusion at local level, some job centres tend to follow a more restrictive line of implementing legislation than others. Much depends on the administrative culture in place in a given institution. As shown in Chapter 6.2, the latter is influenced by administrative pressure of massive caseloads and the job centre's organisational capacity to cater for the needs of EU migrants, their local leadership and their exposure to the target group.

Hence, welfare workers are not completely free in acting on their moral ideas. Their discretion is bound by institutional variables of the local job centre culture. The data showed how high caseload pressure commonly lead to a legalistic, standardised, group-oriented claims-processing style, which tend to disadvantage EU applicants due to the often complex nature of their claim. Exposure to migrant claimants, on the other hand, could engender a more migrant-sensitive administrative culture. In such cases, operational

procedures tend to consider EU migrants' potentially differential needs compared to German national claimants. The local leadership has considerable scope in moulding the individual job centre' processes, including the openness to migration-related diversity.

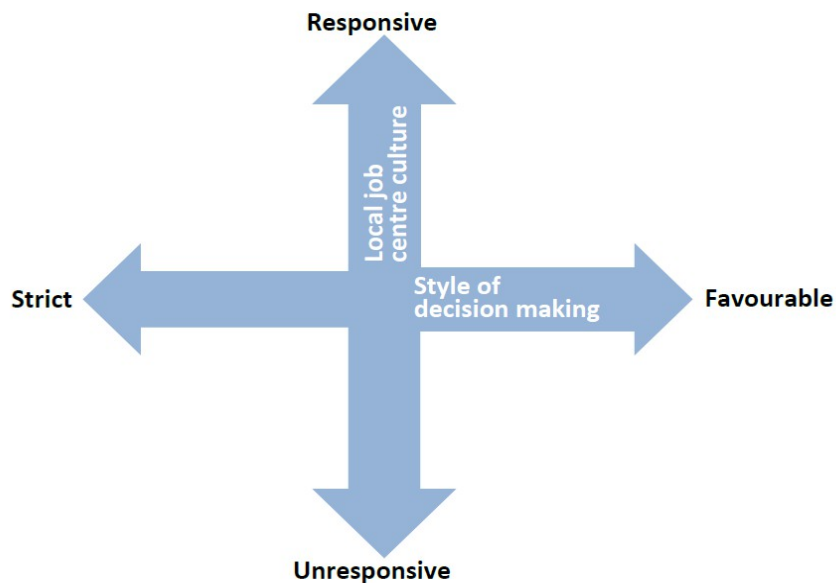
But whether administrators follow the administrative culture of the local job centre, and to what degree, appears to relate to whether administrators' perceptions mirror the dominant institutional norm, and if not, whether they seek to have a discretionary margin during policy implementation (field notes JC B; see Chapter 6.1). Administrators who perceive they could shape policy through the ways in which they implement policy appear to loosely take guidelines into account, using the law as a post-hoc justification device of their decisions (see Chapter 7.1). Street-level workers who see little room in interpreting the legal provisions tend to apply them rigidly in a detail-oriented manner. As outlined above, this category of bureaucrats neither advocates for, nor against EU applicants deservingness to claim benefits. Instead, they focus on managing their workload and securing their own employment status. In summary, administrators who rely on moral ideas about deservingness appear to exercise more informal discretion than the more apolitical street-level bureaucrats.

The processes of 'administrative inclusion and exclusion' at local job centre level might be best visualised in a matrix, with an institutional environment which may either mediate or reinforce an administrator's inclination to act upon a situational moral 'deservingness judgement' (see Figure 8.2). Instances of individual bureaucratic discrimination appeared to intersect with the institutional. While a migrant-sensitive institutional culture (see Chapter 6.2) often enables bureaucrats to grant entitlements, a restrictive institutional culture could send policy signals to interpret entitlements narrowly, and vice versa.

There appears to be suggestive evidence that when the job centre's institutional culture coincides with administrators' ideas about belonging and deservingness (as in the lower left and upper right quadrant), the processing of EU citizens' claims seems to remain straightforward, as both dimensions map onto one another. Conflicts of interest appear to arise if street-level bureaucrats' ideas contrasted with the institutional culture in place. When administrators have more restrictive preferences (as in the upper right quadrant), they seem to rely on a strict interpretation of the law and on imposing administrative burden to exclude EU migrant claimants from substantive benefit receipt. In such cases,

bureaucrats tend to perceive themselves as safeguards of national welfare resources, who consider the current legal provisions to be insufficient to that end. More favourably minded bureaucrats (as in the lower right quadrant) may try to undermine and subvert the locally strict culture of implementing the law.

Figure 8.2: A taxonomy of administrative processing of EU citizens' claims



Considering the variation in local decision processes, benefit receipt could appear like a lottery from the claimant's perspective, as the findings in Chapter 5 from an EU migrant claimant perspective have illustrated.

8.2 The role of 'cultural brokers' in accessing formal welfare support

The picture of local implementation dynamics would nonetheless be incomplete without examining the role of third-party intermediaries in shaping the street-level interaction. The latter could reshape local power dynamics in unexpected ways and influence the ways in which public welfare goods and services were allocated. As briefly suggested in Chapter 5.3, 'cultural brokers' intervene by mediating both the administrators' and the EU claimants' understanding of their social entitlements.

Perhaps the most unanticipated finding of this research is the role of such intermediaries in local-level interactions between street-level bureaucrats and EU migrants. While welfare administrations can be seen as a locus of power, as they decide on EU applicants'

ability to satisfy their welfare needs through state support, third party actors could intervene in the process by mediating. In the light of brokers' understudied role in securing substantive benefit receipt, this section proposes some conceptual ideas of how 'cultural brokers' can reshape actor constellations and preferences during local policy implementation. The analysis develops a typology grounded in the data, illustrating how their intervention into the street-level negotiations could reshape 'administrative inclusion and exclusion' dynamics regarding access to German minimum income benefits.

A short review of brokerage

A short review of the existing literature on the mechanisms and sites of third-party mediation helps better to understand the brokering processes in the German job centre context. As Faist (2014, 15) notes, brokerage has remained an “essential, yet understudied function of social life”, which can be defined “as the process connecting actors in systems of social, economic, or political relations in order to facilitate access to valued resources” (Stovel 2012, 141).

In short, 'cultural brokers' can be characterised as the bridges between two previously unconnected worlds, who draw on their skills, knowledge and authority to intervene into spaces where information is poorly distributed (Jong 2015; also Geertz 1975). As nodal points between different social networks, the broker's role is to negotiate diverging interests and world views between actors (Chalhi et al. 2018; Koster and van Leynseele 2018). Brokers selectively and strategically pass information on (Lewis and Mosse 2006). Thereby, they can contribute to the dominant understanding of societal norms, with respect to what is regarded as legitimate and worthy (Maguire and Matthews 2010, 2012).

Unequal power dynamics are an inherent characteristic of such brokerage relations, as clients are dependent on brokers to satisfy their needs and wants. By giving voice to certain client groups or not, brokers assume key roles in reinforcing or attenuating existing social inequalities (Faist 2014). Lindquist (2015) therefore problematised the moral ambiguity of brokers, with certain types of brokers being characterised by exploitative motives and questionable loyalties (Tuckett 2018).

Historically, brokers emerged within a colonial setting, either from the ranks of the settlers or from indigenous communities. Their role was to facilitate the understanding of tacit cultural codes in a transnational setting (Jong 2015, 2016; Lindquist 2015). Brokers

also frequently appear in the legal arena, translating citizens' interests to the public legislator (Cunningham 1992; Ewick and Silbey 1998).

In the migration context, Ryan (2015) has shown how brokers can help to create weak bridging ties between individuals to facilitate the flow of information between different resident groups. Brokers pass on how advice how to settle in the host society, for instance regarding access to local labour markets (Jong 2016; Massey and Sanchez 2010; Moroşanu 2016). Examples of such studies include Alpes (2017), who examined their role as translators for highly educated Cameroonian migrants, Tuckett (2018) who investigated their impact on migrants' successful navigation of the Italian immigration authorities, and Infantino (2013), who did the same for the Belgian bureaucracy. What remains less explored is their role in shaping street-level policy implementation with respect to welfare administrations. The next section contributes to this discussion by outlining an inductively developed typology of 'cultural brokerage' in the German job centre setting. The taxonomy seeks to capture what sets so-called 'cultural brokers' aside from other types of brokerage.

A typology of brokerage in German welfare administration

Brokers play varying roles in managing EU citizens' relations with local bureaucrats, and in substantiating their welfare claims. The analysis below builds on the empirical findings of Chapter 5.3, examining how EU migrants' ascriptive status as foreigners carves out the space for brokerage. This has the potential to enhance our understanding of the actors involved in shaping policy implementation at local job centre level. The role of non-state welfare advice and activist organisations is not only providing legal help but brokering cultural knowledge has remained insufficiently explored thus far.

In summary, brokers tend to play an important role in creating substantive access to benefits and services at the local level. In the course of the research it became evident that only those claimants, who relied on what could be qualified as a 'cultural broker', were successful in their claim. Following an inductive approach, six types of brokers emerged from the data, which I summarised under the following headings:

- (i) official (German) advice agencies belonging to the third sector;
- (ii) local community advisory organisations;

- (iii) actors from the work setting;
- (iv) personal relationships of acquaintances, friends, family or partners;
- (v) actors from the informal economy;
- (vi) and insiders of the job centre world, as a specific sub-form of brokerage.

In terms of their occurrence, informal social networks of acquaintances and family tended to be the intermediaries most relied upon, followed by (former) employers and German welfare advice agencies (see Appendix 5, Table 5.3). EU migrant claimants commonly relied on several brokers simultaneously, in a two-step brokerage process. In this respect, more informal contacts facilitated access to formal brokers, such as the designated welfare organisations who support migrant residents in making claims. How EU citizens approached brokers depended on their accessibility. While there was a low threshold for approaching informal brokers, who often were part of migrants' extended social networks, other, more formalised brokerage processes required knowledge about the existence and the type of services brokers can offer. Personal contacts were leveraged to access organisations whose mandate was to support EU migrant claimants in Germany, as was the case for one of my Bulgarian respondents (M17_BG; also S2_AWO; S24_NGO).

In terms of their role or function, brokers typically acted as translators between the EU claimant's native language and German. Brokers' tasks also included the explanation of the legal framework or the content of official letters and documents, which could be up to 160 pages long, written in complex legal language (J32_Management). Third-party intermediaries helped with filling in forms, filing appeals, accompanying EU claimants to meetings and interpreting meetings with job centre staff.

As EU claimants often felt overwhelmed by paperwork in German (see M10_FR), brokers' task consisted of breaking down the complexity and messiness of the claiming process. In summary, 'cultural brokers' in this study were involved in a double translation process, of not only acting as language interpreters but of elucidating on tacit knowledge about cultural norms and expectations of German society, as this community worker highlighted (S23_NGO):

“My role as a social worker is to explain to people that it is not self-evident to receive benefits. What the assumptions are, which are embedded into the system”.

Brokers often helped to convey EU migrants' complex and diffuse needs into administrative language. As an administrator summarised,

“the issue is not only to translate the claiming forms but to make claimants understand the content of it”(J52_Payment).

The latter role of advisers in providing legal help and knowledge brokerage has been addressed by parts of the literature (see Forbess and James 2014). Legal brokerage could even include a litigation function (see Chapter 5.3). By educating clients about their rights, and if necessary, by filing legal appeals on behalf of EU claimants, they could mitigate the disempowering effects the interaction with the state bureaucracy could generate.

