The Neoliberal Asylum. The *Ausbildungsduldung* in Germany: Rejected Asylum-Seekers *Put to Work* between Control and Integration

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Abstract

This paper discusses the regulation of the *Ausbildungsduldung* implemented in Germany in 2016 to integrate rejected asylum-seekers through vocational training into the labour market. I here intertwine the literature of neoliberal welfare state with the theories of border studies to understand the intersectionality of race and class in the lives of refugees *put to work*. Drawn on ethnographic fieldwork from 2016 to 2020 with refugees and practitioners, I shed light on a moral economy of deservingness underpinning the *Ausbildungsduldung* and affecting its implementation as well as the process of construction of the self negotiated by refugees during the vocational training. The analysis of the discursive, formal, and subjective dimensions of the *Ausbildungsduldung* shows how the control feature prevails over the integration aim. This pushes refugees into a legal, social-economic, and existential precarity that is institutionally produced. To be integrated, refugees have to prove their worthiness by embodying the ideal migrant: a good worker with a "*Beruf*" (profession) in the low-paid sectors of the German economy. Ultimately, this paper addresses the concept of "*Neoliberal Asylum*" to discuss how the Western states use the category of "deservingness" as moral criteria to guide the juridical measures to govern refugees through their economies.

Keywords: Refugees; deservingness; neoliberal welfare; vocational training; Germany.

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1   Introduction

The "long summer of migration" (Hess et al., 2017) of 2015 brought almost one million refugees to Europe. Germany was one of the main destination countries, which had several consequences on the functionality of its asylum reception system (Zimmermann et al., 2020). In the wake of the so-called "refugee crisis"[1], the German government implemented a series of "*asylum packages*" and the *Integration Act* that combined a crackdown of asylum rights with measures to quickly channel refugees into the German labour market (Fontanari, 2022). The intertwine of measures restricting asylum rights ("*asylum packages*") with measures opening-up integration channels (*Integration Act*), was embedded in the old political ideology establishing the moral distinction between "real" and "bogus" refugees (Bloch, 2000; Zetter, 2007). Such moral categorisation dividing "real" refugees from "economic migrants" has strongly re-emerged after the summer of 2015, when the EU institutions issued restrictive asylum laws and re-bordering measures like the "hotspots approach" (Garelli & Tazzioli, 2016; Dimitriadi, 2017) formally implementing such division.

Germany acted in line with the restrictive turn operated at the European level and in other member states (Scarpa & Schierup, 2018), fostering a hierarchy among migrants: those with "bad prospects to stay" ("*schlechter Bleibeperspektive*") should be quickly deported, while those with "good prospects to stay" ("*guter Bleibeperspektive*") could be integrated through labour market "corridors". The latter have been the juridical tools implemented by the *Integration Act*, voted on 31st July 2016 to govern the "*deserving*" and "*real*" refugees.

The public debate surrounding the new reforms was shaped by the western neoliberal conception of "civic deservingness" (Chauvin et al., 2013): migrants have to demonstrate to deserve integration by their economic performance in the host societies. Employment, self-sufficiency and reliability have been framed as key cultural virtues (Paul, 2015) that migrants should have to deserve integration. They have to perform integration within the host society through a "migrant civic value" (Chauvin & Garcés-Mascareñas, 2014) defined by the states that construct categories of who requires integration and who does not (Mügge & van der Haar, 2016).

This paper focus on the "*neoliberal deservingness*" as the moral economy underpinning the set of political discourses and ideologies operating the distinction between migrants who "deserve" or "not deserve" integration based on their performance as potential labour-market resources. Notably, the empirical inquiry investigates how the "*neoliberal deservingness*" take a formal shape through the juridical measure of the so-called "3+2 regulation" of the *Ausbildungsduldung* (§ 60a II 4 AufenthG. [Residence Act]): a specific regulation of the *Integration Act* implemented to integrate rejected asylum-seekers through the system of vocational training. This legal measure is relevant because by framing rejected asylum-seekers as "labour market resources", it connects the spheres of asylum, labour market, and vocational training for the first time in the German history. The *Ausbildungsduldung* regulation can be interpreted as the output of a political compromise between the actors of the German economic sectors, the claims in solidarity of refugees supporting their right to stay (the so-called *Bleibeperspektive*), and the attempt to govern migration in a restrictive way through control and surveillance devices. Concretely, the *Ausbildungsduldung* regulation opens paths to residency for rejected asylum-seekers who complete three years of vocational training (*Ausbildung*) and two years of related work. However, during the period of the vocational training rejected asylum-seekers are

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1.   'Refugee crisis' is put among inverted commas to highlight a critical approach to the use of the word "crisis" in relation to the events occurred in 2015 (Dines et al., 2018).

entitled to the most juridically precarious legal status: the *Duldung*, literally a "toleration permit". This document is not a residence permit but only a suspension of deportation, and thus it maintains migrants under harsh surveillance measures — like the mobility restriction regulation[2] — and under an unlawful condition for an indeterminate time. The actors involved in the implementation of this legal measure are the foreign office (*Ausländerbehörde*), the state actor responsible for the administrative implementation at the local level of the German law on residence permits, and the private enterprises offering the vocational training. This reflects the tensions embedded in the *Ausbildungsduldung* measure: a tendency toward the openness of labour market "integration corridors" is enmeshed with the enforcement of migration control.

Ultimately, this paper addresses the concept of "*Neoliberal Asylum*" to discuss how the western states use the category of "deservingness" as moral criteria to guide the juridical measures to govern refugees through their economies. It's establishing a dialogue between the literature on neoliberal welfare regime and the European border regime regulating migration, arguing how the state's bordering practices based on the moral economy of deservingness are entangled in and produce class and race forms of discrimination.

2   Theoretical Framework: Governing the Margins at the Intersection of Poverty and Migration

I intersect the literature of welfare studies with theories of the critical border studies to understand how the intersectionality of class and race works in the everyday life of refugees *put to work*.

This theoretical approach highlights the dynamics of overlapping structures of discrimination, in which migrants are enmeshed in the broader population of the "poor". Migration and poverty are two interconnected phenomena (Borrelli & Bochsler, 2020) engaging with the dimension of welfare states. Poverty is here understood as a deprivation process that can be grasped also in the differentiated access to social rights and the related logic of welfare. Accordingly, social policies are interpreted as state tools that create hierarchies among the population by stratifying the access to rights. In this context migrants have progressively become a category framed as threat for the stability of the western welfare state: their *mobility* dimension crashes, indeed, with the static organization of welfare state formations bounded to a rigid concept of national belonging, national borders, and state sovereignty that conflicts with the movement of non-citizens. Thus, social policies have been progressively used as governmental strategies for border control. Governance is here analysed as a governmental practice that classifies and orders individuals into hierarchies including also many moral judgements (Hansen, 2019).

2.1   The neoliberal welfare: A moral foundation of the "workfare"

The class dimension can be grasped through the focus on how welfare polices produce and reinforce social inequalities through economy. The welfare state is here understood as a distinctive form of governmentality that structures the relationships between the state and society through specific "rationality", technologies, and practices (Garland, 2014). A crucial transformation of the western welfare states lies in the "neoliberal turn" that started in the 1980s and led to the

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2.   The regulation called *Residenzpflicht* (residence obligation) affecting asylum-seekers and people entitled to the *Duldung*, issues a residence obligation: the restriction of mobility and the confinement to the administrative district where they have applied for asylum (§ 56 AsylG. [Asylum Act], § 61 AufenthG.).

abandonment of the Fordist model of production with stable employments and full welfare protection. Public discourses criticizing a "welfare dependency" of alleged "fraudulent welfare beneficiaries" brought a shift from the welfare towards the "workfare" (Peck, 2001).

