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Creating Uncertainty in the Governance of Arrival and Return: Target-group Constructions in Bavarian AnKER Facilities

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Germany remains the number one destination for migrants in Europe. After 2015, following a backlash, burdens on municipalities and the inefficiency of the processing of asylum claims were widely problematized, as was the termination of residence and return of those deemed irregular migrants. Policymakers presented so-called AnKER centres, an acronym for central reception, decision-making, and repatriation facilities that translates as ‘anchor’ in German, as a solution that would accelerate procedures. Drawing from an interpretive case study of the AnKER pilots in Bavaria/Germany, we scrutinize meaning-making as reflected in contested constructions of target groups and identify the complex rationales of belonging shared by different ‘communities of meaning’ that pose a challenge to the promise of certainty declared in official documents.

Keywords: uncertainty, interpretive policy analysis, belonging, return, target-group construction

Introduction

Since Germany saw a rise of more than one million in net migration rate in 2015, migration has become one of the most salient issues in public and policy discourse. While the media praised civic engagement for refugees, various actors problematized the burdens on municipalities, which were required to receive and accommodate refugees, the inefficiency of processing of asylum claims, and the termination of residence and return of irregular migrants ([BAMF—Bundesamt für Migration und Flüchtlinge 2016](#)). The German state of Bavaria is a case in point for these ambiguities. Even before the backlash occurred on the national level, the Bavarian government implemented several restrictive measures, particularly aimed at newcomers with ‘poor prospects of being allowed to stay’. Among the measures was accommodating asylum seekers from safe countries of origin in new arrival and return centres and a strict regime limiting the access to labour and

vocational training for those without ‘good prospects of staying’. Since the national government took up the idea in summer 2018, all newly arriving refugees to Bavaria now have to stay in so-called AnKER centres until they receive a decision about their asylum claim and are dispersed to municipalities or have to leave the country. AnKER is an acronym for central reception, decision-making, and repatriation facilities. Policymakers present these centres that are supposed to process, accommodate, and eventually return migrants as a straightforward, efficient option that reduces uncertainty for the state, municipalities, the public, and the migrants in question by making fast decisions on applications.

By distinguishing between different groups of new arrivals, policies like AnKER contain representations of what interpretive policy analysis calls ‘the social construction of target groups’ (Schneider and Ingram 1993). They are informed by different implicit or explicit justifications of the target groups’ inclusion or exclusion from certain rights and resources, which—following Carmel and Sojka (2021)—we call ‘rationales of belonging’. By placing meaning-making and its communication at the heart of our analysis, we want to show that despite political assertions to the contrary, these constructions and rationales are subject to contention across both time and different societal subsystems. Not only do the target-group constructions differ among different ‘communities of meaning’ (Yanow 2000), but local civil society, employers, and often the courts may not share the political justifications for (non-)belonging.

This article on target-group constructions and different rationales of belonging fills a research gap in migration policy studies: empirically, the introduction of the AnKER centres triggered a public debate but has so far resulted in little research (see also Schmitt 2020), in particular in the discipline of political science and its subdiscipline of policy analysis. There is a pronounced desideratum except for legal commentaries (cf. Rohmann 2019), reports by NGOs (cf. ECRE 2019; Mediendienst Integration 2019), or interventions by engaged academics (cf. Schader *et al.* 2018). Some authors from the field of social work have contrasted everyday life in AnKER centres with their profession’s human rights claims (see Muy 2019). They refer to older writings on refugee accommodation and camps from a social work perspective or the inhabitants’ perspective (Täubig 2009; Pieper 2013). Schmitt (2020) undertakes an objective-hermeneutic analysis of the justification of AnKER in the coalition agreement of the Grand Coalition to reconstruct the mechanisms of asylum administration discussed in this document. Although her work is methodologically close to the present article, we try to narrow the existing research gap using the tools of interpretive policy analysis and go beyond her analysis of the policy design phase. Rather than merely considering the policymakers’ perspective as Schmitt (2020) did, we examine the conflicting constructions of target groups and belonging found in various documents and media coverage. We posit that this approach is particularly valuable in revealing the ambiguities that arise from the multiple interpretations in various phases of the policy cycle, particularly because these ‘interpretational differences are rarely made explicit in everyday policy discourse’ (Yanow 2007: 408). In addition, the article addresses the wider literature on the ‘internalization’ of border

control (Chauvin and Garcés-Mascareñas 2020) and the growing emphasis on (voluntary) return as an element of migration control.

In what follows, we will briefly sketch out the current German policy discourse that has led to the proliferation of what was originally a Bavarian practice. This is followed by the presentation of our conceptual framework of target-group constructions and rationales of belonging and its interpretive methodology, before our empirical case study of AnKER centres and the facilities they were based on is presented.