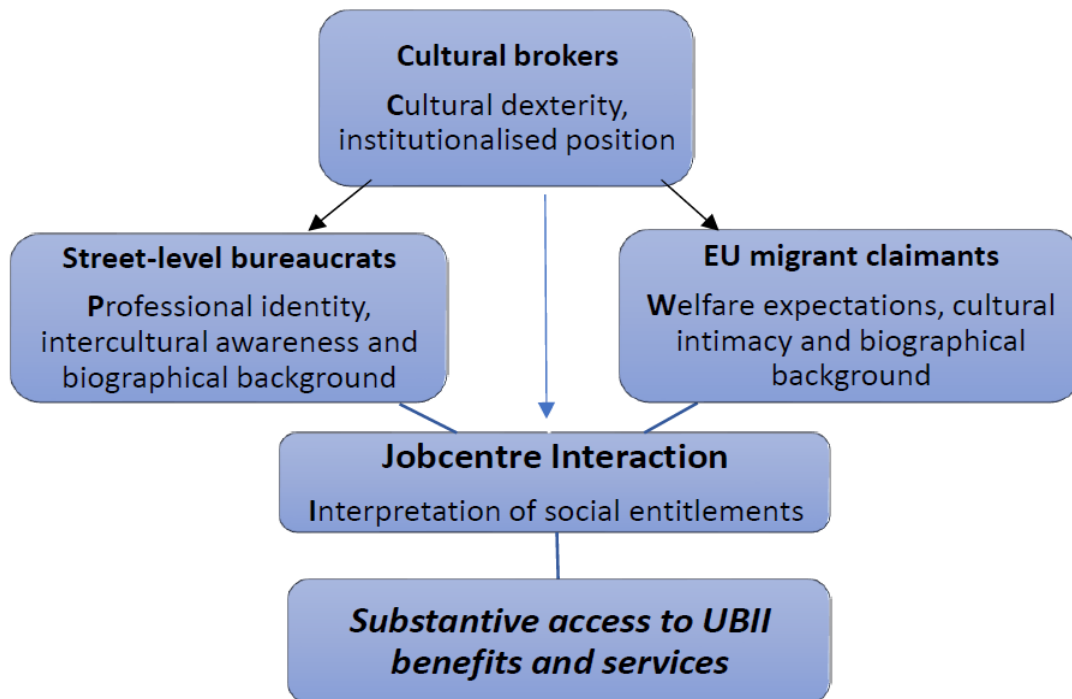
What distinguishes the brokerage processes described here is the cultural component, in the sense of the currency the third party broker. In line with Massey and Sanchez's (2010) findings, brokers in this study act as a bridge between the cultures of the country of origin and destination. They not only become tasked with language brokering, but also transmitting valuable information about host country norms and rules. Brokers interpret the social situations for those whose tacit linguistic or cultural knowledge remains insufficient to master the situation themselves. Thereby, they may influence the policy outcome of an EU applicant's administrative inclusion or exclusion. Brokers' interventions impact the unequal power relation between migrant claimants and street-level bureaucrats. They become implicated in the knowledge production of EU migrants' social entitlements in Germany, influencing actors' understanding thereof.

Hence, 'cultural brokers' may shift the existing unequal power balance between local administrators and EU citizens.

They have the potential to enable benefit access to EU applicants with low levels of familiarity with the German (bureaucratic) system, who might fail to get state support otherwise. Cultural brokers may level the playing field between the two parties involved (see Figure 8.3, as a refinement of the Figure 3.3). In practice, access to benefits and services at local job centres is a highly mediated process. Brokers can strengthen claimants' positions *vis-à-vis* job centre administrators through either supporting them in navigating German social protection or directly by being present in the local job centre interaction as translators. However, not every broker is equally effective in intervening

into the local job centre exchange. Some are more versatile in traversing the gaps and confronting inadequate decisions than others. As Forbess and James (2014, 11) noted, “advisers' success in helping their clients depends, in a similar vein, on their knowledge of and skill in exploiting the gaps between different state (and supra-state) agencies”.

Figure 8.3: The role of brokers in mediating administrative inclusion and exclusion



Brokers' ability to attenuate existing inequalities in access and treatment depends on their knowledge base and their anchorage or positioning within the institutional system. The data showed that those who are well-networked (regarding their access to transnational, and both formal and informal social networks) and culturally dexterous (i.e. versatile in reading different socio-cultural and bureaucratic norms) tend to be the most effective. Such brokers not only mediate EU migrants' understanding of their social entitlements but could influence administrators' interpretations of the claiming situation (see Figure 8.4). Brokers could raise awareness for newcomers' challenges, their unmet needs and potential misunderstandings and expectation mismatches, thereby impacting on bureaucrats' perceptions of EU migrants. Such a mediation process has the potential to redefine the community of legitimate welfare receivers. Through their brokerage work, third-party intermediaries may potentially shift the symbolic boundaries of belonging. In Fraser's

(1998) terminology, effective brokerage processes could give voice to EU migrants' concerns, and lead to the recognition and representation of their interests.

Table 8.2 summaries cultural brokers' characteristics, as identified from the interviews with key informants and EU migrant claimants. The table sorts the types of brokers present in the case study setting into different types of categories in terms of their position within the institutional system (i.e. their relationship with their clients) and their potential efficiency in shifting existing power dynamics (expressed through their degree of cultural intimacy with the German setting).

Table 8.2: A typology of 'cultural brokers'

Type of 'cultural broker'	Examples	Relationship with EU citizen	Degree of cultural intimacy	Occurrence
Official (German) advice agencies	Welfare organisations (ex. AWO, Caritas, Diakonie, or Paritätischer)	Formal	Strong	5
Community-based advisory agencies	Churches and Embassies	Semi-formal	Medium to strong	2
Actors from the work setting	Colleagues, Human Resource Departments	Semi-formal	Medium	5
Personal relationships	Acquaintances, friends, family, partners/spouses	Informal	Weak to strong	13
Actors from the informal economy	Tax advisors, employment recruitment agencies	Exploitative	Weak to strong	3
Job centre insiders	Administrators	Formal	Strong	1

The most important characteristic or distinctive trait which appears to determine brokers' agency was their institutional position within the German bureaucratic system and their associated degree of (in)formality. Official German advice agencies such as *AWO*,

Caritas, Diakonie, DGB or the *Red Cross* could be qualified as formal brokers, as they are financed by the German government to facilitate migrants' integration into German society. Their mandate includes a support and advisory role in social benefit claims. The 2008 amended *Residence Act* introduced the role of specialised migration advisors to support newcomers in all aspects relating to their settlement and social integration. This includes advisory services on language learning, housing, health, family and employment in several foreign languages. As external advisors, they are not implicated in the job centre decisions on benefit payments. Most of the official welfare organisations have designated counsellors (*Migrationsberater für Erwachsene, MBE*), who are mandated to work with the group of EU migrants.

This double mandate sets formal advice agencies apart from the other types of brokers described below. While most brokers intervene at the local level, German welfare organisations simultaneously assume an advocacy role at the national level. German welfare organisations mediate horizontally between local administrators and migrant claimants, and vertically between their clients and German politicians, feeding concerns into the political process. They act as representatives of their clients, making their voices heard at federal level. Such a role is enabled by the German tripartite governance system, which assigns them a formal function as third-sector social partners in federal policy-making (Heidenreich and Rice 2016; Wallerstein 2003). Their efficiency in assuming such a role relates to welfare organisations' ability of building an adversarial or cooperative type of relationship with the state bureaucracy, as well as between securing their independence in their work while depending on public financing.

However, as noted earlier, such formal organisations are not easy to access, and most EU interviewees were referred by someone in their social network. While being familiar with the German side, formal advisory agencies were not always aware of, and responsive to migrant clients' needs, as this Hispanic claimant (M1_DE) explained:

“Sometimes they talked so fast that I did not get the information [...] a waterfall of information [...] difficult to understand”.

In those cases, EU migrant interviewees resorted to community welfare organisations as a first point of call. The latter tended to be part of their extended social networks and were perceived as more trustworthy (M9_HU). Applicants could commonly communicate with

welfare workers in their native language, which was not always the case within the formal welfare organisations. Communication in a language other than German could relieve the anxieties of communicating in a foreign language. A common (national) background might also ease communication on the basis of shared social and cultural codes, as two Polish interviewees highlighted. The respondents described the role of their (equally Polish) community health worker in accessing benefits as key, because he “*made [them] feel secure*” in their interactions with the job centre. He helped them to navigate the insecurities of claiming (M11/M12_PL). Considering community welfare organisations' relatively low threshold of accessibility but their less privileged institutional standing, I categorised them as semi-formal brokers.

A variation of what I qualified as semi-formal brokers are actors whose claimants know from their (former) employment setting, such as human resource departments. According to a French respondent (M10_FR), such administrators often helped EU claimants to fill in the necessary paperwork, as mirrored in the testimony of this respondent (M2_US):

“I was finishing this job, and the prospect of being unemployed was kind of, eh, very openly discussed within the lab I was. [...] it was brought to our attention several months before we were ending our contracts [...] They explained the process for international academics and I found that really, really helpful [...] being open and talking about it at the job, made you feel empowered”.

The latter quote illustrates how brokers could change the power balance between EU applicants and local bureaucrats by providing potential claimants with the necessary tacit and practical knowledge. The latter helps EU migrants substantiate their claim, as only those EU applicants who knew their rights and entitlements tended to gain benefit access in practice (see Chapter 5.2).

Friends and family constituted a fourth category of brokers, which have been studied more extensively elsewhere (Guma 2015a; Serra Mingot and Mazzucato 2017). What characterises them is their commonly affective and informal relationship with the client. As one of the respondents (M2_US) described, personal relations were an invaluable source of emotional encouragement and tacit knowledge:

“I also have my partner who is German. He was there to help me [...] the partnership was always really critical, really crucial. [...] And if you don't have

somebody there to guide you through, and really invest in this process, it would have been really difficult. And, of course, there are friends and things like this. Without that, you know, it's really challenging I would say. I am one of the lucky ones, who has someone who is invested, who is helping, and who encourages me”.

What distinguishes informal brokers from other types of brokerage is the intimate bond described above. Informal brokers act on the basis of their intrinsic motivation and reciprocal bond with the client, instead of a professional mandate. As the testimony (M2_US) below shows, trust and equal power relations are key to such relations:

“It's a tough situation. My partner and I, we had conversations about what the role of a translator is [...] We weren't married at that time, so I really got upset when he was speaking for me and not translating ... being a translator versus speaking for me. And there is kind of a fine balance of doing that. Once we are married, there was a little more trust there”.

However, informal brokers are not always effective in their mediation. Compared to institutionalised brokers, they are often less professional and experienced in their task, and have less of an institutional standing.

A fifth and final group of brokers is mainly characterised through their exploitative relationship with the clients. Within the interview sample, they commonly assumed roles of (self-declared) tax advisors and book keepers (see J17_Advisor). Exploitative brokers tended to raise awareness for the types of benefits which could be claimed, as this French respondent (M6_FR) explained:

“Our tax advisor made us aware that we could top up our income [...] He told us he would help us, for a fee, in case we decided to go for it, as he knows our situation well”.

Key informants alluded to their illegal practices of mediation, describing them as letterbox companies. A representative of the Bulgarian embassy in Berlin (S25_Embassy) elucidated how such firms would provide EU applicants with a fake working contract to facilitate benefit access, in exchange for a sum of money of up to 2000 Euros. According to a Polish community worker (S24_NGO), a shared national background might inspire misplaced trust and confidence, whereby clients often signed papers without understanding them.

In short, brokers varied in terms of their underlying motivation to fill the role, their institutional position and their degree of cultural dexterity in the both home and host country setting. The more informal a brokerage relation was, the more trust was involved, and the less effort was required to initiate a brokerage process. But informal brokerage came at the price of a marginally institutionalised position, which led to a lower institutional leverage. Professional, (semi-)formal intermediaries could draw on a more authoritative voice. The credibility they could gain from institutionalised positioning led to higher chances of redressing local-level power imbalances, but implied lower accessibility and a potential lack of trust on behalf of their clients.

What sets apart the types of brokers discussed here from others, who serve the less neglected functions of knowledge and legal brokerage, are their intercultural and multilingual skills. They play a potentially unrecognised role on behalf of migrants when advising and representing them on immigration matters. In this respect, brokers who are able to manoeuvre and translate the cultural codes of both settings, having high cultural bridging capital, tend to be most effective. In contrast, brokers active in ethnically closed networks risk fuelling exclusionary bureaucratic processes and inequalities of treatment through mistranslation intentionally or not, as they often provided clients with inaccurate information (field notes policy conference).

Overall, the empirical findings of this study illustrate the significant role 'cultural brokers' acquire in the implementation process, as they can redress power imbalances between street-level bureaucrats and (EU) migrant claimants. In most cases, brokers strengthened EU migrant applicants' positions by mediating knowledge about entitlements and system-immanent behavioural expectations. Thereby, 'cultural brokers' could contribute to reshaping the boundaries of the German community of solidarity, enabling administrative inclusion for some EU migrant applicants who would otherwise remain excluded. Brokers could also help actively to subvert existing legal frameworks by providing EU applicants with fake employment contracts. In case of the formal welfare advice agencies, 'cultural brokers' acquire an advocacy role in the political process. They could give a voice to vulnerable EU citizen groups whose concerns would have remain silenced otherwise. The analysis showed how effective brokerage depends on brokers' positioning within the institutional system and the host society, their transnational cultural dexterity and the relationship with their clients.

Interestingly though, not all 'cultural brokers' intervened as a third party. Job centre insiders, namely administrators, equally either facilitated or restricted benefit receipt, which could qualify as a form of brokerage. As Zacka (2017) noted, job centre staff could act as translators between the complex bureaucratic language and procedures and EU claimants' everyday reality, mediating between them and the state apparatus. However, due to the fusion of their role as an intermediary and as a decision-maker in one, job centre insiders could be considered as a specific sub-form of brokerage. They have an asymmetric power relation with the clients, as the latter could not choose them to act as intermediaries. Instead, administrators self-select mediation processes without their clients' consent.