The concept of "workfare" points at a policy strategy for regulating poverty that operates through work-oriented reforms and a related commodification of social rights. Its essence is the imperative of enforcing work while residualizing welfare benefits, based on the idea that poverty is a consequence of individual behaviour rather than an inequality produced by power dynamics of the social-economic structures. Thus, unemployed welfare recipients have to be *activated* to find jobs to become professional autonomous, economically self-sufficient and responsible worker-citizens (Rice, 2013). This rationality *to put people to work* took shape during the 1990s through the so-called "activation policies" (Gallie, 2004; Coletto & Guglielmi, 2018): policies characterized by the introduction of imposed compulsory programs and mandatory requirements for welfare recipients complemented by new forms of benefit cuts for the non-compliant unemployed people.

The moral economy underlying the activation policies is part of the neoliberal rationality informed by a paternalistic approach (Dubois, 2014) that focuses on the *individual responsibility* of the "poor". Welfare recipients are encouraged to be more *responsible*, and their cases are handled individually through new forms of governance inspired by New Public Management (NPM). The rise of managerial rationales led to the monitoring of welfare expenses through an increase of checks both within the organisations and of the recipients.

Control became, hence, a key feature of social and employment policies (Dubois, 2014), whose goals are mainly to detect mistakes and cases of welfare abuse. Unemployed workers have been targeted as a suspicious category of potential welfare abusers that need to be controlled. This idea is embedded in the moral economy of deservingness (Katz, 1989; Laenen, 2018), which asks the "poor" to prove their worthiness for welfare benefits and their willingness to improve their situation. Thus, behavioural criteria become central together with the welfare conditionality. Notably, recipients' eligibility to welfare benefits is connected to specified individual responsibilities and behavioural requirements, under threat of sanction for non-compliance (Dwyer, 2019).

The "workfarist" regime developed within neoliberalism that casts employment as both a civic obligation and a civic *privilege* (Chauvin et al., 2013) based on a pre-existing membership.

2.2   The European border regime: A moral categorization between "real" and "bogus" refugees

The race dimension, and its intersection with class, can be grasped looking at migration processes from the perspective of the critical border studies. Accordingly, human mobility is governed at the global level along a national-state order that creates hierarchies among mobile people along the line dividing the Global North from the Global South (Berger, 2020). Theories of the critical border studies highlight the creation of an "(im)mobility regime" (Glick-Schiller & Salazar 2013), namely a global stratification system which implements mechanisms of selection through borders that *filter* the access to territories and resources (Mezzadra & Neilson, 2013; Kolossov & Scott, 2013; De Genova, 2017). Human movement is, hence, governed along racialized lines (Walters, 2015) showing how the contemporary (im)mobility regime is embedded in the history of colonialism and imperialism (Bhambra, 2009; El-Tayeb, 2011; El Qadim, 2014). A sort of "*Departheid*" (Kalir, 2019) takes form in the deployment of legal, psychological, and physical violence at the point of entry and exit, and within the western

sovereign territories — the Global North. Such racial discrimination in the possibility to move is animated — among others — by a sense of moral superiority rooted in a fantasy of "white supremacy" (Hage, 2000).

The regime to govern human mobility produce migrants' categories like "refugees", "asylum-seekers", "economic migrants" or "illegal migrants" that are biased instruments for governing migration at the global level (Karakayali & Rigo, 2010). Moreover, these labels are marks of a "moral hierarchy" (Squire, 2010) among mobile people that establishes a moral worth historically embedded with the right of asylum. From the 1980s, the debate on asylum has been framed on the polarity between deservingness and undeservingness (Sales, 2002; Ludi, 2014; Casati, 2017), having migrant people to demonstrate to *deserve* the international protection being "real" refugees and not "economic migrants" — i.e. "bogus" refugees. The humanitarian regime (Fassin, 2011) has developed increasingly sophisticated instruments to scrutinize refugees' "truth" during the interview in the asylum procedures (Sorgoni, 2019).

Migrants have to prove they are "worthy refugee" to enter Europe. And once having gained entry to Europe, they also have to prove their deservingness to receive welfare state assistance.

2.3 The "good" or "bad" migrant as potential citizens: The neoliberal deservingness

The intersection of race-related issues and the language of neoliberalism creates blurred categories like the white-citizens being perceived as "reasonable" and "moral" (Bonilla-Silva, 2006) and its opposite, the mobile and racialized (non-)citizens perceived as suspicious and "amoral". Indeed, migrants are usually framed as "welfare shoppers" (Grdešić, 2019) or "welfare tourists" pointing at the necessity to protect an endangered national welfare state. Recently, western welfare states have used their hard and soft power to govern population by preserving a sense of social security for their members while producing insecurity and discrimination for the non-citizens (Barker, 2018). This has been analysed as a consequence of that neoliberal rationality that progressively made migration control a part of the western welfare states (Faist, 2013). Thus, the interplay between national borders and human movements makes the welfare state a field of tension (Brochmann & Dølvik, 2018). Research have focused mostly on the conditionality of the welfare state for migrants (Flint, 2019), notably on the creation of hierarchies in the access to rights and welfare benefits according to the legal status (Söhn, 2014) entailing the so-called "civic stratification" (Morris, 2003). Recently, the academic debate has developed around a "civic integration turn" (Goodman, 2019; Mouritsen et al., 2019) referring to the tendency of western states to select migrants who are expected to be quickly integrated, and to exclude those who are considered unlikely to "fit" in the host society (Bonjour & Duyvendak, 2018). Empirical research (Bonizzoni, 2018; Marchetti, 2020; Ravn et al., 2020; Artero & Ambrosini, 2022) have given insights on how during the post-2015 period various European states — like Italy and Netherlands — have adopted national or local programs to "integrate" refugees basing the selection on the moral economy of deservingness. The research presented here adds some empirical insights on this new tendency grasped in the post-2015 Europe.

3 Field Work and Methodology

The empirical research was set in Berlin, Germany, from September 2016 to November 2020. Ethnographic methodologies like participant observation and in-depth interviews were conducted among a group of 30 refugees involved in the *Ausbildungsduldung* regulation and with 15 practitioners like activists, social workers, and lawyers supporting refugees. The 30 research

participants are refugees coming from different countries of the Sub-Saharan Africa Region, who have lived in Libya until 2011 when they escaped the war. They arrived in Italy where they obtained a renewable one-year humanitarian protection, but because of harsh life condition they moved further to Germany where they are still living since 2013. There they applied for asylum, but because of the Dublin Regulation[3] they got a rejection of their asylum requests, which made the *Ausbildungsduldung* regulation the only way towards regularization.

I was in contact with my research participants since 2013 having conducted with them my PhD research (Fontanari, 2018). The continuous research from 2013 until 2020 allowed me to grasp the effects of borders upon refugees' everyday life in the long term. In the last months of field research, the methodologies have been influenced due to the pandemic COVID-19: I developed the methodological tool of "*ethnographic walks*" to continue the contact and exchanges of information with my research participants under the lock-down restrictions.

I analyse the *Ausbildungsduldung* regulation through three dimensions. The discourse, formal, and subjective dimension. Analysis of laws' texts, documents, and journals articles highlight how the *Ausbildungsduldung* is informed by the moral economy of deservingness. The formal dimension was grasped through the focus on the implementation of the *Ausbildungsduldung* regulation on the ground. Ethnography with refugees and practitioners enables to investigate the various forms of discretionary power embedded in the administrative implementations of the neoliberal welfare (Brodkin, 2011), shedding light on how administrative rules shape the access to political and social rights at the expanse of disadvantaged groups (Moynihan & Herd, 2010). The subjective dimension highlights how the *Ausbildungsduldung* regulation materially affects the everyday life of refugees and how they negotiate their subjectivity embedded in these structures of power. The category of subjectivity is here applied as an analytical tool to grasp the interplay between the subjective inner world and the external one (Biehl et al., 2007). It sheds light on dialectical power relationships in which refugees are governed by control systems but at the same time have the capacity to transform them. The following paragraphs will present the empirical findings through the analysis of the discourse dimension (paragraph 3), the formal dimension (paragraph 4), and the subjective dimension (paragraph 5).

4   The Discourse Dimension. *I Want You*: A New Form of Labour-Force Recruitment

In post-2015 Europe, the political construction of migrants as "wanted" or "unwanted" is driven by economic instrumentality of the host societies highlighting how the class dimension emerges as a crucial aspect of racialization in the politics of belonging (Bonjour & Duyvendak, 2018).