Our article contributes to the special issue's topic of 'uncertainty in local refugee reception' in different ways: whereas policymakers explicitly intend to accelerate the asylum process and allegedly reduce uncertainty by introducing AnKER, the simple distinction between having good or poor prospects of staying does not translate into simple solutions for ending or extending a migrant's stay. We can show how the 'punitive turn', rather than speeding up procedures, is often characterized by long phases of waiting and uncertainty for the people in question. Whether this is the result of ambiguity and complexity or an attempt to increase the frequency of 'voluntary return' remains open to speculation. This 'institutionalization of uncertainty' (Schulte 2017) is in line with research on immigration detention, a field that, together with deportation, is still a 'black box' in the German research context (cf. Oulios 2015). The media discourse shows how this uncertainty trickles down to other actors' perceptions.

The German political context—problematization of efficiency and the 'deportation gap'

After 2015, the perception that borders did not stop migration led to heightened internal controls in many European countries (Chauvin and Garcés-Mascareñas 2020). In Germany, the enforcement of the obligation to leave the country emerged as a vital instrument of 'migration management' (BT-Drs. 19/10047; all documents translated by author). The widespread problematization of a so-called 'deportation gap' among European policymakers is a guiding principle for action (cf. Ataç and Schütze 2020: 119 on the symbolism involved). According to this interpretation, the number of persons who are legally obliged to leave the country considerably exceeds the number of those who have actually been deported or have left the country voluntarily. The perceived failure to deport was part of a wider crisis discourse consisting of the diagnosis that asylum administration was in crisis and that too much of a burden was being placed on municipalities in accommodating refugees.

The coalition agreement and interior minister Seehofer's 'masterplan' of summer 2018 (cf. Schader *et al.* 2018) presented the establishment of central reception, decision-making, and repatriation facilities (AnKER centres) as a policy innovation (cf. Gibney 2008) that explicitly links reception and accommodation with return. The acronym translates as 'anchor' in German, a symbol of hope in Christian iconography and generally associated with stability. The coalition agreement justifies such centres on the grounds that asylum procedures could be

‘processed quickly, comprehensively and with legal certainty’, since ‘BAMF [Federal Office for Migration and Refugees], BA [Federal Employment Agency], youth welfare offices, the judiciary, foreigners authorities and others worked hand in hand’ in planning AnKER facilities (CDU/CSU & SPD 2018). The maximum intended duration of stay is 6 months for families with children who are minors; in all other cases, the duration of stay should not exceed 18 or 24 months, the latter when awaiting deportation after an unfavourable decision (Rohmann 2019).

These centres were modelled according to predecessors in Bavaria, the German state where minister Seehofer’s regionalist Christian Social Party (CSU) has its base. Germany is a federal state, where immigration matters are in the federal jurisdiction. By contrast, all residency matters involving ‘aliens’ and issues concerning refugees are areas of ‘concurrent’ jurisdiction between the national level and the 16 federated states (the *Länder*; Soennecken 2014: 161). The partial introduction of the AnKER centres has not changed the fundamental responsibility of the *Länder* for the reception facilities and the German government is thus dependent on their cooperation. Since most *Länder*, except for Bavaria, Saxony, and the Saarland, refused to cooperate, the nationwide roll-out of the concept was delayed (Rohmann 2019: 131). Even before introducing the AnKER centres, refugees were required to stay in initial reception centres (EAE). The federal states are obliged to provide such reception centres and take in refugees according to the Königstein key, a quota system that calculates how many people are allocated to a *Land* based on its population and tax revenue (Schmitt 2020).

According to the Bavarian refugee council, in February 2021, there were 28 locations for AnKER centres or their branches distributed across the state (Bayerischer Flüchtlingsrat n.d.a), many of which had previously served as ‘arrival and repatriation facilities’ or ‘transit centres’. In addition to these, reception facilities in Schweinfurt, Donauwörth, and Zirndorf were renamed AnKER in summer 2018, meaning that one AnKER centre had been established in each administrative district in Bavaria (Bayerischer Flüchtlingsrat n.d.b).

Before turning to our analysis of Bavarian AnKER, we will introduce our conceptual framework, which is derived from interpretive policy analysis.