Due to their decision-making mandate, administrators can enable access directly to allegedly deserving EU applicants. They could be qualified as catalyst brokers when they use their discretionary power in favour of claimants. By overtly communicating implicit cultural assumptions and by granting EU migrants the financial means to settle, administrators implicitly take on roles as migrant integration agents. Job centre insiders may facilitate EU migrants' integration into the German host society but could turn into anti-brokers using gate-keeping techniques, once they perceive an EU claimant to be undeserving.

8.3 Implications for migration policy: Non-conventional bordering at the front-line

In-spite of the caveats identified throughout the analysis, the data pointed to an overall trend towards categorical containment of EU citizens' claims to benefits and services on the ground. The question that remains to be discussed is whether restricting substantive benefit receipt could qualify as intentional or as accidental. The final section points to the strong suggestive evidence for an imminent logic of local migration politics through welfare.

The data presented in this study illustrates the processes of administrative filtering at street-level, which may result in preventing part of the EU resident population from accessing the tax-financed welfare safety net. Effectively, street-level bureaucrats tended to exercise more discretion than the law appeared to warrant, in order to draw boundaries between those claimants they thought to belong, and thus to be deserving of German

welfare money, and those not to. The reflections illustrate and add nuance to Dwyer et al.'s (2019) claim on implementation dynamics as a fourth level of conditionality in structuring EU citizens' social rights. Local bureaucrats become powerful co-producers of the policy-process. In this regard, ideas about deservingness and belonging contributed to administrators informally enabling or blocking access to benefit receipt. Local decisions on benefit access transpire into what Lamont (2014, 2015) and Lamont and Molnár (2002) may qualify as a case of boundary practice. Simultaneously, organisational blind spots tend to divert attention from the potential needs' of EU migrant applicants, while a migrant-sensitive organisational culture could be responsive to their needs.

In light of the above, it may be argued that processes of enabling or refusing access to basic income benefits create a filter to keep EU migrants who are deemed “unproductive” from settling, by depriving them of any state support in both their home and host country (see Anderson et al. 2014; Anderson and Hughes 2015; Anderson 2015; Bruzelius et al. 2015; Shutes 2015a; Shutes and Walker 2017). Kramer (2016) noted how EU migrants who ask for public support tend to be portrayed as a burden *per sé* (also Lafleur and Mescoli 2018). In other words, German job centres became implicated in a process of constructing institutionalised insecurity for EU migrant applicants, contributing to keeping them in precarious circumstances when settling in Germany. Administrators' exercise of (un)authorised discretion limits EU migrants' capacities meaningfully to participate in German society. The implementation set-up transpires into a situation whereby vulnerable EU migrants in unstable, often semi-regular employment situations, with little high-level cultural capital and limited access to transnational networks, struggle the most in substantiating a welfare claim in practice. Or as a migrant counsellor (S2_AWO) put it, “*full free movement is [only] granted to those who [can] support themselves*”. This process is what Brändle (2018) subsumed under the heading of the commodification of EU social citizenship. EU migrants' lived realities becomes marked by important social inequalities with respect to their ability to enact their social entitlements.

The findings of this study illustrate a claim by Bommers and Geddes (2000) of how social policies can act as political filters, which thwart migrants' efforts to achieve social inclusion and incorporate certain kinds of migrants, while excluding others. In the absence of traditional instruments of migration control, administrative differentiation

leads to an informal re-bordering process in an internal, borderless Schengen space. Effectively, the ways in which policy is implemented allow all EU citizens to move freely, but not all are made to feel welcome, and made capable of residing without restrictions in their member state of choice. Everyday, almost invisible functional borders towards EU citizens shapes who can afford to stay in Germany.

Considering the existing quantitative research on the links between immigration and welfare policy, the finding might not come as a surprise. Research by Ruhs and Martin (2008) and Ruhs (2010, 2011) has shown that countries with relatively generous welfare provisions select immigrants based on their skills, as a proxy for future economic contributions, either at entry, or, as the case here, by intervening into their settlement. A more recent study similarly highlighted how member states attempt to create administrative borders as functional borders through the ways in which welfare provision is structured (Ruhs 2015; also Bommers and Halfmann 1998).

The processes described above implicitly widen welfare workers' professional role beyond their traditional mandate. Welfare administrators may always have had to distinguish between deserving and undeserving benefit applicants, judging their moral character and worthiness of social support. Though now, they have become gate-keepers to the German community of solidarity and its welfare resources. By discriminating between EU migrants who are deemed deserving to stay and settle and those who are not, a migration control perspective has been introduced into their welfare-oriented work portfolio (see Chapter 7.2).

Moreover, by requiring an information exchange between immigration and welfare bureaucracies, asking the latter to monitor lawful residence of EU citizens, administrators have taken on an explicit migration management task. Since the 2017 legislative change, job centre staff have to notify the *Foreign Office* of cases that may financially burden the German welfare state⁶⁴. Considering their considerable margin of discretion in determining whether or not a person forms an unreasonable burden, welfare administrations may have a relatively expansive role in deciding on who might be

⁶⁴ But how welfare administrators may fulfil the newly assigned role, and whether they might resist the task of exchanging information with the *Foreign Office*, could not be determined at the time of fieldwork. The legislation entered into force in January 2017, after (and while) interviews with job centre staff were conducted. What interviewees point out was that they did not feel sufficiently trained in immigration law to determine an EU migrant's legal residence status in Germany.

expelled from the German territory. Instead of blocking entry through territorial borders, job centres staff are gradually transformed into local 'bordercrats', who can restrict the freedom of movement of EU migrants in need of public welfare support.

Yet, not all EU citizens are equally affected by the aforementioned dynamics; this cautions against perceiving them as one homogeneous group. Sub-divisions exist depending on their socio-economic status and country of origin. The findings brought to the forefront the hidden politics of EU migrants' social rights, showing how certain types of marginally employed, Eastern European migrants became framed as a potential threat to national welfare resources. As Bigo noted, such frames may have an ethnicising undercurrent (Bigo et al. 2013; Sørensen 2012). Requesting newcomers' socio-cultural adaptation and 'othering' unwanted migrant groups could be qualified as a technique of migration management (see Jong et al. 2017).

In summary, the ambiguity of the law and the process of devolution of some migration management tasks to local welfare implementers has transformed them into powerful co-producers of policy outcomes, who have to solve the morally loaded dilemma of limited welfare resources and open borders of social Europe through their practice. Federal policy-makers may have intentionally outsourced the politically salient and contentious question of foreign nationals' access to tax-financed welfare resources. Instead of addressing the question through the legal framework, the ambiguity around policy and law has shifted the burden of interpretation to street-level bureaucrats, who tend to remain shielded from political pressure and public attention. Intentionally or not, the latter act as local 'bordercrats'. The findings provide evidence for how countries like Germany increasingly link welfare and immigration policy. By granting substantive benefits to some EU citizens, but not others, welfare administrators participate in shaping the boundaries of belonging to the German welfare community with respect to the internal 'other' (see Balibar 2012).

8.4 Concluding reflections

This chapter offered a reflection on the links between policy, local institutional culture and administrators' implementation practices. Depending on the case, the interplay between structural factors and 'identity-based deservingness' perceptions could either

mediate or exacerbate EU migrant claimants' barriers to accessing basic subsistence-securing benefits and associated employment integration services. In practice, EU migrants' claims were affected by their legal residency and formal social entitlements, by moral evaluations of their conduct *and* by administrators' ideas of deservingness and belonging. The latter found expression in four frames, or representations of the 'other', which administrators used to legitimise their discretionary decisions.

The analysis unravelled how EU social citizenship status became less meaningful once they interacted with the local welfare bureaucracy. Regarding administrators' perceptions of EU citizens' symbolic belonging to the German welfare community, two complementary logics emerged. A work conditionality logic applied to EU and German citizens alike. EU applicants further became subjected to an assessment of their 'cultural compliance and allegiance'. The analysis 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 those in their integration efforts who, in an utilitarian sense, might be of economic value through their labour and who 'culturally fit'. Such an observation adds an important nuance to the street-level bureaucracy literature in light of increasing migration-related diversity in Germany.

By granting EU migrants access to poverty-relieving benefits and by teaching them about the functioning of the German bureaucracy, administrators could facilitate EU citizens' meaningful participation in German society. In practice, administrators may act as integration agents. Administrators could also categorically contain benefit receipt of EU citizens, and turn into anti-integration agents, creating administrative hurdles for an EU migrant's settlement process. The aforementioned cultural conditionality logics revealed an assimilationist approach to social integration, whereby EU migrants were evaluated from a 'deficit perspective' of what they lacked, in terms of linguistic skills and tacit knowledge, compared to German national applicants. The study results also pointed to the significant role of 'cultural brokers' who provided bridging capital to mediate the street-level implementation processes. The findings illustrated how such 'cultural brokers' could enhance EU migrants' capacity to claim social benefits, by redressing the power imbalances between both parties.

Overall, the findings pointed to how security logics of regulating migrant settlement have

slowly permeated welfare workers' professional role. Social administrators' new mandate of evaluating foreign nationals' regularity in Germany transformed them into potential everyday local 'bordercrats'. Instead of monitoring access to the state territory at its geographical borders, migrant integration into the host society is increasingly regulated internally through instruments of social policy. The job centre becomes a privileged space of interaction between local social administrators, as representatives of the German state, and EU migrant residents, as newcomers to the German host society. Thus, street-level implementation processes could be understood as a form of front-line politics, whereby national policy-makers may have left politically contentious questions of migrants' (social) citizenship rights to be solved at local level, by a supposedly apolitical bureaucracy which may act far from the public eye.

Considering the applied nature of this research, the findings presented have theoretical and policy implications. The final chapter reflects on the main results and develops some evidence-based policy recommendations, deriving from the empirical findings.

9 Conclusion

Who belongs to the European 'We' is not decided by our parents' place of birth but by our imagination of the present. (Navid Kermani)⁶⁵

This research project took place against the backdrop of Germany's ever-diversifying resident population. The recent arrival of refugees has sparked a controversy over the redistributive principles of contribution versus solidarity, which underpin access to public welfare resources and services. While much of the public attention has focussed on immigrants from the Middle East, EU migrants now constitute one of the largest immigrant groups in Germany.

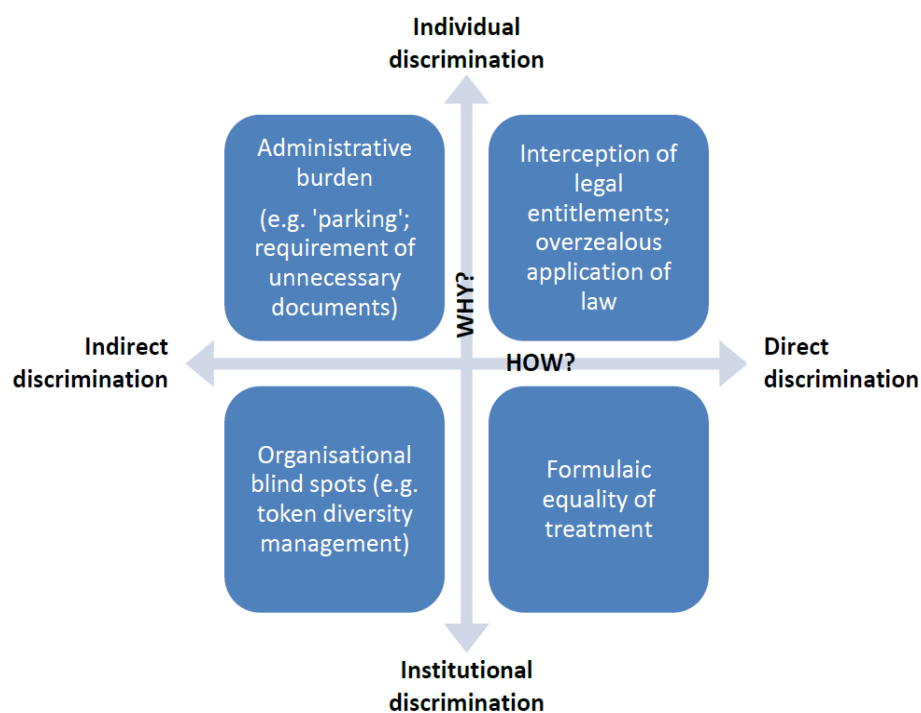
The study challenged the common pretence of EU policy debates that the settlement of EU migrant citizens in Germany happens without hurdles. Instead, the analysis revealed the types of inequalities in access to claiming welfare benefits and associated services in local job centres that EU migrant citizens may experience. The existing literature identified the various inequalities EU migrant claimants experience through law and policy, but focussed less of how processes of implementation shape the lived reality of substantive benefit receipt. To that end, this research examined the daily administrative practice in German job centres. The thesis explored how ideas of belonging and deservingness were considered in administrative decisions of access to benefits and services on the ground.