The ways through which Germany has historically always understood integration are perfectly inscribed within this new tendency: the German rhetoric of integration points to the individual responsibility of the migrant to adapt to German society (Hess et al., 2009; Castañeda, 2012). The Integration Act of 2016 shows both the moral deservingness of the neoliberal welfare regime and the idea of deservingness stemming from the asylum realm. Only "real refugees" can be *put to work*.

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3.   The EU's legal system of the Dublin Regulation allocates each refugee to the single EU state that allowed the entry of the refugee into EU territory. Thus, refugees are judicially anchored to only one EU member state and are not allowed to settle down somewhere else in Europe.

The public debate in post-2015 Germany developed around the possibility to quickly "integrate" the heightened number of Syrian refugees through the labour market, while quickly deporting those who were considered "false refugees". During this period, to be "genuine" refugees and not "economic migrants" has become the *condition sine qua non* to enter Europe. In the German public debate on the scale of deserving migrants, Syrian refugees received a higher "moral status" than refugees from Africa (Holmes & Castañeda, 2016), which have been historically framed as "bogus asylum-seekers", namely as "illegal migrants" (Baldwin-Edwards, 2006; De Haas, 2008). Based on this hierarchy of deservingness, the post-2015 German reforms aimed to morally divide the migrant population pursuing two goals: to restrict the space of asylum right for those with "bad prospects to stay" ("*schlechter Bleibeperspektive*"), and to integrate the refugees with "good prospects to stay" ("*guter Bleibeperspektive*").

In the draft law of the Integration Act it is stated that the first ones "should be adequately funded with a perspective to return to their countries of origin", while the seconds "should be integrated as quickly as possible into our society through the labour market" (Gesetzentwurf für das Integrationsgesetz, 2016, p.1). This moral distinction takes a juridical form through the Integration Act implemented on 31st July 2016 that defines people with "good prospects to stay" as those for which "a regular and permanent stay is to be expected" (Integrationsgesetz, 2016, Art. 1), while for people coming from the so-called safe countries of origin "it is *assumed* that a regular and permanent residence is not to be expected" (Integrationsgesetz, 2016, Art. 1). It clearly emerges from the law text how the differentiation between "genuine" and "bogus" refugees is based on assumptions of German authorities. The space of discretionary power in the hands of the state at the expense of the Geneva Convention is visible in several passages of the Integration Act, as highlighted also by other authors (Kendzior, 2018). For example, the national belonging counts when the legal status protection rate for persons of a specific nationality exceeds 50%: then refugees are assumed to have "good prospects to stay" as it has happened for people coming from Syria, Eritrea, Iraq, Iran, and Somalia (Bundesamt für Migration und Flüchtlinge[4], 2019). This contradicts the very principle of asylum inscribed in international laws, namely as a right linked to the individual biography rather than to nationality.

This *a priori* distinction among migrant individuals has influenced the public debate and the popularization of the label of "economic refugees" as *less deserving* than other refugees (Hinger, 2020). However, a contradiction within this law emerges: it stigmatizes the economic dimension of migration to Germany, but the Integration Act anchors the right to reside only to the economic performance of refugees in Germany rather than to the asylum right.

The innovation of the Integration Act is that it has discursively framed asylum-seekers with "good prospects" and rejected asylum-seekers as "potential skilled workers". This marks a rupture with the past in the way migration was governed in Germany: since the 1980s the prohibition to work for asylum-seekers was a dogma in the attempt to artificially distinguish "refugees" from "economic migrants" (Bojadžijev, 2008; Karakayali, 2008). This change can be understood through the context of years of boom economy that organized the public debate in Germany since the mid-2000s around a broader narrative of future workforce shortages because of a new demographic transformation (Schultz, 2018). Accordingly, in 2012 the skilled craft sector, employers' associations, single firms, and regional Chambers of Crafts, strongly pushed the federal government to target refugees as potential labour force (Mayer, 2015). The Confederation of German Employers' Associations (BDA) further supported this argument through a paper published in 2015, where they considered measures for facilitating access to the labour

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4.   The Federal Office for Migration and Refugees.

market for asylum-seekers and tolerated residents as a "sensible and necessary" topic:

> Not least with a view to the growing skills shortages that are already perceptible in many sectors and regions in the wake of demographic developments, it is important that all possibilities are identified and used to exploit all existing potential already present in Germany as fully as possible. (BDA, 2015, p. 1).

As we can read from the quotation above, the discourse focuses on the needs of the German economy, which has to be sustained because a "better use should be made of them [asylum-seekers] in the local labour market" (BDA, 2015, p. 1). The idea of a progressive dismissal of the asylum rights clearly emerges between the lines of the paper that wish for a transition into economic migration: "Against the background of growing skills shortages, it is a good idea to facilitate the transition from asylum into economic migration if the conditions for a resident permit in the area of labour migration are met" (BDA, 2015, p. 2).

These texts highlight a shift in the discourses from the right to asylum towards economic migration. Rather than speaking about "economic migration", I suggest to understand this shift as "migration *for* (our) economy": a way of governing human mobility by framing migration through its usefulness for the economic needs of the host society. Indeed, the measures and regulations implemented by the Integration Act are in line with a "workfare approach to integration" (Lanz, 2009; Hinger, 2020) with the aim of "poor" people *put to work*. The guideline of the Integration Act was "*Fördern und Fordern*" ("promoting and demanding"), referring to the idea that migrants should be activated for the labour market through the support of vocational training used as "integration channels". Thus, it is the economic logic underlying the German labour market that drives the mechanisms of regularization for rejected asylum-seekers. Regulated channels connecting the spheres of vocational training, asylum, and labour market are typical logistical devices (Altenried et al., 2018) embedded in the neoliberal regime. Imposing compulsory language and integration courses, together with quick cuts of social benefits following non-compliance behaviours, are some of the Integration Act elements that can be inscribed in the logic of workfare that link social benefits with a system of sanctions and punishment. The "3+2 regulation" of the *Ausbildungsduldung* moves a step forwards by linking also the residence permit to the workfare logic: rejected asylum-seekers who refuse to participate in German society in the mode prescribed by the Integration Act can be deprived not only of social benefits, but also of their right to stay. This sheds light on the twine of measures aiming to *put refugees to work* with regulations of border control, which clearly emerges through the following analysis of the *Ausbildungsduldung* implementation at the local level.

5   The Formal Dimension. The *Ausbildungsduldung* Implementation under the Border Control Legacy

The "3+2 regulation" of the *Ausbildungsduldung* gives empirical insights on the idea of "migration *for* (our) economy" developed through the public discourses. Several authors (Thym, 2016; Drangsland, 2020) have already highlighted how the *Ausbildungsduldung* reflects the tension between the effort to enforce migration control and the attempt to follow the German economic needs. This measure has been introduced to open paths to future residency for asylum-seekers with "good prospect", tolerated migrants (with *Duldung* status), and rejected asylum-seekers. Three years of vocational training granted with a *Duldung* status are followed

by two years of temporary residence permit anchored to a job contract in the same sector of the vocational training.

The main innovation produced by the re-definition of rejected asylum-seekers as "educational subjects" and "labour market resources", is the reduction of the administrative barriers that were excluding them from the access to the German society: the prohibition to work and the labour market priority check.[5]

These administrative barriers have strongly influenced the structural inequalities in the participation to welfare benefits and labour market, which in Germany were based on a hierarchy of civic stratification (Mohr, 2005). The selective mechanisms embedded in the labour market have, hence, followed racialized lines (Ha, 2012) affecting also the vocational training system (Chadderton & Edmonds, 2015). Notwithstanding its "integration" aim, the "3+2 regulation" is informed by several mechanisms of control embedded in the migration border regime. Its role as barrier to social cohesion enforcing racial inequalities (Shore, 2010; Mojab, 2011) more than its inclusive potentiality (Hannah, 2003) emerges from the analysis of the *Ausbildungsduldung* local implementations.