The social construction of target groups and rationales of belonging

Since the early 1990s, the growing literature associated with the ‘argumentative turn’ (Fischer and Forester 1993) or ‘interpretive turn’ (Yanow 1995) in policy studies has grasped policy making as an ‘ongoing discursive struggle over the definition and conceptual framing of problems, the public understanding of the issues, the shared meanings that motivate policy responses, and criteria for evaluation’ (Fischer and Gottweis 2012: 7). Interpretive approaches maintain that the way issues are framed and categorized has implications for policy, particularly in areas with significant knowledge gaps such as irregular immigration (Boswell and Geddes 2011: 125). They describe social practices involving drawing boundaries between groups and distinguishing between ‘them’ and ‘us’ as decisive discursive

practices for bringing order to a complex and ambiguous world (cf. [Barbehön and Münch 2015](#)). Rather than taking norms and values entailed in policies for granted, they focus on the political ordering encouraged by specific inherent categories, for instance, the division between mobility and migration in an EU context ([Paul 2013](#): 126).

With their work on the social construction of target populations, [Schneider and Ingram \(1993\)](#) were among the first to raise awareness of the image of groups whose behaviour is influenced by policies. Their characterizations are normative and evaluative and portray groups as positive or negative through symbolic language, metaphors, and stories. Although policies alone do not construct groups, ‘policy is the dynamic element through which governments anchor, legitimise, or change social constructions’ ([Ingram and Schneider 2005](#): 5). The category into which a target group is placed influences the extent and nature of public interest, the instruments through which governments intervene (subsidies, punishment, incentives, services), and the forms of rhetoric used to justify such policies. At the heart of the framework lies a two-dimensional matrix whose first dimension is labelled ‘social construction’, ranging from ‘deserving’ to ‘undeserving’, while the second dimension is power, again as a continuum from ‘low’ to ‘high’. The two dimensions result in four ideal-type target groups. With their attempts at generalization and their naturalist premises, however, the two authors rely on a thin constructivism that [Barbehön \(2020](#): 143, 145) has criticized for reducing the construction of target groups to stereotypes and identifying power with abilities and resources. Thus, rather than their deductive approach, what we draw from [Ingram and Schneider \(2005\)](#) is their understanding that policies are connected to certain representations of actors and target groups.

This article deviates from [Ingram and Schneider \(2005\)](#) in at least two significant ways: first, it is more thoroughly grounded in interpretivism, and its methodology is inspired by policy scholars such as [Yanow \(2002\)](#), [Yanow and van der Haar \(2013\)](#), and [Stone \(2006\)](#). While these authors analyse how categories such as ethnicity and race are reproduced and updated, for instance by population statistics, we do not limit our study to examining sets of terms within a taxonomy. Including but going beyond administrative or legal categories, we analyse group-related distinctions and characterizations that we call ‘target-group constructions’.

Second, we follow interpretive scholars [Carmel and Sojka \(2021\)](#), who stress how notions of belonging rather than deservingness are appropriate for capturing the ‘complex junction’ between the governance of migration on the one hand and migrants’ access to social and economic resources on the other. Deservingness as a binary concept cannot grasp the ‘complexity of the intersecting moral economies of welfare and migration’ (*ibid.*). Rather than focussing on the personal dimension of belonging in the sense of attachment, we focus on the political dimension, the negotiation of inclusion and exclusion, or granting of participation in social resources (cf. [Angouri et al. 2020](#): 92). The argument of Carmel and Sojka is in line with earlier observations about how the governance of migration constructs the non-systematic and ‘complex stratification’ of civic, social, and economic rights ([Carmel and Paul 2013](#): 78). The authors introduce different ‘rationales

of belonging’ that underpin political discourse and governance—temporal-territorial, ethno-cultural, labourist, welfareist, and transnational—admitting that the synthesis of these interlocking rationales is unlikely to be exhaustive (Carmel and Sojka 2021). These implicit and explicit patterns of justification for giving new arrivals access to resources and rights or excluding them are adapted to conducting our research in an abductive way, as the following chapter on methodology highlights.

Methodology

‘Demonstrating the normative background of allegedly neutral or law-like concepts takes centre-stage in interpretive research’ (Kurowska and Bliesemann de Guevara 2020: 1213). Consequently, interpretive policy scholars rely on interpretive methods that are ‘word-based’ (Yanow 2007) and use data generated from any kind of source as an expression of meaning embedded in action (Kurowska and Bliesemann de Guevara 2020: 1214). In this article, we link the document analysis with the interpretive media analysis to reconstruct the constructions of target groups and rationales of belonging inherent in the AnKER regime. To carry out the document analysis, we collected national documents such as the coalition agreement, press releases, and documentation by welfare organizations and state documents such as parliamentary interpellations and press releases on behalf of the responsible Bavarian ministry. We limited the keyword search of the printed matter and minutes to the 17th and 18th electoral periods of the Bavarian State Parliament, between 1 January 2015 and 15 June 2020, with the first interpellations on AnKER beginning in April 2018, generating 84 hits. The majority of them came from the Green Party (34), followed by the right-wing populists of the AfD (22).