On the basis of a framework developed from the street-level bureaucracy literature, the analysis documented the different forms of bureaucratic discrimination beyond the law, which ran counter the EU legislative principles of non-discrimination, establishing EU citizens' equality of status with national citizens when living in an EU member state other than their own. The data also revealed how ideas about deservingness and belonging could influence such local-level policy implementation processes, making it harder to qualify for vulnerable EU claimant groups when observed in marginal or no employment, of predominantly Eastern European origin.

⁶⁵ German writer and post-colonial scholar of Iranian origin.

The findings suggested that daily administrative practices subject EU migrant applicants to processes of filtering at street-level (see Figure 9.1), which play out as forms of (in)direct discrimination (the 'how' on the horizontal axes). Such informal inequalities of benefit access among EU citizens can be explained through the interplay between institutional constraints and ideas about deservingness and belonging, taking shape as individual and institutional discrimination (the 'why' on the vertical axis), whereby organisational structure appears to magnify individual perceptions.

Figure 9.1: Administrative filtering through practices of bureaucratic discrimination



The quadrants of the figure specify the ways in which street-level processes of bureaucratic discrimination could play out, such as in the form of administrative burdens as an expression of indirect individual discrimination, and the interception of claims to benefits as a form of direct individual discrimination. Token diversity management could be seen as an incidence of indirect institutional discrimination, and formulaic equality of treatment may qualify as direct institutional discrimination.

This final chapter summarises the main conclusions of each chapters, provides an overview of the key contributions of this research to the current academic debates on EU social citizenship, the internal governance of migration and the implications for the street-level, and proposes future avenues for research. While this thesis adopted a critical

perspective, the chapter finishes with a more pragmatic reflection on the policy implications of the research findings.

9.1 Main findings

Chapters 2 and 3 summarised the existing academic debate on EU social citizenship rights and the attendant dynamics of policy implementation. *Chapter 2* examined the legal tensions between European and national law in Germany. The chapter highlighted how EU social citizenship rights are stratified by formal membership categories and conditions of circumstance, such as the residence and 'worker status'. The literature review showed how the current eligibility rules tend to disadvantage female EU claimants because of their often precarious employment. The chapter underscored the mutually reinforcing effects of an EU legal framework premised on full waged work, and a German welfare state that emphasises previous social security contributions to generate entitlements. While the stratification of EU citizens' social entitlements in law and policy are well known, there is a lack of evidence on their everyday experiences of claiming benefits.

Considering the gap between legal entitlements and substantive benefit reception in practice, *Chapter 3* shifted the focus to the implementation level, proceeding in three steps. It first introduced the concept of street-level bureaucracy as a trope of the public administration literature. The chapter broadened the literature review to include conceptual and empirical studies of the street-level bureaucracy to reveal the sorts of considerations which guide policy practice at the local level. The chapter highlighted the interplay between agency and structure in explaining policy outcomes. Next, the chapter analysed the inputs that might shape local administrators' views of EU migrant claimants. This included the literature on the administrative category 'migration background' and scholarship about the historical development of German immigration policy. Based on the reviewed literature, the chapter constructed a framework of structure and agency to explain the filtering of EU migrants' claims to benefits at street-level.

Chapter 4 introduced the research methodology which enabled the collection and the analysis of the sorts of qualitative data which could shed light onto EU migrants' claiming experience from different viewpoints. The main data source constituted a corpus of 119 qualitative interviews with three groups of interviewees. The latter was supplemented by

observational field notes, legal and policy documents, and the secondary analysis of a qualitative longitudinal data set collected by the *Institute for Employment Research (IAB, Nuremberg)*. After the completion of fieldwork in summer 2016, the data were analysed following a thematic approach and an abductive logic of reasoning.

Chapters 5 to 7 reported on the empirical findings. **Chapter 5** illustrated how the processes of 'administrative inclusion and exclusion' theorised above unfolded in local job centre practice. The chapter analysed the different strategies of benefit rationing which administrators employed to either restrict or facilitate EU migrants' substantive access to *UB II* benefits and services. In doing so, this chapter illustrated the ways in which the inequalities in access were constructed in daily administrative practice through processes of administrative burdens and filtering (relating to research question 1). The analysis also showed how EU migrants' experiences of claiming benefits varied. 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.

Chapter 6 shifted the focus from the beneficiaries of welfare services to engage with the perspectives of local bureaucrats. The chapter analysed the institutional structures that enshrine the aforementioned inequalities in access (complementing the previous chapter concerning research question 1). The institutional facets studied included the institutional blind spots concerning the awareness for EU migrants' complex legal entitlements or of their needs as newcomers to German society and bureaucracy. The analysis also touched upon the often distorting incentive structures created by a *New Public Management*-oriented culture of efficiency and performance control.

Chapter 7 moved from the organisational to the individual level. The chapter uncovered the role of 'identity-based deservingness judgements' in the processing of EU citizens' claims (pertaining to research question 2). The analysis showed how administrators mobilised alternative criteria, such as ideas about EU citizens' deservingness to claim social benefits, when dealing with ambiguous legal provisions. The chapter also explored how social divisions of age, gender, educational background and social upbringing became reflected in administrators' perceptions of the EU citizen status. The analysis pointed to the assimilationist cultural expectations street-level workers tended to convey

towards EU migrant applicants.

Having done the empirical work, *Chapter 8* applied what we have learned to the framework developed in Chapter 3. The findings illustrated how both the insufficient awareness for EU migrant citizens as a potential target group with specific needs, and stereotyped views of certain EU migrant claimant groups, played into the restrictive application of the law. While in most cases organisational structure and individual views tended to reinforce one another, one factor could also attenuate the impact of the other. Next, the chapter discussed the role of third-party intermediaries in the state-claimant interaction, who could subvert local implementation dynamics in unexpected ways. The chapter concluded on the implications the processes of local administrative filtering of EU migrants' benefit requests could have on migration and social policy. The findings pointed to strong suggestive evidence that individual welfare administrators may implicitly act as immigration policy officers, filtering who can settle and stay in Germany.

The thesis has the potential to add to the existing academic research on an empirical, a methodological and a theoretical level. **Empirically**, the study documented the inequalities in access to social benefits that EU citizens can encounter when claiming their social entitlements at local job centres. The analysis highlighted there might be a discrepancy between EU migrants' formal entitlements in principle, and their substantive rights in practice.

Previous work, like Heindlmaier (2018) or Lafleur and Mescoli (2018), has pointed to the incomplete inclusion of EU migrants in social protection. How administrators informally filter EU citizens' substantive access to benefits and services, by discriminating against certain EU migrant applicants, has remained less explored. The data of this study highlight the heterogeneity of the EU migrants' claiming experience concerning the allocation of welfare resources. Some applicants are less able than others to pay the hidden costs imposed onto them by administrative burdens. The findings point 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.

Overall, the study illustrated how policy implementation is not a top-down, linear process, but how it is complex and fuzzy, including dynamics of subversion and contestation. The

findings on the German case mirror the conclusions of policy implementation studies of similar study design in other EU country contexts, namely the UK (Carmel et al. 2016; Dwyer et al. 2019).

Methodologically, the research exemplified the significance of studying (EU) citizenship practices locally, revealing EU citizens' lived experiences. The findings uncovered how less tangible processes of street-level filtering shape the real-life experience of EU citizens' claim-making. As Gravelle et al. (2013) contented, the politics of migrant integration are difficult to observe at the national level. Only a bottom-up research approach could unearth such multi-faceted processes of the everyday 'administrative inclusion and exclusion' through the various gate-keepers at different points in the system.

Along with Laenen et al. (2019), this study might constitute one of the few examples of qualitative research in the ever-growing field of deservingness theory. In-depth interviews revealed how administrators applied van Oorschoot's (2006) deservingness heuristic in their everyday work, thus adding nuance to the findings of the quantitative public attitude research. The qualitative findings pointed to a strong preference for conditioning access to social welfare through assimilationist demands of knowledge of the German language and societal norms and values. The observation contrasts with the implicit assumptions set out by the administrative denomination 'migration background', which accords descent a more prominent role. The results mirror evidence from recent quantitative attitudinal research on what it means to belong to Germany. Respondents to a representative survey similarly judged the ability to speak German to be the most important way to demonstrate belonging, while being born in Germany played a comparatively marginal role (Zick and Preuß 2019).

9.2 Contributions and avenues for future research

The aforementioned research findings have four **theoretical implications**, that contribute to the respective bodies of scholarship on EU social citizenship, street-level bureaucracy, internal migration governance and brokerage.

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 remains 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 attempt to claim social benefits in Germany become caught in the web of local-level filtering practices which can contradict, challenge and subvert the national and EU legislative framework. Social entitlements, as codified by law, do not necessarily translate into substantive benefit receipt. As Dwyer et al. (2019) argued in a recent study on the UK, the dynamics of local policy implementation add a fourth level of conditionality into the stratification of EU social citizenship rights.

This research unravelled the underlying mechanisms of such 'diminished citizenship' (Dwyer et al. 2019) through a careful exploration of the German case. The EU citizenship status, by and large, appears to confer applicants little, if any, comparative advantage over other non-citizen applicant groups once they engage with local German welfare bureaucracies. Similar to what Brändle (2018) showed in her qualitative study on EU citizens' everyday experiences of settling in Berlin and Copenhagen, EU citizenship loses part of its relevance once EU migrants have crossed the border, which offers them an unfamiliar domestic context of an EU member state other than their own. EU citizens tend to experience similar types of disadvantage as one would expect to arise for non-EU migrant claiming groups, which inhibits them from exercising their legal EU social citizenship rights. The experience of inequality relates to their status as newcomers to German society, which plays out in the form of a lack of knowledge about the tacit cultural rules and a lack of access to local social networks.

Observation 2: The role of identity-based deservingness in local claims-processing

The second key finding of this study concerns the role ideas of deservingness of foreign national citizens to claim nationally-bound social security can play in local policy implementation. To date, research has either explored local implementation dynamics concerning national citizens or examined welfare attitudes among the general population. What has been missing from the analysis is how respondents' understanding of 'identity-based deservingness' might be implicated in shaping EU migrants' substantive benefit receipt on the ground.

The findings of this study add nuance to existing street-level bureaucracy research. They underline the highly value-laden nature of implementation, bringing to the forefront the tensions between 'the legal' and 'the moral'. Moral ideas of deservingness tend to guide

street-level bureaucrats when interpreting the often abstract and ambiguous legal categories of entitlement, such as the EU citizen's 'worker status'. While the observation is not necessarily new altogether, the analysis revealed how perceptions of 'the other', captured through the notion of belonging, can play into local decisions on granting or blocking benefit receipt. The analysis revealed how identity-based hierarchies of inclusion apply to benefit receipt. To be judged worthy of benefit receipt, EU migrants were commonly expected to demonstrate a degree of assimilation through knowledge of the German language and the tacit insider rules. Policy legacies of ethnicity, as a marker of symbolic belonging, continue to play a role in the form of a 'cultural conditionality'. Substantive social rights become 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. In practice, the value judgements passed about EU migrant claimants when observed in marginal (self-)employment, of primarily Eastern European origin, point to underlying welfare chauvinistic preferences. Some EU nationals appear to be less deserving because of their allegedly intrinsic characteristics. The reliance on stereotyped representations in claims-processing appears to serve as a quick decision rationale in a high-pressure environment. Group-based stereotypes tend to guide administrators as cognitive maps to make sense of perceived unorthodox claimant behaviour.

The findings illustrate some more conceptual claims, which problematise the impact of 'othering' processes of Eastern Europeans migrants on their experiences of socio-economic disadvantage within the EU (see Hansen and Hager 2010; Johns 2014). Favell (2014) pointed out how Eastern European migrants "often find themselves excluded on an informal level in their chosen place of residence by locally specific, highly ethnicised processes of exclusion" (ibid, 11). The case in access to German social minimum benefits constitutes a good example of this. The analysis revealed how welfare workers could reshape the boundaries of the German welfare community by granting or refusing benefit receipt, unearthing the hidden politics of bureaucratic implementation work.

Observation 3: Everyday bordering through social policy practice

The study of the street-level practice of EU social citizenship rights thirdly illustrated the

intertwining of social policy and migration governance. As Dwyer et. al. (2019, 14) noted, “immigration and welfare policies have come together to restrict and rescind EU migrants' rights to residency and social assistance”, though the findings suggest more than a mere blurring of the two policy spheres which should be separate. Welfare administrators are not only asked to check passports to establish a legal entitlement. Instead, the data yielded strong suggestive evidence for a subtler, immanent logic of control over EU migration through the regulation of EU citizens' access to communal welfare resources. The analysis helped to uncover the internal dimension of migration policy, of how immigrant integration is regulated after migrants set foot onto the German territory.

The findings highlighted how migration could and should not be considered an external phenomenon which is happening to states. Instead, 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 filter access to basic income benefits, preventing EU migrants framed as 'unproductive welfare tourists' from securing their subsistence in Germany instead of regulating their their entry at the national border.