The first and main element of border control is the conditionality of the right to stay, which is linked to the success within the path of vocation training, rather than to the right for asylum. The *Ausbildungsduldung* traces the *potentiality* of integration as only rejected asylum-seekers that become "good skilled workers" are entitled to the right to stay. The following interview with Theo, a social worker in the field of unaccompanied minors, shows how the individual performance within the vocational training is the key element for a future residency:

> The real problem is that if a person failed the *Ausbildung* [vocational training], (s)he risks the deportation. Can you imagine the stress people are going through? [...] The mentality is that if you don't perform well then you are not really motivated to get integrated into the German society. This creates much pressure and frustration over the individuals, which lets me consider this mechanism not good for a good integration. (Interview with Theo, May 2018)

The words of Theo highlight the key marker of difference between German or European people attending vocational training and the refugees: the element of deportability. Indeed, enterprises have for long complained about the increasing difficulties of empty places in the vocational training courses, as we can read in the BDA paper: "companies in Germany are increasingly experiencing difficulties in filling training places: in 2014 37,101 unfilled vocational training places were notified to BA" (BDA, 2015, p. 5.). Moreover, a high level of abandonment during the vocational training has been recorded because German and European people seeking employment often decided to change job breaking the educational path. Theo explained to me that many companies were asking to the German government to find ways to reduce this abandonment rate. Olufemi, a rejected asylum-seeker from Nigeria which was doing a vocational training as electrician, had this experience in his company:

> *Arbeit ist schwer, gibt es kein Arbeitsparadies* [the job is difficult, there is no work paradise] The *Chef* [employer] of my company really wants me, because I am working well and I am one of the few that remain. All the other people doing the *Ausbildung* with me left! They were Germans, some Europeans, but also foreigners

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5. A proof of precedence regulation states that employers had to give preference first to Germans job applicants, than EU and foreigners with long-term residence over asylum-seekers.

with long residence permits. They were complaining all that this job was too hard and with little money, so they look for something else. They don't need that job for the *Aufenthalt* [residence permit], but I need it, otherwise deportation. (Interview with Olufemi, April 2019)

Also Ebo, a rejected asylum-seeker from Sudan, experienced several abandonments during his vocational training as plasterer:

We started with 20 people, I was the only one with the *Ausbildungsduldung*. The others were mainly Germans or foreigners born in Germany. At the end, we remained 9 people. I think that the problem was the hard work, as plasterer you have to work always outside and here it is very cold! (Ethnographic notes with Ebo, December 2019)

These empirical examples give insights on how the *Ausbildungsduldung* enforce racial inequalities within the German labour market. The absence of residence security forces migrants to accept any kind of vocational training and job, reinforcing their role as docile and flexible labour force (Dwyer et al., 2016) within the host society. Authors argued that this racialized process can lead also to a de-skilled process (Masoud et al., 2020), being the official recognition of refugees' previous job qualifications one of the main problems. Roho, a rejected asylum-seeker from Niger, was looking for a vocational training as nurse that was his previous job:

Roho is looking very sad. "I am looking for a nurse *Ausbildung* since 3 years, but they always reject me. [...] The hospitals ask for a document that demonstrates I was a nurse, but I cannot provide this certificate because it doesn't exist. Last time, my lawyer spoke with the *Chef* of XXX hospital who wanted to give me an *Ausbildung*. The *Chef* asked for the certificate and my lawyer replied that I couldn't provide it because I couldn't have contact with my national embassy. And you know what replies the *Chef*? He said:"Ah, your client is not German?" and my lawyer: "No, he is a refugee from Niger". Then the *Chef* affirmed: "Ah no, we take only Germans here, we don't take Africans". I was upset. And my lawyer more than me, he intimidated them to sue them of racial discrimination". (Ethnographic notes with Roho, June 2019)

Roho finally found a vocational training but as nurse's aid, which was a lower qualification than his previous ones. The fact that refugees are pushed into the lower-class of jobs is highlighted also by Theo:

The worst consequences for unaccompanied minors is that they experience a sort of *Ausbildungszwang* [obligation of vocational training]. Once they turn eighteen, their legal status as unaccompanied minor expired and they became irregular in Germany. Thus, they interrupt their school carriers for starting an *Ausbildung* in low-paid jobs they don't want to do. But this is the only way for them to remain legal. Many of them have aspirations like studying at University, becoming doctors or teachers, but they cannot further study because of their legal status condition (Interview with Theo, May 2018).

Theo's words give insights on the second element of border control legacy inscribed in the *Ausbildungsduldung*: the protracted legal precariousness related to the legal status. Indeed,

the "3+2 regulation" granting the more precarious legal status — the *Duldung* — contribute to maintain refugees under a condition of marginality under the threat of deportation. Anja, a social worker supporting asylum-seekers during the *Ausbildungsduldung* path, explains to us the main risk she encounters in her everyday work experiences:

> The critical problem I see is related to the fact that many people suspend their asylum procedure to receive the *Ausbildungsduldung*, since they see it has a more concrete path towards regularization than that of asylum. But it is wrong! The *Duldung* status is the worst legal status people can receive [...] The *Ausländerbehörde* [foreign office] can always find criteria to deport that person, while the refugee status would be more secure. (Interview with Anja, December 2019)

Anja sheds light on the third element of control: the crucial role of the foreign office — the *Ausländerbehörde* — in the definition of the vocational training path. The *Ausländerbehörde* is the authority implementing at the local level the German law on residence permits, and functions as institutional and juridical gatekeeper that can support or block the integration of refugees in the labour market (Schreyer & Bauer, 2014). According to the law, a permission to be employed (*Beschäftigungserlaubnis*) issued by the foreign office is needed to access the vocational training. Thus, the local foreign office has the power to decide if a rejected asylum-seekers is allowed to participate in a vocational training independently of the needs of the enterprise. The following experience of Kwaku, a rejected asylum-seeker from Mali, gives empirical insights on that:

> We are sitting in the park and Kwaku brings me a lemonade "We have to celebrate — he exclaims — finally the *Ausländerbehörde* gives me the possibility to work!". I know that Kwaku had found a vocational training as carpenter but the foreign office didn't gave him the permission; so I ask him what has changed. Kwaku looks at the sky and replays: "maybe God helped me! I was fighting since 8 months with the *Ausländerbehörde* and they always told me that I couldn't work. The boss of this enterprise really wanted me... so he was even waiting for me all this time, and he was writing many letters to the *Ausländerbehörde*, but nothing happened. Then, last week I went there with no hope, and incredibly they gave me the permission. [...] My lawyer still doesn't understand what made them change their decision". (Ethnographic notes with Kwaku in Berlin, September 2017)

The positive decision in Kwaku's story shows the discretionary power deployed by front office employees of the *Ausländerbehörden* if the law gives space to its interpretation. Indeed, the criteria for the decision to issue the *Ausbildungsduldung* are not clearly defined. Michael, a rejected asylum-seeker from Burkina Faso with an identical judicial condition like Kwaku, was informally working as operator in an ambulance of an association dealing with first help for homeless, but he never got the permission to formally start a vocational training. The employer tried in every way to convince the foreign office, without succeeding. These examples highlight how bureaucracies implement regulations that "complicate things" (Graeber, 2012) affecting randomly some individuals, which will be incapacitated to perform their tasks as expected. Michael continued to informally work, but was living under a very precarious legal condition being "unlawful" and, hence, potentially punishable. Such illegibility of state practices (Das & Poole, 2004) is reported also by Karla, a lawyer supporting refugees in Berlin, which experiences this discretionary power daily:

What we experience in our everyday work is an extreme discretionary power by the *Ausländerbehörde*. They sometimes issue an *Ausbildungsduldung* and sometimes not, but it is very difficult for us to understand under which juridical criteria they decide. [...] In our experience, the main criteria is the identity proof: refugees have to provide their "real" identity and the *Ausländerbehörde* has several months to scrutinize their identity, which is a very difficult process, sometimes impossible since they ask for the country passport which many refugees obviously don't have. (Interview with Karla, October 2019)

Karla's words highlight how the condition *sine qua non* for accessing the *Ausbildungsduldung* is the principle of "real identity" embedded in the "restrictive turn" (Fontanari, 2022) of the German asylum laws implemented after the summer of 2015. Identity check is the fourth element of border control legacy.

