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ABSTRACT

Migrants' perceptions of belonging are shaped by the social policies with which they are received by the state. In Germany, policies grant refugees different levels of labor market access according to legal status, a hierarchical system also referred to as differential inclusion. This study compares perceptions and experiences of these labor market policies and discourses among refugees with four legal statuses. Refugees with the most precarious legal status are largely barred from the labor market, leading them to experience severe exclusion and pushing them into liminal spaces of existence. While recognized refugees may be able to work, racialized discourses about their deservingness create conditional and limited senses of belonging. Finally, refugees often themselves observe these hierarchies, reinforcing feelings of exclusion. Results demonstrate how the hierarchies present in policies create a stratified system of differential non-belonging. Overall, the article sheds light on how differential inclusion of refugees also results in hierarchized experiences of differential (non-)belonging.

KEYWORDS

Immigrants; refugees; social policy; Germany; belonging; labor market; differential inclusion

Introduction

There is a sometimes tacit, sometimes open, hierarchy in policies and discourses directed at immigrants. By granting more rights to some immigrants and restricting others, states produce "hierarchized identities and categorizations" often based on ethnoracial constructs (Bautista-Chavez et al., 2024). For example, following the 2022 Russian invasion of Ukraine, millions fled to Germany, where an EU-wide decision allowed Ukrainians to bypass the asylum process and rapidly receive residence permits, welfare support, and labor market access. By contrast, refugees arriving simultaneously from other countries were still required to undergo the standard asylum procedure. This disparity prompted observers to question why Ukrainians received preferential treatment compared to racialized immigrants from the Middle East and Africa (e.g., Carrera et al., 2022; De Coninck, 2023). Such hierarchization was further reinforced by the public discourse: while both the Syrian and Ukrainian "refugee crises" were frequently met with a "culture of welcome," media coverage of Syrians repeatedly featured anti-Muslim stereotypes and associations with "security threats" or "crime," notably absent in discussions about Ukrainian refugees (el-Nawawy & Elmasry, 2024; Sales, 2023). Given the potential for comparison between refugee groups, the impacts of this "differential inclusion" (Mezzadra & Neilson, 2012) on immigrants' experiences in destination countries warrant further research. The key question remains: how do these hierarchies shape the lived experiences of immigrants themselves?

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In this article, I explore how hierarchies established through policies and the discourses around them categorize immigrants into varying degrees of non-belonging that are reflected in their everyday experiences of non-belonging. Focusing specifically on German labor market policies and discourses, the study addresses the following questions: *How do labor market policies and discourses construct refugees as non-belonging? How do refugees themselves experience non-belonging in everyday life as a result of such policies? And how are these experiences stratified by legal status, with refugees in precarious legal situations facing more severe non-belonging?* To answer these questions, interviews were conducted with refugees across four legal status groups (asylum seekers, asylum recipients, tolerated stay holders, and Ukrainians granted special temporary residence permits), each with different entitlements to labor market access and employment support programs.

Results demonstrate how each legal status group interviewed occupies a distinct position on a hierarchy of non-belonging. Asylum seekers find themselves in a liminal state, waiting to enter the labor market until their asylum cases are decided. In the meantime, their perceptions of non-belonging are already affected by discourses that pressure them to "earn" their place in Germany by performing the script of "neoliberal deservingness" (Fontanari, 2022). Tolerated stay holders occupy an even lower rung on this hierarchy: interminable exclusion from the labor market and its social spheres, coupled with confinement to liminal spaces including refugee residence facilities, leads them to feel "not fully human" (Korteweg & Yurdakul, 2024, p. 298). While receiving asylum leads some individuals to feel like "a normal refugee," they still encounter mechanisms of non-belonging during visits to the Jobcenter, where public discourses and pressures from caseworkers continue to emphasize that they must prove their deservingness to earn the right to belong. Meanwhile, policy changes allowed Ukrainians to bypass many common obstacles, such as waiting through the asylum process to gain residency and social rights, leading protection seekers from outside of Europe to experience a heightened sense of being regarded as less worthy in comparison to white European immigrants. Nonetheless, even after swiftly gaining rights, Ukrainian protection holders still encounter some of the same exclusionary discourses as other immigrants. Overall, these groups' experiences and perceptions of non-belonging reveal how hierarchical labor market policies and related discourses contribute to a system of differential non-belonging.

This article makes several key contributions. First, it demonstrates how hierarchies of rights based on legal status shape immigrants' own experiences of non-belonging. While a growing body of literature examines how refugees' encounters with labor market policies influence their sense of belonging (e.g., Fontanari, 2022; Menke & Rumpel, 2022; Sohail, 2023), this study adds a comparison between refugees with different legal statuses and stratified rights. I argue that these legal status-based hierarchies of rights translate into a corresponding hierarchy of belonging and non-belonging experienced by refugees themselves. Moreover, this research offers valuable insights for policymakers seeking to promote social cohesion through fostering immigrants' sense of belonging. Refugee-led advocacy organizations have emphasized the importance of including immigrant perspectives in policy debates, writing, "Nothing about us, without us" (Badran & Mustafa, 2019). Research on how immigrants and refugees understand and experience policies can have significant implications for their long-term inclusion in destination countries and are therefore important to consider in evidence-based policymaking.