Thereby, the thesis provided evidence for part of the literature's claim of how social security has become implicated and instrumentalised in regulating (EU) immigrants' stay on German territory. Welfare workers, in their implicit role as everyday 'bordercrats', can mediate policy and politics by their decisions in practice. The analysis showed how issues of migration could and do take shape on the ground, moderated by apparently apolitical street-level organisations, which could impact EU migrants' integration and their meaningful participation in German society.

Observation 4: The overlooked role of 'cultural brokers' in social rights claims

Finally, the analysis unravelled the important role of 'cultural brokers' in influencing local claim-making. Such actors may reshape the material and symbolic boundaries of the German welfare community. By providing EU applicants with the necessary tacit knowledge, cultural brokers are capable of enabling welfare access by EU migrant groups who would have been unable to substantiate their claim otherwise. As friends, partners,

state-funded immigrant welfare counsellors or migrant community representatives, third-party intermediaries can strengthen applicants' position vis-a-vis the local bureaucrat. In their mediating function between both parties, cultural brokers may also raise awareness for EU citizens' needs as newcomers to German society. They have the potential to reshape street-level bureaucrats' sense-making about EU migrant claimants' behaviour.

Overall, brokerage can shift the existing asymmetrical power dynamics and subvert the existing institutional rules on who should remain excluded. Their work affects EU citizens' capability to stay and live in Germany, by helping them to secure access to welfare support. The brokerage processes may facilitate EU migrant citizens' integration into the German host society.

Avenues for future research

To date, the idea of 'cultural brokerage' in substantiating the welfare rights of migrant claimants has been a neglected function. The concept bears important similarities with knowledge and legal brokerage and advocacy. However, while encompassing the same tasks, cultural brokers distinguish themselves by mediating between newcomers to a society, in this case EU migrant citizens, and the national resident population, represented here by local welfare administrators. Their currency of brokerage is based on translating communications from one language into another, and mediating tacit cultural knowledge.

Considering today's German context, which has become marked by a growing cultural diversity, processes of mediation and brokerage in public service provision have gained in importance. When bureaucracies come face to face with those at the bottom of the economic ladder, and when communication between disparate and differentially powerful social groups occurs, brokers can transform processes of policy implementation in unexpected ways. In light of the limited awareness for 'cultural brokers' in street-level studies, future studies could contribute to developing the concept in more depth. Theorisations on brokerage in policy implementation could build on empirical insights from this study, conceptualising the role of street-level bureaucracies as brokers, and respective agents of social inclusion, or as anti-brokers and agents of social exclusion.

Further research is also needed on the role of civil society organisations in providing alternative welfare support for those vulnerable EU migrant groups who are not covered by formal social security provision. NGOs, and the officially mandated welfare

organisations specifically, tend to step into the void when EU migrants fail to access state-financed public support. Considering their state-funded base, it would be interesting to inquire to what degree such welfare organisations are autonomous in their mandate, and if they can act as advocates of minority claims. More comprehensive insights are also needed into the processes of how welfare and community organisations shape substantive social rights, in terms of what social and legal services they provide, how they do so and why.

Other avenues of research could examine the link between populist attitudes among the German majority population and institutionalised welfare chauvinism. Studies could explore regional variation with respect to local job centres' administrative culture. Is the latter more restrictive in regions that saw a significant share of votes cast for the right-wing party *Alternative für Deutschland* in the last parliamentary elections?

Follow-up studies could also question how welfare bureaucrats perceive their role in light of their slowly changing institutional mandate. While the 2017 reform altered the relationship between welfare and migration authorities, little is known about whether social administrators interpret their role as one of active migration control agents. A better understanding is needed of how administrators might negotiate the tension between the conflicting role mandates of including vulnerable population groups through social support, and excluding migrant groups marked as 'undeserving' by the public discourse.

9.3 Policy implications

A thesis in social policy cannot finish without reflection about some of the policy implications flowing from the analysis. In contrast to the prevailing wisdom, the analysis highlighted how EU migrants could experience similar integration needs to third-country nationals. Some of the observations speak to the local or community level, while others are related to policy at both the national and the EU level.

Recommendations for policy-makers

At the local implementation level, the findings of Chapter 6 pointed to the necessity of integrating migrant-sensitive practices more holistically into the organisational processes. A comprehensive approach would call for a review of current administrative practice. This could take the form of an equity audit concerning the potential barriers to substantive

benefit receipt for foreign national claimants. Other instruments could include mentoring and supervision formats for current staff on diversity-related questions, 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 might counteract the risk of a token diversity management, which may fuel stereotyped representations of EU claimant groups.

To further address some of the organisational blind spots, 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. As observed in job centre B, 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 (see Chapter 6), 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 (see Chapter 5). Ways forward could include active outreach and close cooperation with local diaspora, 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 (see Haas 2014). 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. To date, national welfare organisations tend to assume such an intermediary role on the individual level, but their voice on migrant matters could be enhanced beyond a symbolic one in the national policy process.

Finally, other academics, such as Bruzelius et al. (2017) and Dean (2018), have discussed ideas about a *European Citizen's Income* to address some of the tensions between free movement of EU citizens and nationally delineated access to welfare. Considering the rising populist pressure in many European countries, which ask for cutting back rather than expanding principles of free movement, the policy proposal is unlikely to be viable. Another interesting idea has been developed by Patuzzi and Benton (2018), who proposed a cost-compensation mechanism for social assistance-type benefits across the EU. The authors suggested the former country of residence to reimburse the German authorities for the minimum social benefits paid for a certain amount of time, such as one year, in order to incentivise member states to provide support to their most vulnerable EU population groups.

Though, the proposed initiatives would ask for a deeper political commitment from national policy-makers, which starts with the framing of EU free movement and social citizenship. Instead of focussing on the potential financial costs in the short run, political rhetoric could emphasise the benefits of a diverse society and the need for a two-way process to ensure meaningful societal participation for every resident. Without changing the dominant current narrative, street-level tensions, such as local administrators'

conflicting mandates of protecting vulnerable individuals and containing benefit access to 'undeserving migrants', are hard to resolve. Instead, situations of personal insecurity for EU migrant claimants will continue to persist, as they tend to be expected to demonstrate belonging through tacit knowledge of insider rules, while at the same time, being blamed as 'abusive welfare tourists' for understanding the system 'too well'.

Outlook

Overall, this study could be seen as a reminder of the constant necessity to reflect upon our perceptions of the 'other', in a society such as the German one. The Swiss writer *Max Frisch* cautioned us against the reliance on such fixed images, which might become a self-fulfilling prophecy. As he has reminded the reader in his play *Andorra*, written in the aftermath of the Second World War, stereotyped representations of population groups can severely rupture the social fabric of a country. Moreover, as this research has shown, such popular discourses, which recently have gained ground all over Europe, may affect the conduct of street-level public services. Keeping the aforementioned lesson of history in mind, social policy research can play an important role in raising awareness for the impact of 'institutionalised welfare chauvinism'.

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. As the analysis illustrated, EU and national policies, jointly with local-level administrative practices, construct inequalities in EU migrants' access to basic subsistence-securing benefits. German policies in law and practice tend to interpret EU legislation strictly, drawing boundaries to entitlements of non-citizens when it comes to non-contributory benefits.

As the legal analysis briefly pointed to, German policy discourse on EU free movement is marked by undercurrents of ethnicity, tying ideas of solidarity to the imaginary of a cohesive community of citizens. Setting the framework within which street-level bureaucrats operate, such nationalistic frames about belonging and culture impact on local-level implementation practice, serving as a heuristic to reduce complexity in the

face of scarce time and financial resources. Effectively, perceptions tend to prevail that belonging has to be earned through sustained participation in the host society. While it may be argued that diminished social citizenship is experienced by all citizens with impediments to working full time, bureaucratic practice points to a process which is specifically related to a claimant's migrant status. A hierarchy of entitlements emerges based on contributions through paid work and the degree of cultural assimilation. German-born nationals and long-term residents are considered as more legitimate receivers of extensive social rights than EU migrant newcomers.

The findings relate to a much larger question on the viability of open borders and full transnational social citizenship. As highlighted in the introduction, EU social citizenship could be seen as a natural laboratory in this respect. 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.

Though we might ask whether leaving local welfare administrators to deal with the described pressures is a politically legitimate and a morally fair way to solve such an open-ended question. Considering that it is national welfare systems, and their localised implementation of service provision, which continue to shape EU citizens' social rights in a member state other than their own, policy-makers and researchers may have to engage more with the fundamental tenet of whether any form of transnational social citizenship is

realistically possible or whether it remains a romantic ideal to aspire to. In the light of the inequalities of treatment highlighted in this research, the question may remain of whether the EU, as an institution of supranational governance, has failed adequately to address the social dimension of European integration.

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List of Acronyms

ALG	<i>Arbeitslosengeld</i> (i.e. Unemployment Benefit)
AsylbLG	<i>Asylbewerberleistungsgesetz</i> (i.e. asylum law)
CJEU	Court of Justice of the European Union
DGB	<i>Deutscher Gewerkschaftsbund</i> (i.e. German Trade Union Association)
EC	European Communities
ECSMA	European Convention on Social and Medical Assistance
EU	European Union
FEA	Federal Employment Agency
IAB	<i>Institut für Arbeitsmarkt- und Berufsforschung</i> (i.e. Institute for Employment Research)
JC	Job Centre
LSE	London School of Economics and Political Science
NGO	Non-Governmental Organisation
NPM	New Public Management
TCN	Third Country Nationals
SGB	<i>Soziales Gesetzbuch</i> (i.e. Social Code)
UB	Unemployment Benefit
UK	United Kingdom
US	United States
WSB	<i>Wohnungsberechtigungsschein</i> (a form of housing subsidy)
WZB	<i>Wissenschaftszentrum</i> (i.e. Social Science Research Centre)

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Appendices

Appendix 1: Topic guides

(EU) Migrant claimants

Introduction

- Could you please tell me a bit more about yourself? (i.e. nationality, labour market attachment, qualification, date and place of arrival in Germany)

Part 1 – Experience of the claim-making process

- Did you ever apply for unemployment benefits UB II /Hartz IV?

Probes:

When? For how long did you receive it?

If not, why not?

- If yes, could you please tell me a bit more about your experience? (cf. let them, as a narrative, reconstruct the different phases of the claiming process)

Probes:

How did you know that the benefit existed in the first place, if you were eligible and what to do?

In case the application was rejected, did you find the explanation understandable?

Did you pursue legal action? Result?

Was the amount you receive(d) ever curtailed? Why so? (cf. sanctions)

How did you find the claim-making process? Challenges? (i.e. providing required documentation, expectations/differences to social protection system back home, explanations/lack of information, language)

What are your experiences in dealing with the job centre staff over the time you received a benefit? (cf. treatment, communication) Experience of discrimination?

Considering your overall experience with the job centre, would you ever apply again for the benefit in case need arises?

Part 2 – Mitigation strategies of perceived barriers

- How did you deal with obstacles you encountered during the claiming process? Did you have any kind of support? By whom?

Probes:

For instance, with regard to language? Did you bring an interpreter? Did you ask other to help you fill in the forms?

Did you go somewhere to get legal advice on your rights and duties?

Part 3 – General attitudes

- In your opinion, is it fair that foreigners can claim social support financed by the German state under specific conditions? How should these conditions look like?
- How do you perceive life here? Do you feel (well) integrated? What does integration mean to you?

Checklist at the end of the interview:

- UB II – yes – no – not sure? Other financial support? Income source?
- Labour market status unemployed – full time – part time – in training through job centre
- Household type single – single with child(ren) – with partner and child(ren) – living at parents
- Age group, gender
- Legal (migration) status in Germany? Passport? Country of birth/origin? Migration history? Mother tongue?
- Education and professional development (schooling, vocational education, university, qualification level, profession)

Job centre staff

Introduction

- Position in the job centre, professional background

Part 1 – Working environment and pressures

- Could you briefly describe day-to-day work? What are your tasks in your current position?
- What are typical challenges of daily work life?

Probes:

Caseload and pressure?

How do you keep up to date with legislative changes?

Is there any support you can rely on?

- What would need to be reformed? Are you able to suggest changes of work flow?
- How are your working relations with other units (Reception zone, benefit service)?
- Is there a (knowledge) exchange with colleagues/other job centres?

Part 2 – claim-making process

- Relationship with clients: What do you expect from a client?
- In which areas do you have discretion? (examples) – How do you exercise discretion?
- How do you deal with resistance?
- What is your opinion on sanctions?

Part 3 – Claimant profiles

- What are typical cases of neediness? (cf. socio-demographic characteristics)
- If you could give me a short overview of the people who are part of your caseload, how many roughly do have a migration background?

Probes:

Countries of origin? Proportion of EU citizens (and their origin)?