The *Ausbildungsduldung* is provided after the examination of the judicial condition of the migrant applicant undertaken by the foreign office. Peter, an activist supporting refugees, narrates that "most of the refugees I am supporting are not able to provide information about their origin country, so at the end they cannot access the *Ausbildung* although there are many enterprises that really want them" (Ethnographic walk with Peter, September 2020). Related to the principle of "real identity" there is a harsh system of sanctions, since the *Ausbildungsduldung* can be issued only if there are no imminent procedures to stop the residence permit (§ 60a II 4 AufenthG.). Anja explains that:

if you give a false identity, or a wrong name, or even a name spelled wrong in the document — which often happens in the migration field — then you will have problems for all your life in Germany. You behave wrong one time, and your possibilities of integration are completely denied. There is a strong paternalistic logic behind: the German state wants to punish liar migrants' (Interview with Anja, December 2019).

The definition of "real" or "false" identity is an open field of discretionary power on which the single officer of the *Ausländerbehörde* can arbitrarily decide and determine the life course of refugees. The story of Asif, a rejected asylum-seeker from Afghanistan, gives empirical insights: he was deported back to Italy — where he was passing through before reaching Germany — one week before his vocational training would have started.

I am waiting for Asif at the gas station, it is a rainy day which is very unusual in Rome. I glimpse a lonely figure walking under the rain, it is an adolescent wearing a hooded sweatshirt and flip-flops. The adolescent gestured to me a kind of greeting: he is Asif. "Nice to meet you — he exclaims — I had lost the hope. Thank you for bringing me some cloths, I am very cold, I am still wearing the pajamas of that night when they deported me here". We enter the McDonalds, where we sit and Asif starts to tell me his story. [...] "When I was in the airport of Berlin and they wanted to deport me to Italy, they let me talk with a lady of the *Ausländerbehörde*. I cried and told her"please don't send me to Italy, I want to stay here, I want to do my *Ausbildung*, I want to stay with my family". And she said:"you have to go Italy, we checked your identity and you have passed trough Italy". I wanted to kill myself. (From ethnographic notes with Asif in October 2018, Rome)

The case of Asif was arbitrarily interpreted by the *Ausländerbehörde* in the light of his judicial condition as a "Dublin case": since he passed through Italy before reaching Germany, according to the Dublin Regulation he had to go back to Italy. Though the Dublin Regulation is a European law, its application in relation to the national regulation of the *Ausbildungsduldung* has not been often implemented. Indeed, the judicial conditions of all my research subjects were the same as that of Asif under the Dublin Regulation, but the possibility to access the *Ausbildungsduldung* was not denied to any of them.

These mechanisms of border control are in tension with the needs of the German economy, as the role of the employers trying to put pressure on the foreign office has highlighted. Ben and Barbara, social workers in the field, tell us examples of this tension:

> The BMAS[6] [the Federal Ministry of Labour and Social Affairs] has a lot of conflicts with the BMI[7] [the Federal Ministry of the Interior and Community] in the last years. [...] During my daily work, I often experienced local employment agencies trying to overcome the barriers set by the BMI aiming to block the integration of *Duldung* people [...] The *Ausbildungsduldung* is an attempt to find a solution in the middle, has some positive and negative aspects. I consider it within the wider regulations of the *Bleiberecht* (the right to stay). The attempt to favor integration is unfortunately reduced by the need of border control, which remains preponderant. (Interview with Ben, November 2019)

> This law [*Ausbildungsduldung*] could potentially open possibilities to legally stay in Germany for rejected asylum-seekers but in practice it introduces many other measures that increase the surveillance of the person: mobility restriction, identity control, everything is included. It sometimes works very well, but for a very small number of people. This is the problem, at the end the criteria to access it are so strict that only few people can start an *Ausbildungsduldung*. (Interview with Barbara, May 2019)

Barbara refers to several administrative measures directed to reduce the autonomy of refugees under the *Ausbildungsduldung*, like the re-introduction of the *Residenzpflicht* law that restricts the mobility of asylum-seekers for the whole period of the vocational training. Ultimately, Ben and Barbara disclose how the migration control legacy strongly dominates the integration aspect, influencing the practical mechanisms of this law. Despite the *Ausbildungsduldung* opening up corridors for a *potential* integration, it is enmeshed with the political element of the governmentality embedded in the border regime. The lawyer Karla underlines this:

> Talking with colleagues from other regions, it emerges how every German region has its own hidden policy on that topic [*Ausbildungsduldung*]. Some regions with left-wing governments are more inclined to use this 3+2 regulation, but other regions with conservative governments issue a very low number of *Ausbildungsduldung*. [...] After all, it is more a political decision than a juridical measure, therefore there will be a modification of that law on January 2020. The BMAS has realized that the *Ausbildungsduldung* doesn't work properly like this. (Interview with Karla, October 2019)

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6.   The *Bundesministerium für Arbeit und Soziales*.

7.   The *Bundesministerium des Innern und für Heimat*.

This paragraph gave insights on the formal dimension of the *Ausbildungsduldung* high-lighting how social policies implemented in the migration field can be enmeshed with control devices following the rationality of the border regime. Rejected asylum-seekers and tolerated migrants can become *potential* (future-)workers expected by the law only if they successfully embark on the *Ausbildungsduldung* path. Yet, the latter is a governmental mechanism directed only at racialized non-citizens who are forced to remain within a vocational training of low-income jobs, under penalty of deportation. This paragraph has provided empirical insights to affirm how the precarity of refugees is institutionally produced in the realm of neoliberal labour markets (Floros & Jørgensen, 2020) entailing "precarious inclusion" (Rytter & Ghandchi, 2020) that keeps non-EU citizens marginally included under a constant regime of control. Moreover, the case of *Ausbildungsduldung* underlines how the implementation of neoliberal welfare policies in relation to migration policies oriented at border control legacy constructs refugees as "*neoliberal resources*". Indeed, they fulfil a contradictory role of "*might-(un)wanted*" subjects within the host society: despite labour market resource, they still remain *might-unwanted* racialized people. This contradiction is introjected, contrasted, and negotiated by refugees during the process of construction of their subjectivity — presented in the following paragraph.

6   The Subjective Dimension. "In Germany I Need a *Beruf*": The Process of Self-Construction Turning Refugee into "Good" Worker

Refugees constructing their subjectivity during the *Ausbildungsduldung* path are affected by and reacting to the power relations embedded in both the neoliberal welfare and the European border regimes. The process involving the construction of the self is affected by mechanisms of border control as well as by the power structures of the neoliberal welfare, highlighting the intersection between race and class expresses in the theoretical part. This paragraph will give insights on how elements of neoliberal rationality as well as of the border regime affect the intimate dimension of refugees and how they negotiate their sense of the self.