Following Barbehön’s (2020: 146) interpretive re-reading of the target-group construction literature, we opted for a qualitative newspaper analysis. Newspapers do not mirror an objective reality ‘out there’ but actively co-construct it. We assume, however, that generating data by reading newspapers allows accessing discourses in ‘society’ or ‘the public’ and hence provides access to voices that official documents might silence. This is in line with Yanow’s (1993) notion of ‘implementation as interpretation and text’ that includes actors ‘at a further distance from the immediate site, including legislators or potential voters’ (ibid.: 43). For the media analysis, we chose the *Süddeutsche Zeitung*, a quality daily newspaper with a generally liberal outlook, which is Germany’s leading newspaper in terms of readership, with a strong regional base in Bavaria. We conducted a keyword search for the period between January 2015 and mid-June 2020, searching for the terms ‘AnKER’ and the precursor institutions ‘transit centre/facility’ and ‘arrival and return facility’ (ARE). The empirical analysis was conducted abductively, in that interpretive research unfolds by alternating between the theoretical and the empirical, the abstract, and the concrete (Kurowska and

Bliesemann de Guevara 2020: 1212). This meant analysing the textual data generated by document and media analysis in two steps: first, we interpreted the data open-endedly for target-group constructions ('who is addressed?') and ideas relating to their access to rights and resources in the governance of AnKER and the discourse concerning it. Second, we tried to reconnect these findings with the different 'rationales of belonging' that underpin political discourse, action, and governance as suggested by Carmel and Sojka (2021).

Enacting and challenging target-group constructions and belonging

We now turn to our Bavarian case study to highlight the contradictions between target-group constructions and rationales of belonging among different 'communities of meaning' (Yanow 2000) such as state and local actors, civil society and businesses, and their consequences in terms of generating uncertainty for different (collective) actors. The section starts by analysing the overarching problem representations inherent in the AnKER and the discursive linking of arrival and return. The following section is structured by the different 'rationales of belonging' highlighting which target groups are addressed by the respective justifications.

Linking arrival and deportability

The national coalition agreement introduces the AnKER centres under the heading 'more efficient procedures' and refers to the new arrivals as 'people in search of protection'. 'Seeking protection', Schmitt (2020) stresses, refers to a group of persons who are exposed to a hazard, want to seek safety and are dependent on third parties. However, by naming it first emphasis is placed on the supposed need of refugees for the asylum procedure to be expedited. In addition to the efficiency of the asylum procedure, this formulation communicates another objective. According to section 61 (2) sentence 1 of the Residence Act, the AnKER centres can act as departure facilities. Their aim is 'to promote the willingness to leave the country voluntarily by providing support and counselling and to ensure that the authorities and courts can reach the persons in question and that their departure can be implemented' (ibid.). Seehofer's Masterplan (BMI 2018: 14) reflects the way AnKER centres are meant to reduce uncertainty for the state: '(W)e need to know where the applicants are staying for the duration of their asylum procedure. We do not want rejected asylum seekers to be able to evade the return procedure'. The introduction of AnKER epitomises a number of trends in German return management: both the German and the Bavarian minister of the interior try to establish a clear discursive link between arrival and the asylum procedure and the return of rejected asylum seekers (ECRE 2019: 12). Moreover, the distinction between voluntary return and forced deportation becomes even more blurred, asylum procedure counselling by independent welfare organizations is increasingly centralized, and the potential return trajectory starts almost immediately upon arrival and reception (cf. Schader *et al.* 2018). In the justification of the introduction of AnKER facilities, motives familiar from other migration policy contexts

appear: first, the official German return discourse is strongly influenced by a focus on rejected asylum seekers, while termination of the residence permit could also follow from a divorce or overstaying a tourist visa. Second, official documents argue that the country's ability to integrate and society's receptiveness presuppose 'order and control in the area of migration'. Justifying control with the need to protect migrants is a pattern also familiar from EU migration documents (BT-Drs. 19/10047; cf. for the EU discourse [Münch 2018](#)). A press release of the Bavarian State Ministry of the Interior, for Sports and Integration ([STMI 2018](#)) strongly resembles the coalition agreement in its wording and its focus on asylum seekers and higher efficiency of procedures: 'All actors can work hand in hand without much loss of time. We expect that this will lead to a further improvement in work processes, which will ultimately benefit the asylum seekers in the facilities in particular', the minister is quoted as saying. The efficient return of those whose asylum claim is denied was relevant for public acceptance of the asylum system.