Educational and professional profiles?

- Are they in any way different from a German claimant?

Probes:

Do you face any specific challenges in working with them? (cf. specific needs, e.g. language, expectations)

- Considering the very complex legal setting, what legal rights do EU citizens currently have with respect to receiving German UB II?

Part 4 – Deservingness perceptions

- What do you think about the SGB II as safety-net securing social minimum?

- Under what conditions should foreigners, and EU citizens in particular, have access? When should they get the same rights to access as German citizens?

Civil society experts

Introduction

- Role within the organisation, professional background

Part 1 – Profile of clients

- Typical cases/profile of potential claimants?

Probes:

Age, gender, socio-economic background, descent

- How do they here about the services which are provided by your organisation?

Part 2 – (In)Formal barriers to access

- With what kind of challenges/difficulties and questions do potential claimants come to your organisation?
- Do problems encountered and questions differ across and/or within groups?
- How is your working relationship with the job centres? (cf. medium of contact, formats of cooperation, variation across different districts of Berlin/regions)
- What challenges do you encounter in your contact with job centre administrations?

Probes:

Intercultural competence? Discrimination?

Expectations mismatches?

Changes since the refugee crisis in October 2016?

How would you explain those challenges? What do they stem from?

- What are the rights of EU citizens with regard to SGB II at this moment in time?
- Are there any other aspects we have not discussed yet but you would like to mention?

Appendix 2: Breakdown of interviewees by characteristics

Job centre Interview Sample⁶⁶

JC case	Function	Gender	Geographic location	Qualification level	Length of service
J1	Advisor	Female	District 1	University	LT
J2	Advisor	Male	District 1	University	LT
J3	Management	Male	Berlin-wide representative	University	LT
J4	Management	Male	District 2	University	LT
J5	Management	Male	District 2	University	LT
J6	Management	Female	District 2	Vocational	LT
J7	Advisor	Female	District 1	University	ST
J8	Advisor	Female	District 1	University	ST
J9	Advisor	Female	District 1	University	ST
J10	Advisor	Female	District 1	University	LT
J11	Special Representative	Female	District 3	Vocational	LT
J12	Advisor	Male	District 1	University	ST
J13	Management	Male	District 3	Vocational	LT
J14	Management	Male	District 3	University	LT
J15	Management	Male	District 1	University	LT
J16	Management	Male	District 1	University	LT
J17	Advisor	Female	District 1	University	LT
J18	Management	Female	District 2	University	LT
J19	Management	Female	District 2	University	LT
J20a	Management	Male	District 1	University	LT
J20b	Management	Female	District 1	University	LT
J20c	Management	Female	District 1	University	LT
J21	Advisor	Female	District 1	University	ST
J22	Reception Zone	Female	District 2	Vocational	LT
J23	Management	Male	District 3	University	LT
J24	Advisor	Male	District 2	University	LT
J25	Reception Zone	Female	District 2	Vocational	LT
J26	Reception Zone	Male	District 2	Vocational	ST
J27	Management	Female	District 2	Vocational	LT

⁶⁶ I list both formal interviews and informal conversations. Instead of the age of respondents I have put their length of service in the job centre, as the interview data suggested that the latter plays a role in how discretion is exercised. In terms of length of service, I distinguish between short term (under or equal to two years of service) or long term (above two years). I chose this threshold because employees commonly get an unlimited employment contract after two years of service, and because processing routines tend to be more developed and routinised at that stage.

J28	Special Representative	Female	District 1	University	LT
J29	Management	Female	District 4	University	LT
J30	Advisor	Male	District 2	University	LT
J31	Management	Male	District 1	University	LT
J32	Management	Female	District 1	University	LT
J33	Management	Male	District 1	University	LT
J34	Advisor	Female	District 1	Vocational	LT
J35	Advisor	Female	District 1	University	LT
J36	Management	Female	Central Management	University	LT
J37	Management	Female	Central Management	University	LT
J38	Special Representative	Female	Berlin-wide representative	University	LT
J39	Reception Zone	Male	District 3	Vocational	LT
J40	Advisor	Female	District 3	University	LT
J41	Benefit Team	Female	District 3	Vocational	LT
J42	Benefit Team	Male	District 3	University	LT
J43a	Benefit Team	Male	District 1	Vocational	LT
J43b	Benefit Team	Female	District 1	Vocational	LT
J44a	Benefit Team	Female	District 1	Vocational	LT
J44b	Benefit Team	Female	District 1	Vocational	ST
J45a	Benefit Team	Female	District 1	Vocational	LT
J45b	Benefit Team	Female	District 1	University	LT
J46	Reception Zone	Male	District 1	Vocational	LT
J47a	Reception Zone	Female	District 1	Vocational	ST
J47b	Reception Zone	Male	District 1	Vocational	LT
J48a	Reception Zone	Male	District 1	Vocational	LT
J48b	Reception Zone	Female	District 1	Vocational	LT
J49	Management	Male	District 3	University	LT
J50	Benefit Team	Male	District 3	Vocational	LT
J51	Advisor	Male	District 3	University	LT
J52	Benefit Team	Male	District 3	Vocational	LT
J53	Management	Male	Central Management	University	LT
J54	Benefit Team	Female	District 3	Vocational	LT
J55	Special Representative	Female	District 2	University	LT
JII	Management ⁶⁷	Male	District 2		
JIII	Benefit Team	Female	District 2		

⁶⁷ As the informal conversations were carried out while interviewees carried out their daily work routines, I could not record all socio-demographic data as in the case of formal interviews.

JIII	Advisor	Female	District 2
JIV	Reception Zone	Male	District 2
JV	Reception Zone	Male	District 2
JVI	Reception Zone	Female	District 2
JVII	Reception Zone	Female	District 2
JVIII	Advisor	Male	District 2
JIX	Reception Zone	Male	District 2
JX	Advisor	Female	District 2

Migrant Interview Samples

Recent arrivals (EU migrants)

(Potential) Claimants	Age group	Country of origin	Level of qualification	Gender
M1	40s	TCN (Mexico)	University	Male
M2	40s	TCN (US)	University	Female
M3	20s	Bulgaria	University	Female
M4	20s	Bulgaria	High School	Female
M5a	30s	France	University	Female
M5b	30s	France	University	Female
M6	30s	France	University	Female
M7	30s	Spain	University	Female
M8a	30s	France	University	Female
M8b	20s	France	University	Male
M9	30s	Hungary	University	Male
M10	30s	France	University	Female
M11	40s	Poland	High School	Male
M12	30s	Poland	Vocational	Male
M13	20s	Poland	High School	Female
M14	30s	Poland	University	Female
M15	20s	Poland	University	Female
M16	30s	Spain	University	Female
M17	30s	Bulgaria	University	Female
M18	30s	Hungary	University	Female

Long-term residents of migration background (secondary, *IAB* data set)

Established Migrant Claimants	Age group	Country of origin	Level of qualification	Gender
M.E01	50s	Czech Republic	Vocational	Male
M.E02	40s	TCN (Serbia)	University	Female
M.E03	40s	TCN (Turkey)	University	Male

M.E04	50s	Poland	Vocational	Female
M.E05	20s	TCN (Kazakhstan)	Vocational	Female
M.E06	20s	TCN (Russia)	University	Female
M.E07	30s	TCN (Turkey)	School	Male
M.E08	30s	Germany (ethnic)	Vocational	Male
M.E09	30s	TCN (Kazakhstan)	University	Male
M.E10	40s	TCN (Ukraine)	University	Female
M.E11	60s	Germany (&Spain)	University	Male
M.E12	60s	TCN (Ukraine)	University	Male
M.E13	40s	TCN (Moldova)	University	Female
M.E14	30s	Germany (&Turkey)	Vocational	Female
M.E15	30s	TNC (Turkey)	School	Male
M.E16	40s	TCN (Iran)	University	Female
M.E17 ⁶⁸		TCN (Uzbekistan)	University	Male
M.E18		Italy	Vocational	Male
M.E19	40s	Germany (&Italy)	School	Male
M.E20	40s	Poland	Vocational	Male

⁶⁸ Age of M.E16 and 17 not recorded in original sample.

Appendix 3: Detailed overview of interviews and participant observation

Interviews conducted in 2016-2017

Policy-makers

P1_Federal Foreign Office: Representative Federal Foreign Office, Expert on Immigration and Asylum Law/Visa Policy, Berlin (at work; 11.09.2014)

P2_Federal Foreign Office: Representative Federal Foreign Office, Expert on European Affairs, Berlin (at work; 17.09.2015)

P3_Federal Ministry for Economic Affairs and Energy: Representative Federal Ministry for Economic Affairs and Energy, Advisor to the Minister (& leading Figure in Social Democratic Party SPD), Berlin (at work; 16.12.2015)

P4_Federal Ministry for Employment and Social Affairs: Representative Federal Ministry for Employment and Social Affairs, Expert on Migration and Integration Policy, Berlin (at work, 23.11.2016)

P5_Policy Expert: Representative of federal office working on migration policy

Informal conversations

PI_Office for Equal Treatment of EU Workers at the German Chancellery (at work, 29.11.2016)

Experts (from third sector/civil society)

S1_DGB: Counsellor for Posted Workers, German Trade Union DGB, Berlin (at work; 18.02.2016)

S2_AWO: Counsellor for intra-EU migrants, Workers Welfare Institution AWO, Berlin (at work; 19.02.2016)

S3_DGB: Advisor on ALG II, employed by DGB, Berlin (at work; 21.07.2016)

S4_NGO: Directorate, Specialised service provider Social Work and Psychosocial Welfare, Berlin (at work; 30.08.2016)

S5_Paritaet: Expert on Migration, The Paritaetische, Berlin (in a café, 21.09.2016)

S6_Legal Expert: Academic at School of Applied Sciences Heidelberg, (telephone, 07.09.2016)

S7_Diakonie: Expert European (Social) Policy, Management Diakonie Germany, Berlin (at work, 09.09.2016)

S8_Diakonie: Expert Centre of Migration and Social Issues, Management Diakonie Germany, Berlin (at work, 09.09.2016)

S9_Diakonie: Expert Centre of Migration and Social Issues, Management Diakonie Germany, Berlin (at work, 09.09.2016)

S10_NGO: Advisor on Diversity Strategies, specialised service provider for diversity training of public administrations, Berlin, (telephone, 09.09.2016)

S11_NGO: Diversity Trainer, specialised service provider of diversity training of public administration, Berlin (telephone, 14.09.2016)

S12_NGO: Project Leader, specialised service provider in area of social work and psychosocial welfare, Berlin (at work, 19.09.2016)

S13_NGO: Project Leader Diversity Training in Berlin-based job centres, specialised service provider for diversity training for public administration, Berlin (at work, 20.09.2016)

S14_Caritas: Legal Expert on Migration and Integration, Caritas Germany, Freiburg (telephone, 25.10.2016)

S15_NGO: Directorate NGO for advocacy and advice work for the unemployed, under the umbrella of the Protestant Church, Berlin (at work, 01.11.2016)

S16_NGO: Project Leader and Diversity Trainer, specialised service provider for diversity training of public administration, Berlin (at work, 02.11.2016)

S17_Diakonie: Counsellor for intra-EU migrants, Diakonie Berlin (at work, 02.11.2016)

S18_Paritaet: Counsellor for migrants, member organisation of The Paritaetischer, (telephone, 09.11.2016)

S19_Independent: Independent advisor on SGB II, financed by donations (at community centre, 30.11.2016)

S20_Diakonie: Expert on Migration and Integration, Diakonie Berlin-Brandenburg, (at work, 30.11.2016)

S21_Caritas: Counsellor for migrants, Caritas Berlin (telephone, 16.12.2016)

S22_NGO: Social Worker, Specialised service provider Social Work and Psychosocial Welfare, Berlin (telephone, 05.01.2017)

S23_NGO: Representative of an advocacy NGO for South-Eastern European migrants, Berlin (at work, 10.01.2017)

S24_NGO: Representative of advocacy NGO for Polish migrants, Berlin (at work, 20.04.2017)

S25_Embassy: Attaché for Social Affairs, Embassy of an EU country, Berlin (at work, 28.04.2017)

S26_Legal Expert: Lawyer specialised on social security law/SGB II, Berlin (at work, 11.05.2017)

S27_NGO: Representative advocacy NGO for Roma and non-Roma migrants, Berlin (at work, 16.05.2017)

Informal conversations

SI Paritaet: Informal roundTable with expert from The Paritaetische, Berlin (20.08.2016)

SII_HH: Representative of the Ministry for Social Affairs (local government), Hamburg (telephone, 14.06.2017)

SIII_Nordheim: Specialised Service Provider Integration Courses and Advisor Social Benefits, Nordheim (telephone, 19.06.2017)