6.1   The border control legacy: An 'open-air' prison

The border control legacy embedded in the *Ausbildungsduldung* affects refugees' subjectivity as if they still were experiencing a condition of unlawfulness, typical of the first period in Europe when they lived in camps and under regime of surveillance (Pinelli, 2018). The identity proof measure necessary to obtain the permission for the vocational training combined with the legal precariousness, and with the *Residenzpflicht* regulation that restrict refugees' mobility, strengthens a sense of existential uncertainty and insecurity:

> It was October 2015, when the enterprise gave me the vocational training contract for three years and a half. Then I went to the *Ausländerbehörde* and they gave me 6 months *Ausbildungsduldung*. I was so angry! Why they gave me such a short time residence permit? [...] My lawyer tried to let me get a longer residence permit, but it was a long process. [...] After six months I went to the *Ausländerbehörde* and they gave me the renewal for only six months, again. I wanted to cry. They told me that they have to *prüfen* [to examine] my situation: they were checking my identity [...] This stuff... you know, they let me run crazy at that time. I had so much stress, I wanted to concentrate to the *Ausbildung* that was difficult. But

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you cannot really be concentrated if you know that these people are checking your identity and maybe they find something wrong and then you have problems. How can you be calm? (Interview with Olufemi, April 2019)

Olufemi's words highlight how the protracted condition of uncertainty about his chance of legally residing in Germany caused him mental and physical distress. His lawyer explained to me that there was no juridical reason to give to Olufemi only 6 months of *Ausbildungsduldung*, but this was a technique widely used by the foreign office to remember refugees that they still were under an examination process. Uncertainty is here understood as an individual situation marked by imperfect knowledge of the present and unpredictability of the future (Williams & Baláž, 2012), which is produced by bureaucracies as a deliberate governance strategy (Biehl, 2015). Other authors have argued that the combination of uncertainty about the future and legal precariousness related to the legal status are marks of how the management of time is embedded in the power structures for governing migrant mobilities (Coutin, 2005; Hyndman & Giles, 2011; Griffiths, 2014; Khosravi, 2021). The *Duldung* status reminds Olufemi of his condition of potential deportability, strengthened by the *Ausbildungsduldung* law that requires refugees to provide their passport to the foreign office once they complete the vocational training:

> I met Olufemi around 3 o'clock pm, he seems under stress: 'The *Ausländerbehörde* has my passport now [he sighs] I am so afraid of the deportation. I don't sleep anymore since one week because of that'. He explains me that he failed to pass the final exam because he was to stressed thinking about his deportation: 'I left my country in 2008! I am in Europe since 2011, what should I tell to my family if they deport me now and I have nothing! They will ask me, what I have done all this time in Europe. It would be a disaster. I am sure that if they deport me, I would never go back to my family'. (Ethnographic notes with Olufemi, April 2019)

The *Ausbildungsduldung* measure allows to repeat the final exam only one time, therefore it is an element of stress since deportation becomes a concrete option. During an ethnographic walk, Kwaku told me that his two best friends failed the final exams because the German language was too difficult: "John left Germany, he is trying to find his luck in another country. It would not be easy for him, because he has to start everything from the beginning, but he didn't want to live illegal. Instead, Alfred remains in Berlin and he is working in the black market in Hamburg" (Ethnographic walk with Kwaku, November 2020). During the period of the *Ausbildungsduldung* refugees are walking the line between legality and illegality, feeling still trapped in their condition as *might-(un)wanted* non-citizens: "Of course we are not free — smiled Semelo, a rejected asylum-seeker from Ghana, to me during an ethnographic walk — we have to take the first vocational training place they offer us, doesn't matter which kind of job. Our asylum request has been rejected, they consider us illegal [...] how you can say, we don't have enough value to stay here. Also the fact that we cannot move during the *Ausbildung*, this is also a sign that tells you that we are not free" (Ethnographic notes with Semelo, May 2018). Semelo is referring to the *Residenzpflicht* law that restricts the mobility of refugee to the administrative district where they applied for asylum. Mobility restriction for the whole period of the vocational training have serious effects upon refugees' everyday lives, as the story of Kwaku highlights:

> My phone rings, it is Jana with a grave voice. 'Elena I have to tell you a sad thing. The father of Kwaku... unfortunately he is dead'. I stay silent for a while, since

> I cannot believe that it has happened. Jana had managed just in September to have Kwaku entitled for a better residence permit than the *Ausbildungsduldung*. Kwaku wanted to travel to his country because his father was very sick, and he wanted to say goodbye to him. We tried everything with the foreign office in order to obtain the permit to let him go, but it was impossible. Kwaku will have received his new document in December 2019, though the court decision was made in September. Until then he will have still the *Ausbildungsduldung* and thus he has the prohibition to leave Germany. (Ethnographic notes, November 2019)

All these measures of the border control legacy influence the refugees' sense of the self, forcing them to remain still in that condition of protracted 'existential transit' experienced in their first years in Europe (Fontanari, 2018). Despite undertaking a process that should 'integrate' them, they still perceive themselves as imprisoned:

> The point is that with the *Duldung* you cannot go out from Germany. You can do the *Ausbildung*, but you cannot move, you are in prison within the German territory. *Ich will raus*! [I want to get out] I want to travel around. I am in Europe since 2011, and I am always stuck in a place, Italy or Germany, or both of them. [...] Travel helps to maintain the mind open. If they continue to keep me stuck here, it will be very bad. My head is like shut in a small place with a low roof, like this [he mimics going under the table] it is like if I have a cap on my head that doesn't let the thoughts to be free and fly. I need to travel in order to have ideas again [...] It is strange because now I am feeling I am more like you, with a job... or I will be soon like you, if I will pass the *Ausbildung* exam [he smiles]. But still I am not like you, because I am blocked in Germany. (Interview with Olufemi, April 2019)

As other authors have argued, vocational training embedded in integration programs influence the everyday lives of refugees confining them into a sort of 'integration limbo' (Kurki & Brunila, 2014) for several years. In particular, other research have demonstrated how the *Ausbildungsduldung* works well as a technique of 'future giving', suspension, and deportability, to produce skilled workers (Drangsland, 2020). The following words of Iyasu, a rejected asylum-seeker from Nigeria doing a vocational training as builder of sanitary facilities, well expresses these feelings under the *Ausbildungsduldung*:

> *Freiheit*! [Freedom] Nothing more. I only desire freedom. The sensation when I will finish the *Ausbildung* and they will give me the document, will be to go out from prison. You know how are those people who were many years in prison? I think I am like them. Since my arrival in Europe, I feel in prison; doesn't matter how much I move, and I have moved a lot [we laugh] I will be finally free when I will choose my life, where to live, which kind of job, oh... I can smell the happiness of this condition! You know, my two years in Italy were very difficult... the life conditions, no job, living on the street [...] then I arrived in Germany, and it tooks 7 years to see a possibility to be regular here... I am almost there, I only need to stay calm, finish the *Ausbildung*, passing the exam, and then: free! (Interview with Iyasu, August 2019)

6.2   The neoliberal welfare legacy: A *"civic growth process"*

Iyasu' words tell us that the conditionality of their residence permit is the feature distinguishing refugees from the German and European citizens attending the vocational training. This is an

element of both legacies, the border control and the neoliberal welfare ones. Indeed, refugees have a *potential* integration chance *only if* they *succeed* in the vocational training path. An ideal migrant individual is built under the neoliberal rationality inscribed within the integration programs based on vocational training: a person who is self-motivated and self-disciplined in learning the language and the new skills (Masoud et al., 2020), showing his/her personal ability to integrate (Kurki & Brunila, 2014). The relationships refugees have with the state's front desk employees or with their vocational training employers give insights on how these neoliberal expectations are projected upon the individuals. Olufemi explains me his conversation with a front desk employee of the foreign office:

> The *Ausländerbehörde* guy told me: "You have to be brave: pass the exam and then everything will be good for you and your document". I didn't know how to reply: he makes me thinking that I was not enough committed during the vocational training. I felt really like a baby. [...] I was lucky that my *Chef* really wanted me to work there: he wrote a letter to the *Ausländerbehörde* asking to give me 6 months more to have time to repeat the exam. (Ethnographic notes with Olufemi, October 2019)

The foreign office employee expressed his personal judgments speculating that Olufemi was not enough engaged in the process of integration. A similar experience was done by Roho when he was looking for a vocational training as male nurse:

> They are very direct to you [he smiles] The woman who signs my *Ausbildung* contract as nurse told me: "now you have to really work hard, I don't know if you understand that?! It will be hard for you, every months exams in German language. Here we like people that work hard, not lazy ones". I was upset, why should I be lazy? I was already a nurse in my country, I know this job! Why she was treating me like this? They let you feel the pressure, everyday. And they also indirectly tell that you start a step backwards in comparison to all the others. (Interviews with Roho in Berlin, October 2019)