These statements attempt to convey certainty for asylum seekers and for the public. Consequently, some authors such as [Ataç and Schütze \(2020: 120\)](#) and [Slaven and Boswell \(2019\)](#), writing on punitive policies in Austria and the UK, respectively, label very visible high-profile measures as symbolic policies. According to these authors, the intent is to signal action and commitment to the voting population. As interpretivists, we would argue that facts and values are inseparable, thus making 'substantive policies' (*ibid.*) also symbolic. We see that target-group constructions of refugees also influence constructions of the state's citizens (cf. [Anderson et al. 2013: 2](#)).

Rather than painting the public as the demand side of tougher regulations, Angela Merkel justifies the introduction of AnKER by emphasizing the need to isolate asylum seekers from a welcoming public: 'We are working to ensure that returns can be made as far as possible from the initial reception facilities; because we know: Once people are integrated into communities through volunteers, a return is much harder and more difficult' ([Bundesregierung 2017](#)). This attempt at 'organized disintegration' ([Täubig 2009](#); [Hinger 2020](#)) is consistent with [Ellermann's \(2006\)](#) criticism of the opinion-policy gap, according to which the general public is firmly in favour of fighting irregular migration. This may be true at an abstract level, but when the harsh costs of control become apparent pressure is exerted against deportation. [Anderson et al. \(2013: 2\)](#) maintain that even though policymakers try to clearly define those whom they consider to be worthy of integration, this is 'changeable, sometimes difficult to identify, and contested by various social groups'.

Nevertheless, the discursive linkage of arrival and return in AnKER creates what [de Genova \(2002\)](#) calls a sense of 'deportability'. Moreover, it could be argued that the fact that the centres are increasingly meeting needs in kind ([ECRE 2019: 16](#)) demonstrates that these facilities do not treat new migrants alone as target groups. They also try to send a message to the countries of origin which will reduce 'pull factors': 'We want to remove disincentives for filing an asylum application in Germany' ([BMI 2018: 14](#)).

Country of origin and migrant trajectory

AnKER intends to distinguish genuine refugees from those who do not deserve humanitarian protection (cf. [Hinger 2020](#): 24). The coalition agreement states: ‘We have a right to know who wants to live in our country’ ([CDU/CSU & SPD 2018](#)). The core idea behind the reception system’s restructuring is that only persons who will probably remain in Germany should be integrated and dispersed across the municipalities. A central element in this is the classification of people according to formal criteria, such as country of origin or migration route ([Terre des Hommes 2020](#): 12). These criteria serve as shortcuts for justifying (non-)belonging, even though asylum is technically an individualized right. With the introduction of AnKER, all newly arrived asylum seekers are target groups. However, in the first instance country of origin plays a role in placement in specific districts and facilities, ‘since it is generally carried out according to the nationality of the asylum seeker and the expertise of the BAMF offices, albeit not subject to clear criteria’ ([ECRE 2019](#)). While not intended, the disparities in the living conditions of the different AnKER centres translate into different conditions for different groups (*ibid.*).

Distinctions based on nationality were also relevant for the Bavarian predecessors. The two so-called ARE initially accommodated refugees from the Western Balkans and later from Ghana and Senegal. Procedures were to be accelerated under §30a AsylG, i.e. decisions were to be made within one week, for applicants from ‘safe countries of origin’ or those who are accused of obstructing the asylum procedure by, for example, destroying travel documents ([Bogumil et al. 2016](#): 131). According to the government of Upper Franconia in 2015, the distinction between deserving and not deserving protection is straightforward and easily stated: ‘There is considerable public interest in concentrating foreigners from safe countries of origin who are unlikely to remain [in Germany] at the reception facility responsible for them. This immediately contributes to accelerating the procedure and thus serves the public interest in having public funds used efficiently’ ([NoDeportation.Nowhere 2017](#): 49). According to this interpretation, the acceleration of return creates certainty for the general public. The concept ‘safe country of origin’ was introduced into German asylum law in 1993, when an increasing number of refugees from former Yugoslavia sought protection (BT-Drs. 12/4152). This category proved controversial when the German government included the countries of the Western Balkans in 2015. While the legislative focus was on speeding up procedures, civil society challenged the target-group construction by highlighting attacks on ethnic and religious minorities, especially Roma*nja, homosexuals and transsexuals, journalists and returnees (BT-Drs. 18/6185).