Job centre staff

- J1_Advisor: Advisor Berlin-based job centre A (at a café; 20.02.2016)
- J2_Advisor : Advisor and Trainer Berlin-based job centre A (at a café; 18.07.2016)
- J3_Management: Press Officer, Berlin-based Employment Agency (at work; 28.07.2016)
- J4_Management: Director Employment Integration Service and Refugee Team, Berlin-based job centre B (at work, 15.09.2016)
- J5_Management: Team Lead Employment Integration Team, Berlin-based job centre B (at work, 17.10.2016; follow-up interview 11.11.2016)
- J6_Management: Director Benefits Teams, Berlin-based job centre B (at work, 17.10.2016)
- J7_Advisor: Advisor Berlin-based job centre A (at work, 19.10.2016)
- J8_Advisor: Advisor, Berlin-based job centre A (at work, 26.10.2016)
- J9_Advisor: Advisor, Berlin-based job centre A (at work, 26.10.2016)
- J10_Advisor: Advisor, Berlin-based job centre A (at work, 26.10.2016)
- J11_Special Rep: Special Representative for Equal Opportunities, Berlin-based job centre C (at work, 02.11.2016)
- J12_Advisor: Advisor, Berlin-based job centre A (at work, 03.11.2016)
- J13_Management: Former Team Lead Benefits Team (now retired), Berlin-based job centre C (at work, 07.11.2016)
- J14_Management: Director, Berlin-based job centre C (at work, 07.11.2016)
- J15_Management: Team Lead Employment Integration Team, Berlin-based job centre A (at work, 10.11.2016)
- J16_Management: Director, Berlin-based job centre A (at work, 10.11.2016)
- J17_Advisor: Advisor, Berlin-based job centre A (at work, 10.11.2016)
- J18_Management: Team Lead Juridical Unit (dealing with objections), Berlin-based job centre B (at work, 17.11.2016)
- J19_Management: Director Reception Area, Berlin-based job centre B (at work, 17.11.2016)
- J20_Management: Group Interview Directors of Reception Area, Employment Integration Service, Payment Service, Berlin-based job centre A (at work, 24.11.2016)
- J21_Advisor: Advisor, Berlin-based job centre A (at work, 24.11.2016)
- J22_Reception: Specialised Assistant Reception Area, Berlin-based job centre B (at work, 29.11.2016)
- J23_Management: Team Lead Specialised Case Management, Berlin-based job centre C (at work, 01.12.2014)
- J24_Advisor: Advisor, Berlin-based job centre B (at work, 14.12.2016)
- J25_Reception: Specialised Assistant Reception Area, Berlin-based job centre B (at work, 13.12.2016)

- J26_Reception: Specialised Assistant Reception Area, Berlin-based job centre B (at work, 13.12.2016)
- J27_Management: Team Lead Reception Area, Berlin-based job centre B (at work, 13.12.2016)
- J28_Special Rep: Special Representative for Equal Opportunities, Berlin-based job centre A (at a café, 09.01.2017)
- J29_Management: Management, Berlin-based job centre D (at work, 13.01.2017)
- J30_Advisor: Advisor, Berlin-based job centre B (at a café, 13.01.2017)
- J31_Management: Desk Officer Finance, Berlin-based job centre A (at work, 19.01.2017)
- J32_Management: Team Lead Juridical Unit, Berlin-based job centre A (at work, 19.01.2017)
- J33_Management: Team Lead Advisory Team, Berlin-based job centre A (at work, 19.01.2017)
- J34_Advisor: Advisor, Berlin-based job centre A (at work, 19.01.2017)
- J35_Advisor: Advisor, Berlin-based job centre A (at work, 19.01.2017)
- J36_Management: Expert Internal Quality Assurance, Federal Employment Agency, Nuremberg (at work, 02.03.2017)
- J37_Management: Expert Equal Opportunities, Federal Employment Agency, Nuremberg (at work, 03.03.2017)
- J38_Management: Expert Labour Market of Integration of Asylum Seekers, Berlin-based Employment Agency (telephone, 15.03.2017)
- J39_Reception: Specialised Assistant Reception Area, Berlin-based job centre C (at work, 10.04.2017)
- J40_Advisor: Advisor, Berlin-based job centre C (at work, 11.04.2017)
- J41_Payment: Specialised Assistant Benefits Team, Berlin-based job centre C (at work, 12.04.2017)
- J42_Payment: Clerk Benefits Team, Berlin-based job centre C (at work, 12.04.2017)
- J43_Payment: Specialised Assistants Benefits Team, Berlin-based job centre A (group interview of two, at work, 24.04.2017)
- J44_Payment: Specialised Assistant and Trainee Benefits Team, Berlin-based job centre A (group interview of two, at work, 24.04.2017)
- J45_Payment: Specialised Assistants Benefits Team, Berlin-based job centre A (group interview of two, at work, 24.04.2017)
- J46_Reception: Specialised Assistant Reception Area, Berlin-based job centre A (at work, 24.04.2017)
- J47_Reception: Specialised Assistants Reception Area, Berlin-based job centre A (group interview of two, at work, 24.04.2017)
- J48_Reception: Specialised Assistants Reception Area, Berlin-based job centre A (group

interview of two, at work, 24.04.2017)

J49_Management: Team Lead Juridical Unit, Berlin-based job centre C (at work, 26.04.2017)

J50_Payment: Specialised Assistant Benefits Team, Berlin-based job centre C (at work, 26.04.2017)

J51_Advisor: Advisor, Berlin-based job centre C (at work, 27.04.2017)

J52_Payment: Specialised Assistant Benefits Team, Berlin-based job centre C (at work, 27.04.2017)

J53_Management: Representative Coordination Unit Migration, Federal Employment Agency Nuremberg (telephone, 05.05.2017)

J54_Payment: Clerk Benefits Team, Berlin-based job centre C (at work, 12.05.2017)

J55_Special Rep: Special Representative for Equal Opportunities, Berlin-based job centre B (telephone, 15.05.2017)

Informal conversations

J1_Payment: Management Benefits Team, Berlin-based job centre B (14.03.2017)

JII_Payment: Clerk Benefits Team, Berlin-based job centre B (14.03.2017)

JIII_Advisor: Advisor, Berlin-based job centre B (11.11.2016)

JIV_Reception: Specialised Assistant Reception Zone, job centre B (28.11.2016)

JV_Reception: Specialised Assistant Reception Zone, job centre B (01.12.2016)

JVI_Reception: Specialised Assistant Reception Zone, job centre B (01.12.2016)

JVII_Reception: Specialised Assistant Reception Zone, job centre B (01.12.2016)

JVIII_Advisor: Advisor, Berlin-based job centre B (11.11.2016)

JIX_Reception: Assistant Reception Zone, job centre B (14.12.2016)

JX_Advisor: Advisor, Berlin-based job centre B (14.11.2016)

(Potential) Claimants

M1_DE: young highly educated male of Mexican origin, naturalised (with German citizenship), at time of interview in full-time employment (at a café; 19.09.2015)

M2_US: young female Vietnamese descent, with US citizenship, at time of interview PhD student (at her home, 06.09.2016)

M3_BG: young female of Bulgarian nationality, at time of interview full-time employment (at a café, 24.10.2016)

M4_BG: young, female of Bulgarian nationality, with unfinished university degree, with a baby, at time of interview unemployed and without any state support (at her flat, 18.11.2016)

M5_FR: two young female of French nationality, both university degrees in natural sciences, one with a new born, the other pregnant, at time of interview both in employment (at one of their flats, 13.12.2016)

M6_FR: young female of French nationality, university degree, at time of interview self-employed (at a café, 06.01.2017)

M7_ES: young female of Spanish nationality, university degree, at time of interview self-employed and beneficiary (at a café, 13.01.2017)

M8_FR: young couple of French nationality, university degrees, at time of interview one being in full-time employment, the other beneficiary and unemployed (at their flat, 04.02.2017)

M9_HU: young male of Hungarian nationality, social worker working with homeless Hungarian citizens in Berlin (at a café, 09.02.2017)

M10_FR: young female of French nationality, university degree, at time of interview in full-time employed (at a café, 25.02.2017)

M11_PL: middle-aged male of Polish nationality, low level qualification and currently not able to work, at time of interview on benefits (at a café, 08.05.2017)

M12_PL: middle aged male of Polish nationality, low level qualification and currently not able to work, at time of interview on benefits (at a café, 08.05.2017)

M13_PL: young female of Polish nationality, high school diploma, currently applying for university in Germany, at time of interview internship/not on benefits (at a café, 08.05.2017)

M14_PL: young female of Polish nationality, university degree, in full time employment (at Polish advisory NGO, 10.05.2017)

M15_PL: young female of Polish nationality, university degree, in full-time employment (at Polish advisory NGO, 10.05.2017)

M16_ES: young female of Spanish nationality, university degree, in full-time employment (via email, 10.05.2017)

M17_BG: young female of Bulgarian nationality, PhD, unemployed (in a café)

M18_HU: young female of Hungarian nationality, university degree, self-employed as an artist (skype call, 05.07.2017).

Participation in policy conferences 2016-2017

- Workshop 'Mobile Welfare in a transnational Europe' (TRANSWEL Project), Brussels, Belgium, 15.01.2016
- Panel Discussion 'Refugees – Arriving in Hamburg' (organised by nefia, with Representatives of the City of Hamburg) , 04.06.2016
- 10th International Conference of German employees at International Organisations, German Foreign Ministry Berlin, 09.-10.06.2016
- Informal discussion round on labour market integration of refugees, organised by Polis 180, Berlin, 30.08.2016 (guest: Expert on social and labour market policy, The Paritätische)
- Days on Social Inclusion, organised by the German Federal Ministry for Labour and Social Affairs, Berlin, 14.-15.10.2016
- Conference 'Ways to creating an inclusive society', IQ Network, Munich, 18.10.2016
- Launch Event of the Federal Office for Equal Treatment of EU Workers, German Chancellery, 20.10.2016
- Conference 'Refugees and SGB II', Loccum, 15.-16.11.2016 (policy conference among practitioners)
- IQ Congress 2016 – 'Migration moves', hosted by the Ministry for Social Affairs, Berlin, 06.-07.12.2016
- Network meetings of Berlin-based advice agencies for EU migrants (organised by several German welfare organisations), 04.11.2016 & 30.06.2017
- Meetings of working group on EU migrants' rights in Berlin (organised by several German welfare organisations), 09.12.2016 & 20.01.2017
- Expert Meeting on EU citizens' rights convened by The Paritätische, Berlin, 20.06.2017

Shadowing of job centre work 2016-2017

Job centre A:

- Internal training workshops (four workshops/one day each) on topics of quality assurance for job centre advisors, Oct-Dec 2016 (13.10; 10.11, 24.11; 08.12)

Job centre B:

- Labour Market Integration Team, 11.11.2016, 14.11.2016 & 13.12.2016
- Reception Zone, 23.11.2016, 28.11.2016 & 01.12.2016
- Benefits Team 13.03.2017 & 14.03.2017

Job centre C

- Reception Zone 10.04.2017 & 12.04.2017
- Labour Market Integration Team 11.04.2017
- Benefits Team 13.04.2017 & 02.05.2017

Appendix 4: Coding Book

Codes and sub-codes	Description
Cross-case comparison of JCs	Comparative exploration of differences and similarities between the three case studies
Local specificities	Regional variation (observed differences or similarities of the JCs under study)
Financial or resource constraints	Reasoning in terms of financial/resource constraints (but question if advanced in a tokenistic manner)
Influence of the region or municipality	Influence of the district/region in terms of geographical location, as well as the local level unit on the structure and decisions of the JC (including former East-West division)
Problem pressure and (problem) sensitivity	Role of presence of target group in strategic decision of the JC (migration pressure, including invisible groups like EU citizens) - (non)response, or untargeted actions without proper planning
Size of the JC	Small or large JC, which has effect onto organisational culture
Organisational culture of the JCs	Exploration of the differences in terms of structure and processes of the JCs under study - how they interpret NPM principles (such as flexibility and individualisation)
Accessibility and transparency	Access to the JC in terms of information, customer-friendliness, and transparency of the administrative processes and decisions made by JC (level of explanation given)
Accountability focus	Who employees think they are accountable to (e.g. the taxpayer, or a socially responsible society/the common good)
Administrative (people-processing) procedures	Level of standardisation/of group-based approaches (homogenising) to case processes, vs. individualised, flexible procedures of trial and error (i.e. understanding of equality); partial or holistic view of the individual cases (types of sorting of people into administrative categories)
Conflicting historical legacies	Path dependencies of the traditional welfare (new vs old social security paradigm); as well as of the traditional bureaucracy (legalistic treatment of cases; state-agent focus rather than citizen-agent focus)