The words of Roho and Olufemi tell us about the tendency of front desk employees implementing social policies to base their decision on personal beliefs and moral judgments distinguishing between "good" and "bad" welfare beneficiaries (Wright, 2003; Jaehrling, 2015). Moreover, their narrations demonstrate the shifting of the responsibility for integration from the state to individuals (Bonjour & Duyvendak, 2018; de Waal, 2020) that have to show their motivation through their personal conduct and values. The paternalistic relation expressed by the employer and the foreign office employee is a typical sign of the neoliberal welfare logic (Dubois, 2014) that considers, in this case, refugees as *subjects to be educated* to became "good workers". Roho recognizes this unbalanced relation that frustrates him:

> I really don't know what the Germans are thinking, that we come here to stay at home and get money? They have no idea how we worked hard in our lives. You know what I had to go through in Niger to save my life? You know how hard was the situation for black people in Libya? But they think we are lazy! We have more hard experiences than all our Germans colleagues, indeed they all abandon the *Ausbildung* because work is to hard for them [he laughs]. The *Chef* makes always comments about my behaviours: "Be brave. Stay at home and study. Work

hard. Learn the language". This kind of sentences. I feel like in the school. (Interviews with Roho in Berlin, October 2019)

The social worker Barbara clearly explained to me how the neoliberal logic of individual performance strongly informs the measure of the *Ausbildungsduldung*: "*Leistung* [performance] is the adjective that best describes the logic behind the *Ausbildungsduldung*. You have to be good enough according to the capitalistic economy to get the possibility to legally stay in Germany" (Interview with Barbara, May 2019). Theo, the social worker in the field of unaccompanied minors, also underlined how "the pressure is all on single individuals. If you fail, is because you do not really want to stay in Germany. For this reasons many young migrants are psychologically destabilized" (Interview with Theo, May 2018). Refugees daily deal and contrast such paternalistic relationships that consider them as "child" to be educated, with the promise to obtain the residence permit once they will become "adults" and, accordingly, "good citizens".

This sort of "*civic growth process*" is informed by another relationship of subjugation: the relation with the vocational training employers. Previous narrations of my research subjects have showed how important the active engagement of their "*chef*" was to support them in the difficulties with the foreign office. Semelo narrates:

> The relationship with the *Chef* is everything! You must have a good relationship, otherwise he can write a bad report about you at the end of the *Ausbildung*. And if you want to find a job or a new *Ausbildung*, you have to show that report. But no one will give you a job with a bad report! Paul, this friend of mine from Nigeria, he fights with his *Chef*. [...] He is still looking for another *Ausbildung*, but no one wants him. He has a lawyer, but the lawyer can do nothing against this negative paper written by the *Chef*. (Ethnographic walk with Semelo, November 2020)

A problem that can emerge is that refugees are forced to remain within the enterprise despite the conflicts with the employer, feeling thus a high level of frustration:

> Better you keep your mouth shout, trust me. I don't like it, but I don't want to end up like Bukar! [...] I was telling to Bukar: "don't react to the *Chef*'s provocation, we risk deportation". We are not allowed to be rebel [he smiles]. But Bukar is a tough guy, you know what I mean. He was always replying to the boss like "why are you criticizing only us? Because we are black?" he was really confronting the boss. Of course he left that *Ausbildung*. (Interviews with Kwaku, March 2019)

The conditionality of the residence permit to the vocational training contract brings to the fore how the *Ausbildungsduldung* can be interpreted and perceived by refugees as a channel of "forced integration" (Thym, 2016). Ebo's words highlights how his biography in the near future is chained to his job as plasterer:

> On my residence permit it is written "plasterer", so I can look for a job only as plasterer and I cannot change it in the next two years! It is like a tattoo on your skin [he laughs] you cannot go away from that job. Of course, after two years, you can try ... but it is difficult because after these two years they have to renew your document, and they can only do it if you have a job contract. It is very difficult to find another job contract, so I think we will all remain in that jobs. (Ethnographic walk with Ebo, October 2020)

The 3+2 regulation issues a two-years residence permit, which is connected to the job sector of the vocational training. Ebo's narration sheds light on their condition of social immobility due to the conditionality of their right to stay to the job contract that usually is located in the low-paid sectors. This opens up another crucial aspect of the neoliberal rationality affecting refugees' subjectivity: their position in the social-economic scale.

One of the main material effects of the *Ausbildungsduldung* over their everyday lives is related to the economically self-sufficiency and how they perceive themselves on the social-economic hierarchy of citizens. Anja, the social worker, explains us that refugees are pushed into the low-paid sectors of the German labour market receiving a very low payment during the vocational training:

> Another big problem is that the people I follow didn't manage to really become economic self-sufficient. Refugees are mostly attending low-paid vocational training: they find a free place only in those vocational training where Germans and Europeans don't want to go. [...] Refugees earn around 400 Euros a month, but you cannot live with that little money. [...] Refugees with the *Ausbildungsduldung* are excluded from the *Jobcenter*[8], which usually supports citizens with low incomes economically. Thus, we have to fight for them like undertaking legal actions to let them receive at least the *Wohnungsgeld* [rent benefits] which is not easy at all. (Interview with Anja, December 2019)

Iyasu well expresses which are the consequences of the absence of economic self-sufficiency upon their subjectivity: he feels to be still imprisoned despite being an active participant of the German society through the vocational training:

> The point is that you can tell me that I am free, but if you block me to achieve my aims … then I am not free. I cannot pay alone the rent of my room, I cannot live with 600 Euros in Berlin. So I need help, I have to ask people like the solidarity groups to support me… and this is not good for my self, it is like asking for charity, you know? So that's the point, I don't feel free if you force me to be dependent on other people. (Interview with Iyasu, August 2019)

From the words of Iyasu and Anja emerges the crucial role of solidarity groups and NGOs in legally and economically supporting refugees that are excluded from the welfare benefits. The institutional blind eye that delegates the responsibility of the welfare to actors of the civil societies (Belloni, 2016) is usually applied to unauthorized migrants (Ambrosini, 2015). This sheds light on how refugees with *Ausbildungsduldung* are considered still "unlawful", postponing their regularization to a future time, which remain a potentiality and not a certainty. Babukar, a rejected asylum-seeker from Mali doing the vocational training as glass-maker, narrates us his experience:

> I don't feel to be treated like you, I am still a migrant here. They give me 200 Euros per months [he laughs] it is a joke. I cannot live like this! How much do you earn? [...] There is this association XXX that support people doing *Ausbildung* with little money. They cover the rest of money to reach the minimum wage like 400-450 Euros, and then they also help you to pay your room. (Interview with Babukar, June 2019)

8. The *Jobcenter* is the institution responsible for the payment of the unemployment benefit and for the reintegration into the labour market.

Receiving the vocational training but not being able to pay for the most basic things high-lights the ambivalent position of the state towards this category of people: potential workers, but still suspicious migrants put under surveillance. Moreover, it give insights on the retrench-ment of welfare and its exclusivity. The problem of living with little money does not affect only the material conditions of refugees' everyday lives, but also their intimate sense of the self. Ebo tells me how this condition of less economic autonomy has endangered the relationship with his family:

> One day my mum called me, my brother was shot and was in hospital were he needed a surgery to survive. The surgery was very expensive and they asked me money but I didn't have. I was so depressed, how could I tell them that I had no money? [...] Fortunately, my flatmates organized a solidarity party at home; I cooked all the day and they invited many friends asking for donation. [...] At the end I managed to pay the surgery. (Interview with Ebo, July 2019)

Ebo continues speaking about how his economic condition influences his self perception within the social hierarchy among citizens:

> We are sitting in Ebo's flat drinking a cup of tea, and he is complaining: 'It is ex-hausting that work, and for so little money. They give me 800 Euros *Brutto* [gross] which are more or less 620 Euros *Netto* [net]. It is not so much, I can pay this room only thanks to my flatmates that know my situation as refugee. They are part of this solidarity group so I pay 270 Euros, but then I also have to eat something. [...] I am poor, Elena, that is terrible. I never wanted to be part of that category of poor people. I have always worked hard and also now I am working a lot, but still I am poor'. [...] Ebo exclaims: 'How can I explain to you? *Für mich es ist wichtig dass ich mache etwas ich selber* [for me it is important that I am doing something by my self] so the *Ausbildung* is very good for that reason, but the money are not enough. [...] When I would receive the residence permit, I want to work hard and a lot be-cause I need money. Now I am not earning money: money arrives and goes away, so I don't see that money'. (Ethnographic notes with Ebo, July 2019)