In Bavaria, before relabelling as ‘AnKER’, experiments in accommodating refugees from countries not declared safe countries of origin, such as the Ukraine, Georgia, and Russia, had been carried out in the ARE, even though many of the people had previously lived in Bavaria for months or even several years. The transit centres’ target groups were refugees from countries of origin with a recognition rate below 50 per cent, such as Afghanistan, Nigeria, Sierra Leone, and Ethiopia ([Bayerischer Flüchtlingsrat n.d.b](#)). These target-group constructions are

paradigmatic for how German asylum and migration policies after 2015 created new categories, with nationality as the basis for the classification of refugees with ‘good’ or ‘bad prospects of staying’ and the resulting access to resources and opportunities, even though this is not a legal term. People who come from countries of origin with a protection rate of over 50 per cent, such as Syria and Eritrea, have ‘good prospects of staying’ and find themselves on a list of the BAMF (Will 2019: 120). ‘We aim to disperse only those to the municipalities where there is a favourable prognosis of remaining. All others should, if possible, within a reasonable time, be returned from these institutions to their home countries’ reads the current German coalition agreement on AnKER centres (CDU/CSU & SPD 2018: 108). Since the increase in immigration figures in 2014, German municipalities have repeatedly argued through their umbrella organization (Deutscher Städtetag 2015) that asylum seekers should only be dispersed once a decision has been made on their ‘prospects of remaining’ in Germany. The need to deal with asylum seekers from safe countries of origin and the difficulties of returning them thus led to a framing of uncertainty for the municipalities, that AnKER is supposed to solve.

While policymakers’ rhetoric signals that target groups can be identified and unambivalent distinctions made between asylum seekers with good or bad prospects, the experience with Bavarian predecessors shows that things are less clear than that (Bogumil *et al.* 2016: 129). In a pilot study on children’s rights in the ARE, all the people interviewed had been in Germany for at least 12 months and had stayed in the ARE for more than three months. They had no information on how long they would stay (Alexandropoulou *et al.* 2016). Uncertainty is further exacerbated by this category of good versus bad perspective, as an NGO highlights: ‘The so-called good or bad prospects of remaining in the country completely ignore the rights of residence which result from the Residence Act, such as rights regarding education, work, language, family ties and integration achievements which the immigration authorities are responsible for examining’ (Terre des Hommes 2020: 13). The rationales of belonging of the nation-state (cf. Carmel and Sojka 2021) are transcended by these individualized rationales, from which other legal documents and often the administrative courts draw, challenging the inherent certainty in the official framing by the Executive.

Local versus national-territorial rationales of belonging?

While official documents such as the coalition agreement and statements by the Bavarian Interior Ministry construct target groups in terms of nationality and their prospects of remaining in Germany, we see how the local level challenges this ‘territorial rationale’ (cf. Carmel and Sojka 2021). The Munich City Council opposes the Bavarian refugee policy of allowing asylum seekers to spend up to 2 years facilities that are almost completely cut off from general society. City councillors argue that even though refugees live in state institutions, ‘they are nevertheless inhabitants of Munich and as a result enjoy rights and should not be treated in a degrading manner’ (Anlauf

2019b). Theoretically speaking, this is consistent with urban sociology's assumption that the nation-state's territory on the one hand and the city on the other act as competing forms of spatial organization, with the city—as opposed to the nation-state—explicitly focussing on inclusion, thus creating density and heterogeneity (Berking 2012: 318).

Yet, we see that the rationale for belonging applied by authorities at the local level is not only or not necessarily more inclusive. In May 2018, before assigning the existing Bavarian centres the new label of 'AnKER', a spokesman for the city of Bamberg maintained that experience had shown that mass accommodation with centres housing up to 1500 inhabitants jeopardises social peace in the city. 'The conflicts inside and outside such a centre place a heavy burden on all actors' (NA 2018). The Bavarian state stepped up security measures that paradoxically increased uncertainty for people inside and outside the centres by constructing a dangerous other. The Bavarian Integration Act classifies shelters for asylum seekers as dangerous places which may be entered by the police at any time to avert urgent danger. The residents cannot avoid such intrusions because of their obligation to live in the centres (*Residenzpflicht*; Rohmann 2019; Schmitt 2020). Even though the centres are not closed off, the former barracks or sites using shipping container housing are usually surrounded by high fences. Private security services exercise control by regulating access to food distribution with room searches for food or forbidden electrical appliances an everyday occurrence (NoDeportation.Nowhere 2017). In particular, the role of private security personnel, acting in a legal grey zone, often leads to conflicts inside the centres and increase a sense of insecurity among those living nearby (B5 Aktuell 2020). The separation and spatial isolation enable arbitrary conduct inside these AnKER, creating a sense of insecurity among those housed there, increasing tensions, and turning the AnKER even more into a 'foreign object' in the eyes of nearby residents (Hess *et al.* 2018: 5).