Leadership style	Top-down or bottom up; formalistic or flexible, empathetic, meritocratic or not
Organisational aim	Organisational survival in current (neoliberal) policy environment (preservation of status quo) or social justice (socially outward looking approach of providing a safety net for the most vulnerable parts of society)
Organisational structures	Differences in organisational layout of the JCs under study
Professional identity	Understanding of one's professional role (e.g. bureaucratic or more socially oriented); linked to qualification background (employed by local authority or Federal Employment Agency)
Negotiating access (micro-level)	Exploration of the interaction and negotiation process between the (EU) claimant and the front-line welfare worker at street-level for access to benefits and services, sometimes with dichotomous goals (which itself is embedded into the meso-level policy framework of JCs)
Claimants' coping strategies	Strategies of resistance employed by claimants to mediate barriers they encounter in the claiming process (as a way of coping with the barriers)
Impact of Bourdieu's capital (economic, cultural, social)	Different types of capital mediating the process of accessing benefits and services: economic (determines situation of relative or absolute need to apply); cultural (in terms of acquaintance with the norms and values of the host society, and the JC); social (in terms of networks to rely on)
Networks as system brokers or cultural mediators	List of actors who help to mediate/broker access to SGB II (in terms of cultural-national and administrative knowledge - double cultural mediation process), and of their roles
Colleagues or support services from work	Any support from professional contacts
Friends or family	Any support from informal networks of kin or friends (characterised by high level of trust, but depending on their degree of cultural intimacy might be help- or harmful in brokering access)
informal actors from the informal economy	Any support from employers or (tax) accountants who have an exploitative relationship with the claimant

Insiders from the JC (administrators)	Actors from inside the system, i.e. front-line welfare workers themselves supporting the claimant
Lawyers and social courts	Any actor from the socio-legal realm which positions itself as advocate of (EU) migrants' rights (as a veto-player towards the JC's decisions)
MBEs and other advice organisations	Representatives of advisory agencies (specialised service providers, welfare organisations) which can guide in the process, but have relatively high barrier to be accessed (not low-threshold)
Othering processes (the EU foreigner rhetoric)	Process by which EU citizens are turned into foreigners at German street-level (i.e. where restriction in access becomes to social benefits becomes an instrument of migration management)
Complexities of settlement (and mirroring perceptions of integration)	Freedom of movement but not of settlement for certain types of EU migrants, due to the intricacies of the registration and settling process (and interlinkages with access to the welfare bureaucracy) - also including its mirror effect on migrants' perception of their level of integration into German society
Essentialisation and lack of intercultural sensitivity	Essentialisation rhetoric at street-level (group-based categorisations), as boundary-drawing mechanisms in terms of belonging; and its linkages to lacking intercultural sensitivity (e.g. of the heterogeneity of groups and intersectionalities of needs)
Hierarchies of deservingness	front-line welfare workers' perceptions of the hierarchical stratification of deservingness in terms of belonging, including the invisibility of certain EU migrant groups
Underlying ethnified and gendered assumptions	Silenced/normalised racism and gendered stereotypes among front-line welfare workers (including possible explanatory factors like former East-West divide, age or gender)
Unequal power relations	Description of the power dynamics which structure the negotiation process between claimant and front-line welfare workers (tokenistic participatory governance rhetoric)
Power relations administrators - claimants	Relationship of subordination/domination between claimant and front-line welfare worker, despite rhetoric of being on eye level
Power relations man-	Relationship of subordination/domination between front-line welfare workers and their management, despite rhetoric of bottom-

agement - administrators	up processes
Use of discretion	Discretion as the key variable in street-level behaviour, which is either used as a gate-keeping or opening mechanism to access
Strategies for closing access	Description of strategies employed by front-line welfare workers to amplify access barriers to benefits and services, e.g. recurrence on apparently neutral legislation (with aim to sanction unwanted behaviour)
Strategies for opening access	Strategies employed by front-line welfare workers to mediate barriers to accessing benefits and services (i.e. using their room for discretion at the maximum, or sometimes even bending/circumventing the rules)
Understanding of discretion at street-level	front-line welfare workers' own understanding of discretion in their daily work
Neoliberal tensions	Exploration of how neoliberal doctrine becomes visible in current policies of migration/integration and welfare
Communities of solidarity (and their limits)	Globalisation coinciding with increase in migration on the one hand, and tendencies of securitisation/border closure on the other; question of how belongs to a community of solidarity and under what conditions
Rhetoric of threat (welfare chauvinism)	Financial argument advanced by actors in favour of limiting access to nationally-bound welfare resources to nationals, and to exclude immigrants (i.e. welfare chauvinism, with certain (German) groups feeling left behind)
The EU worker citizen paradigm (and associated costs of an incomplete social union)	The EU being an economic but not a social union, thereby creating gaps in its social security safety net for certain (particularly vulnerable) EU citizens (i.e. the costs of incomplete freedom of movement); and its linkages with socio-economic disparities throughout the EU (labour market opportunities and other structural inequalities (which are amplified by the JC), which calls into question the notion of 'work')
Economisation of welfare administrations (NPM)	Modernising reforms of the public sector/social administration following the tenets of efficiency and efficacy (economisation) of the New Public Management doctrine
Opposing logics of quality versus quantity	Tensions at street-level between quantitative indicators to measure a JC's output, and the mandate to serve each claimant according to his/her individual needs (i.e. implementation inconsistencies), also including questions of sustainability
Pressures of 'modern	Challenges in daily work at street-level, including high caseloads, time pressure, strict division of labour with limited responsib-

Fordism' for the front-line	ilities, precarity of contracts (demand-led hire and fire), and its consequences on the JC employees
Welfare state understandings (frames of deservingness)	How current governing logics of welfare state politics (regarding solidarity and deservingness) are framed/understood at street-level (i.e. rights-based vs. conditionality-led approach, on what constitutes a good citizen which is deserving in access)
The earned citizenship frame (reciprocity and attitude)	Neoliberalised reciprocity tenet, whereby a claimant should first contribute to the system before he/she can access (extended reciprocity logic in the sense that it does not have to be financially, but some kind of conditionality has to be met) - citizens as self-regulated, self-responsible worker and consumer; links with behavioural expectations of gratefulness and compliance (attitudes)
The humanitarian frame (need and control)	Deservingness on the basis of some kind of demonstrated need, which arose while the individual had no control of the situation; humanitarian duty to support
The social rights frame	Deservingness as part of the bundle of social rights with comes with European citizenship, and which is more widely seen as a human right (no need or prior contribution needs to be demonstrated)
The welfare tourist frame (identity)	Deservingness based on homophily; racialised undertone of framing unwanted migrants in terms of social tourists/as abusers of the system
Typology of barriers to access	Informal and formal barriers to accessing SGB II and their respective underlying mechanisms
Administrative structures and procedures	Barriers to access created by administrative structures and procedures, intentional or non-intentional (implementation contingencies), nevertheless creating (system-immanent) discrimination hazards for certain groups of migrants
(Dys)Functional institutional interfaces	Lack of coordination within the institution and with partners; non-coordinated institutional chains (silo effects) - within the job centre but also to other actors in the district
Administrative burden and filtering	Coping strategies developed by front-line welfare workers themselves to deal with the challenges/pressures in their daily work (e.g. rejection of complex cases/filtering, obedience, resignation)

Intercultural sensitivity (and representative bureaucracy)	Level of intercultural awareness and sensitivity within the JCs under study; understandings of diversity by front-line welfare workers, and impact of representative bureaucracy, e.g. cultural capital (mis)matches, in terms of educational background, but also age/gender/ethnicity (tokeistic diversity?!)
Language of the administration	Explicit or implicit instrumentalisation of language, setting German as the language of administration (despite legal requirement to provide for interpreters); and reliance on bureaucratic (difficult to comprehend) terminology
Dysfunctional communication patterns	Damaged, malfunctioning communication between front-line welfare worker and claimant
Behavioural expectation mismatches between administrators and claimants	Expectation mismatches, leading to perceived non-conformist behaviour on part of the claimants (e.g. entitlements, short vs. long term planning of labour market integration process, gendered roles in the labour market and care work, active participation/cooperation with JC)
Expectations of the (welfare) state (cultural intimacy)	Degree of foreignness or (un)familiarity with the German (welfare) system; norms and values of home society shaping claimants' expectations of what the welfare state and a state bureaucracy should and can deliver (and how they perceive discretion/rules)
Claimants' self-imposed restrictions	Claimants' perception of their entitlements in Germany; i.e. self-imposed, internalised perception of non-eligibility (stigmatisation and/or internalised racism/ethnicisation), leading to non-engagement with state institutions
Legal complexities	Changing legal framework, excluding certain categories of claimants
(In)Sufficient knowledge about rights and responsibilities	Lack of knowledge on both sides (claimants and front-line welfare workers) on the legal entitlements of EU citizens (knowledge at most diffuse)
Categorisation by residency status	Examples of how different categories of residency lead to stratified/diverging social entitlements
Legal uncertainties	Increasingly complex legislation on EU citizens' rights to accessing a social minimum in Germany (including unclear terminology of who is considered a worker, or the proof of residence)

Appendix 5: Tables of occurrence (qualitative interviews)

Table 5.1: Occurrence of processes of administrative exclusion (breakdown by migrant interviewees of recent arrival)

Barriers	Refusing the formal initiation of a claim	Absence of referral to alternative social support systems ⁶⁹	Imposing German for communication	Burden shifting to EU migrant applicants	Overzealous interpretation of legislation	Exacerbating labour market discrimination
M1			X			X
M2			X		X	
M3			X			
M4	X		X	X	X	X
M5		X	X	X		
M6	X		X		X	
M7					X	
M8			X			
M9			X			X
M10			X		X	
M11		X	X	X	X	
M12			X	X		
M13		X			X	
M14 ⁷⁰						

⁶⁹ Only applies to those cases where the interviewee would have been eligible to benefits/services within the subsidiary system.

M15						
M16						
M17						
M18			x	x	x	x
Total	2	3	12	5	8	4

Table 5.2: Occurrence of strategies to navigate social protection needs (breakdown by migrant interviewees of recent arrival)

Coping strategy	Disengaging from (German) host welfare system		Engaging with (German) host welfare system			
	Informal support	(Re)turn to home/other EU welfare state	Information seeking	Rule-abiding behaviour	System subversion	Legal recourse (social courts)
M1			x	x		
M2	x		x			
M3			x	x	(x) ⁷¹	
M4	x		x			
M5		x	x			
M6	x	x	x			
M7	x		x			
M8			x	x		
M9					(x)	

⁷⁰ Not enough information to establish (as interviewee is at the very beginning of the claim-making process).

⁷¹ Is an occurrence bracketed, the interviewee refers to fellow citizens doing that, and not his/her own case.

M10	x			x		
M11			(x) ⁷²			x
M12			(x)			
M13			x		(x)	
M14 ⁷³						
M15				x		
M16	x	x			x	
M17	x	x	x			
M18	x					
Total	8	4	12	5	4	1

Table 5.3 Occurrence of type of brokers (breakdown by migrant interviewees of recent arrival)

Reliance on brokers	German advice agencies	Community-based advisory agencies	Actors from the work setting	Personal relationships	Actors from the informal economy	job centre insiders
M1	x		x			
M2			x	x		
M3			x	x	(x)	
M4	x			x		x
M5				x		

⁷² In these cases of vulnerable EU citizens, interviewees were supported by advisory agencies, who helped them in the claim-making, but did not reach out actively themselves.

⁷³ Not enough information to establish (as interviewee is at the very beginning of the claim-making process).

M6			x	x		
M7				x		
M8				x		
M9		x			(x)	
M10			x	x		
M11	x					
M12	x					x
M13				x	x	
M14				x		
M15				x		
M16		x				
M17				x		
M18	x			x		
Total	5	2	5	13	3	2

Table 5.4 Occurrence of frames of deservingness (mobilised by job centre staff)

Frame of reference	Earned entitlements frame	Welfare tourist frame	Human(itarian) rights frame	European social rights frame
J1 (n/a)				
J2 (n/a)				
J3 (n/a)				

J4		X		
J5	X			
J6 (n/a)				
J7	X	X		
J8	X			
J9		X		
J10	X	X		
J11 (n/a)				
J12			X	
J13 (n/a)				
J14 (n/a)				
J15	X	X		
J16 (n/a)				
J17	X	X		
J18 (n/a)				
J19 (n/a)				
J20 (n/a)				
J21	X			X
J22		X		

J23			X	
J24	X			
J25	X		X	X
J26			X	
J27 (n/a)				
J28	X			
J29 (n/a)				
J30	X			
J31 (n/a)				
J32		X		
J33	X			
J34 (n/a)				
J35	X			
J36 (n/a)				
J37 (n/a)				
J38 (n/a)				
J39	X			
J40	X			
J41		X		

J42 (n/a)				
J43				X
J44	X			
J45	X			
J46		X		
J47	X			
J48	X			
J49 (n/a)				
J50		X		
J51		X		
J52				X
J53 (n/a)				
J54 (n/a)				
J55 (n/a)				
Total	19	12	4	4