The awareness and perception of him self as "poor" strongly frustrates Ebo as well as other research subjects like Kwaku:

> I am in Europe since 9 years, and still I am poor. I hate that! I don't want to be rich, but I want to pay the house by myself, to have money to travel and visit my family. I want to earn money like you! [...] You know, maybe I also would like to have a family one day... but I need money to survive. (Interview with Kwaku, March 2019)

The perception of being poor brings to the fore the life projects and desires that migrant individuals have in their lives. The difference to European citizens is that they cannot freely choose their profession, being forced to reside in the lower positions on the social scale. The regulation of the *Ausbildungsduldung* allows to change the vocational training only one time, like it happened to Semelo. He decided to change his job to balance his present condition with his desires about his future:

I was working as carpenter, very hard work. I was with old men from east Europe. We were earning little money and there was no possibility to improve our condition in that job career. They told me that the incomes as carpenter in Germany are not so high. So I had a vision of myself in the next 20 years, only working as carpenter and I thought "this is not life, better to die". This was not the life I wanted, so I talked to my lawyer and I told him that we need to do something, otherwise I would have leave to another country... it doesn't matter to be illegal again. Then we managed to change *Ausbildung*... you can change it only once. I started fashion design, which really fits to me! I am very happy now. (Ethnographic walk with Semelo, November 2020)

The words and feelings of Semelo highlight his subjective capacity to adapt to the situation. He is aware about the fact that he will probably work in a low-paid job and that the *Ausbildungsduldung* doesn't give him many choices. But he is also conscious about his desires and life projects, and he knows that working as carpenter is not an option for him. This subjective capacity of refugees to adapt their own desires to the structural constrains without completely giving up to their life projects is here interpreted as a form of agency (Emirbayer & Mische, 1998). The everyday life of Semelo and of the other research subjects is embedded in subjugation relationships, however they carve out autonomous spaces of action where they can define parts of their biographies. Olufemi explained to me his process of building awareness about his condition as unlawful migrant in Germany:

In Italy I was working in the country, like a slave. [...] At the beginning we were all doing that because we were thinking that it was normal, we thought "in Italy people work like this". After some time, we understood that it was not normal. It was *sfruttamento* [exploitation]. Then I arrived in Germany, and it took 6 years to understand how the things are working here [...] I understood that the only way for me to be legal in Germany was to find a job. You have a value for Germans if you work. (Interviews with Olufemi, July 2019)

Likewise, Kwaku explained to me that he was observing how the Europeans and Germans are living in Berlin to understand what he should do to be lawful in Germany:

I said to myself: 'I have to be like the European, I need a *Beruf* [profession]!' All people in Europe have a *Beruf*. You have a *Beruf*, Jana has a *Beruf*, my flatmates have a *Beruf*. You think this is normal, but it is not normal! In Africa it doesn't work like this, you don't need a *Beruf* to live your life. You can make different jobs, and no one disturbs you. But here without a *Beruf* you are nothing. [...] After some years in Berlin, I told myself: '*In Europa ich brauche ein Beruf*! [in Europe I need a profession]'. So I understood that I needed to start an *Ausbildung*, because in Germany if you want a *Beruf* you have to do the *Ausbildung*. [...] When I was illegal I was asking myself which were my desires, and I understood: 'I want to be and live like you, European. Free and happy'. *Ausbildung* makes me equal like you. I want to have the same possibilities like you, but I first need a document. (Interviews with Kwaku, March 2019)

Kwaku progressively understood what he needed to become lawful in Germany, but he also understood the German ethic about the centrality of the profession in the definition of people

within the German society. Kwawu clearly explained to me the shift from asylum towards the needs of the German economy embodied by the *Ausbildungsduldung* regulation, and how this is shaping the construction of his social identity:

> Documents are of course important in Europe, but not so important as the *Beruf*. Look at us: we are refugees, Italy recognized us as refugees because we were escaping the war in Libya [...] but this counts nothing in Germany if you don't have a *Beruf*. So, better I find a *Beruf* more than to be a refugee. [...] You know, to have a *Beruf* is important not only for the money but also for my self. People respect you because you are *Uni* [working at the University]. Now, I also have a *Beruf*, I am electrician. So, I am almost like you now. And when I will have the contract, I will earn money like you... or even more [we laugh] *Beruf ist wichtig dann life is better*! [profession is important, then life is better]. (Interviews with Kwaku, March 2019)

7   Final Remarks: Towards a Neoliberal Asylum

The empirical research give insights on how the measure of the *Ausbildungsduldung* implemented to integrate the *deserving* refugees is strongly informed by elements of control embedded in both regimes of neoliberal welfare and of border control. Since the 1980s, both regimes were informed by the neoliberal logic and have developed forms of governmentality structuring the relationships between the state and the society through the specific moral rationality of 'deservingness': the state have to avoid welfare abuse by marginal categories like poor and migrants. The unemployed workers have to demonstrate they really want to be integrated into the labour-market as well as the asylum-seekers have to prove they deserve international protection and integration being "real" refugees. The neoliberal logic sets, hence, the responsibility of the social, economic and juridical integration on the single individual rather than on the social structures producing discrimination. *Control* became, thus, a key feature of social and employment policies as well as on policies to migration management: poor and migrants have to prove their worthiness for welfare benefits and residence permits.

These two moral economies of deservingness — welfare and border regimes — intertwine upon the category of "unlawful" migrants like rejected asylum-seekers. From this junction, it is possible to grasp a tendency toward a *Neoliberal Asylum*, which has strongly emerged in the post-2015 Europe when restrictive asylum policies have been combined with polices to integrate migrants with unlawful or precarious legal statuses. Newcomer asylum-seekers, refugees, and rejected asylum-seekers have to perform to be first "real refugees", than "good migrants", and afterwards "potential good workers" under the neoliberal rationality.

The case study of Germany presented in this paper gives empirical insights on how the Neoliberal Asylum is implemented on the ground. The analysis of the discourses supporting the Integration Act discloses the shift from asylum right towards a "migration *for* (our) economy" as new mechanisms for governing migrant mobilities. Migration is, hence, framed through its usefulness for the economic needs of the host society with refugees being "labour market resources" *to put to work*. The only way to get integrated materializes through a *neoliberal deservingness* that migrants have to demonstrate.

The analysis of the formal implementation of the *Ausbildungsduldung* shows that *control* is the core feature of this regulation at the expense of the integration feature. The border control legacy dominates through the conditionality of the right to stay on the vocational training path.

The race-related character of non-citizeness becomes thus the determining factor for the production of structural inequalities among the heterogeneous population of "poor" people *put to work* in the German labour market. The institutionally produced precarity of my research participants is hence juridical and social-economic, but also existential because the *Ausbildungsduldung* regulation affects the temporality of the subjects. Indeed, rejected asylum-seekers are constructed as "*might-(un)wanted* migrants" across the period of the *Ausbildungsduldung*, having their regularization possibilities postponed towards an undetermined future and contingent upon the ideal migrant *put to work* expected by the neoliberal rationality. The consequences upon refugees' subjectivity strongly emerge through their narrations and through their everyday practice of negotiation of their self within these power structures (subjective dimension). The border control legacy let refugees perceive themselves as stuck in a sort of *open-air prison* despite their active role in the German society as "educational" and "labour market resources". The neoliberal welfare legacy shapes their everyday experiences within the vocational training as a sort of "*civic growth process*" informed by relationships of subjugation along a paternalistic and moral line traced on a polarity of citizen *childhood/adulthood*. Refugees are active subjects within these power relations negotiating their subjectivity at the intersection of class and race structures of domination: in Germany they adapt to the German socioeconomic logic of "having a *Beruf*" through which they can define themselves within the taxonomy embedded in the host society.

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