Vulnerability as a basis for belonging: women and children

Another common distinction is along the lines of age and gender, which serve to justify access to rights and resources based on vulnerability (cf. Hinger 2020: 24). This is a rationale of belonging not found in Carmel and Sojka's (2021) study, probably because the notion of vulnerability is better embedded in refugee-related discourses rather than labour migration. A large 'community of meaning' shares this rationale, yet with different consequences. The coalition agreement claims that 'overall, accommodation must be gender- and youth-appropriate' (CDU/CSU & SPD 2018). Even though critics of AnKER facilities share this distinction in terms of target-group constructions, they maintain that these groups suffer the most in the facilities. Solwodi, a women's rights NGO that focuses on victims of human trafficking, problematizes how unaccompanied single women become victims of sexual harassment because AnKER facilities lack safe spaces. Women arriving without their families are an easy target for male inhabitants and private security personnel, and women from countries of origin such as Nigeria are often

stigmatized as (potential) victims of human trafficking. Their situation is aggravated because they cannot lock their rooms and have to use showers in shifts with male residents (Anlauf 2019a; Bayerischer Landesfrauenrat 2020).

The city of Munich, where one of the AnKER centres is based, agrees with this interpretation: According to a newspaper article that is an example of a wider problematization, the Municipal Equality Office critically assessed these accommodations: ‘Basic human needs for protection are not guaranteed’, and living conditions encourage violence. The justification of access to protection and social rights based on ‘vulnerability’ also comes from within the ruling regional CSU party, generally proponents of AnKER. ‘Marian Offman, the CSU’s spokesperson for social policy, (...) met women in the former radio barracks (the *Funkkaserne* in Munich’s Schwabing district) full of dread about their future. Among others, Offman met a Nigerian mother who had been abducted and abused by human traffickers. Cast out by her own family, she fled with two children on a boat to Italy and on to Germany’ (Loerzer 2019). By adding that he hoped the children would have a better future, he implies their future should be in Germany, although it is clear having the family return is what the AnKER system is designed to do.

A central yardstick for establishing belonging for children and youth is the UN Convention on the Rights of the Child. The German government declared this treaty to be comprehensively applicable in 2010 (Terre des Hommes 2020: 9). However, children living in AnKER ‘have no access to regular schooling, regular kindergarten attendance, no privacy and hardly any support from youth welfare services’ (Terre des Hommes 2020: 3). This issue was already salient in the Bavarian predecessors (Glas and Günther 2018), Following a court ruling, the regional government had to allow more refugee children living in the transit centre Manching to attend a regular school. Yet, 1 year into the centre’s relabelling to AnKER, the regional Caritas director still sees ‘a lot of room for improvement’ (Caritas 2019).

In AnKER centres, uncertainty is not only experienced by the children but also perceived by the support structures. As opposed to the regular systems of early childhood education, schooling, and health care, the number of children in the facilities fluctuates. ‘Their constantly changing composition in terms of age groups, languages, origin, religion, learning status and special needs, as well as uncertainty about the duration of their stay in the reception facility, lead to a lack of planning and numerous conceptual problems’ (Terre des Hommes 2020: 23).

At a hearing, the Legal Committee of the Bavarian Parliament probed how long families with underage children remain in the facilities. According to welfare organizations’ experience, even parents with small children have to stay there for up to 24 months, even though only 6 months are permitted. In the meantime, the national Ministry of the Interior, criticizing the state regulation, announced that all families with children would have to be accommodated elsewhere after 6 months at the latest (Zerbel 2019). However, due to housing shortages in many Bavarian regions, it is common to find accepted asylum seekers stuck in initial accommodation (Setzwein 2019).

Labourist rationale: dedicated male employees

Interpretivism's interest in what a policy means goes beyond its 'drafters and implementers' (Yanow 1993: 41). The wider local and regional societies and their criticism of AnkER features in articles portraying the uncertainty of dedicated migrant apprentices and local businesses' employees: 'Paradoxically, asylum seekers are condemned to inactivity while medium-sized businesses have to close because they cannot find trainees', to cite the head of a welfare organization (AWO 2019). We see an alliance between civil society activists challenging the AnkER centres and local entrepreneurs in need of labour. The latter have been particularly vocal in challenging the punitive turn in German policy making and its interpretation in the state of Bavaria in particular. Newspaper articles cover complaints by (Bavarian) employers about how their apprentices' or employees' uncertainty has produced uncertainty for their own businesses and entire branches (Braun 2018). This construction creates, first of all, a 'community of meaning' consist of what a national CSU politician has infamously labelled a left-leaning 'anti-deportation industry' of pro-migrant NGOs and of volunteers, as well as regional businesses and craft trades, usually considered to be the heartland of the CSU, traditionally a mildly xenophobic party. Even though the CSU, whose former party chairman and federal minister of the interior Seehofer has vehemently framed the return of rejected asylum seekers as a question of law and order, we see how at the local and regional level policymakers challenge this: The regional initiators fighting for a right to remain include chambers of commerce, but also ad hoc groups of more than 100 companies (Braun 2018).

At the level of target-group constructions, this 'community of meaning' challenges the clear distinction between labour migration and forced migration that runs through the German asylum system. While a right to stay for asylum seekers can only be granted on humanitarian grounds, employers are demanding a different logic: they call for an assessment of labour market compatibility and keep stressing that those who work to provide for themselves and are well integrated should not be returned (Mooser 2019). Belonging to the host country is 'earned' by integration, an interpretation in line with changes in German refugee policies that have been labelled a 'meritocratic turn' (Schammann 2017).

Nevertheless, the so-called 3-plus-2 rule, according to which refugees who begin an apprenticeship may be tolerated while they complete their 3-year training and then work in Germany for 2 years, is controversial. Pro-migrant volunteers argue that this should be regardless of their residence status. The Bavarian Ministry of the Interior, on the other hand, claims that toleration for the sake of vocational training can only be considered after a rejected asylum application. It would not exist, for example, if 'concrete measures to end the residence' were imminent (Gerl and Wittl 2017). In reply to a minor interpellation in the Bavarian State Parliament, the state government asserted that 'in principle, all gainful employment is prohibited by federal law without exception for asylum seekers in ongoing asylum proceedings and tolerated persons (those whose deportation has been

temporarily suspended), as long as they are obliged to live in an AnKER centre' (Drs. 18/1698). However, in making this statement, the state government ignored the fact that 188 persons entitled to protection lived in AnKER centres because they could not find housing, in addition to 579 persons who had not filed an asylum application (Heinhold 2019).

Conclusion

Internal control policies such as the introduction of AnKER facilities create and enforce physical and symbolic boundaries to include or exclude different groups of migrants (cf. Atac and Schütz 2020: 119). Interpretive scholarship has shown how social constructions inherent in policy derive their influence from appearing scientific, neutral, and legitimate and concealing the factors that influence them (Yanow 2002). Rather than assuming that policies express a single legislative intent, interpretivism takes ambiguity and multivocality of meaning as given (Yanow 1993). While this approach anticipates multiple interpretations, meaning-making becomes even more complex at the junction between the governance of migration on the one hand and migrants' access to social and economic resources on the other hand (cf. Carmel and Sojka 2021). As an institution that serves not only to accommodate but also as a reception and deportation facility, the AnKER centre is confronted with demands for access to education and labour market integration, embedded in local communities, state and federal legislation, and built on pre-existing facilities with slightly different goals. While policymakers presented AnKER as a blueprint for streamlining asylum procedures and return, 'its actual contribution to promoting rapid returns of rejected asylum seekers has not been clear thus far' (ECRE 2019: 12). The official objective of the AnKER is based on the assumption that it is possible to determine upon arrival who will stay in Germany and who will not on the basis of country of origin. This narrative 'to secure a better link between asylum and return procedures' also occurs in the recast of the EU return directive (EPRS 2019: 1). The rationale of belonging based on the country of origin is, however, not shared by all actors. In many cases, migrants take legal action before the administrative courts—with high success rates in the substantive decisions on countries of origin, such as Afghanistan, Somalia, or Eritrea. Migrants receive residence permits for family or other personal reasons through subsequent applications in asylum proceedings or on the basis of the level of integration they have achieved (Terre des Hommes 2020: 22). Different rationales of belonging are thus not 'merely' discursive. Moreover, our analysis finds narrative links showing how uncertainty for AnKER centres' inhabitants translates into uncertainty for local 'communities of meaning'. Rather than pressuring the state to be tough on immigration, as implied in policy documents, we have detected coalitions among employers, NGOs, church and welfare organizations, civil volunteers, and local and regional politicians who challenge the official discourse.

How do these findings reflect on the special issue's topic of 'uncertainty'? On the one hand, we see how ambiguity allows for the inclusion of some migrants. On the other hand, the explicit promise to speed up the processing of asylum claims for the sake of the state administration and the applicants is not always kept. Writing on detention, [Griffiths \(2013: 267\)](#) reminds us to conduct research on uncertainty without 'succumbing to the anthropological (and human) tendency to make "sense" of chaos'. Yet, the discursive link between arrival and return in AnKER suggests that, even in those cases where procedures cannot be accelerated, the centres serve their purpose. Isolation and long waiting periods could be interpreted as 'eliminating false incentives for filing an application for asylum in Germany' ([BMI 2018: 15](#)) and encouraging 'voluntary' return.

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