Theoretical background

Conceptualizing non-belonging

Belonging is a difficult concept to define. In general, researchers have identified two dimensions of belonging: the personal dimension, or an "intimate feeling of being 'at home'" (Antonsich, 2010, p. 645), is characterized by a diverse set of emotional attachments to groups, places, and cultures (Yuval-Davis, 2006). The political dimension is reflected in the laws, policies, and discourses that are all parts of "the dirty work of boundary maintenance," separating the "us" from

the "them" (Crowley, 1999), helping to determine who is included in or excluded from the "imagined communities" described by Anderson (1991) and who is entitled to the benefits of membership. While they may be analyzed separately, these two dimensions are closely interrelated, as the "politics of belonging" affects individuals' personal experiences of belonging in a place, usually a nation-state (Yuval-Davis, 2011).

On the other hand, non-belonging, as operationalized by Korteweg and Yurdakul (2024), is not simply the absence of belonging. Rather, non-belonging is "actively constructed" (ibid, p. 294). I refer to non-belonging, rather than to belonging, in this study as a conceptualization of non-belonging shifts the focus to how states and societies engage in the boundary-making process by producing exclusion. This process includes states' immigration laws and policies (which the authors refer to as bordering processes); how groups are represented in public discourse and symbols (boundary processes); and how these exclusionary mechanisms are assigned to people and their bodies. Non-belonging also demonstrates how the political project of belonging is reflected in personal experiences, as exclusionary laws, policies, and discourses are applied to people (or inscribed on bodies, as the authors describe). The ongoing and active political project of defining and redefining who belongs and who does not belong in the "community of value" (Anderson, 2013), as those constructions are applied to people, continually shapes their experiences and perceptions of inclusion and exclusion.

Differential inclusion: a hierarchy of non-belonging

As critical migration scholarship has increasingly observed, constructions of belonging and non-belonging tend not to assign immigrants to binary states of inclusion or exclusion, but rather selectively include different groups of immigrants within the sphere of rights of the receiving society, creating hierarchized gradations of "differential inclusion" (Casas-Cortes et al., 2015; Mezzadra & Neilson, 2012, 2013). For instance, asylum seekers from different countries of origin may receive different residence permits that confer disparate levels of access to welfare and family reunification (Schultz, 2020). The increasing proliferation of legal status labels granted to immigrants in Western destination countries works as a "difference machine" (Isin, 2002; *see also* Abdou & Zardo, 2024) to stratify immigrants into hierarchical degrees of inclusion and exclusion (Fontanari & Dimitriadis, 2024; Könönen, 2018; Lockwood, 1996). Those on the lowest rungs of the ladder access only partial, conditional, and precarious government protection and services (Jacobsen, 2024). Scholars have consequently referred to differential inclusion as a system of borders that extends inside the state (e.g., Könönen, 2018; Mezzadra & Neilson, 2012), taking place not only at the physical borders of countries, but "interwoven into the everyday lives of contemporary people" (Rigo, 2010). Similar concepts include "civic stratification" (Lockwood, 1996; Morris, 2002), which captures the hierarchized nature of such systems, but also "precarious integration" (Maaroufi, 2017), "precarious inclusion" (Rytter & Ghandchi, 2020), and "integration through disintegration" (Hinger, 2020), which capture the piecemeal nature of inclusion and exclusion.

Policies of differential inclusion are complemented by surrounding discourses, "scripts of worth" about which immigrants deserve membership (Bloemraad et al., 2019, p. 148; *see also* Boswell et al., 2011; Jacobsen, 2024). For example, public discussions often categorize vulnerable refugees and those who succeed in the labor market or integrate culturally as more deserving of benefits (Chauvin et al., 2013; Chauvin & Garcés-Mascareñas, 2014; van Oorschot, 2008). This paradigm is prominent in German and European media discussions on migration (e.g., Holmes & Castañeda, 2016). Policies mirror these discourses by granting secure legal status and welfare support to immigrants who meet criteria of vulnerability or performance (e.g., Fontanari, 2022; Welfens, 2023), while reinforcing differential inclusion by positioning 'undeserving' immigrants lower in the entitlement hierarchy (Goldring & Landolt, 2022; Jacobsen, 2024). Moreover, these discourses have the potential to affect immigrants' own perceptions of belonging (e.g., Nicolson & Korkut, 2022; Rottmann, 2025).

It would be remiss not to mention that the hierarchies created through differential inclusion are not ahistorical or arbitrary, but find their roots in racialized logics, replicating the "ethnoracial hierarchies" described by Bautista-Chavez et al. (2024; *see also* Goldring & Landolt, 2022; Paynter, 2022). The modern concept of race is deeply connected to European colonial and postcolonial legacies and discourses (Bhambra, 2009), and state policy responses to migration frequently replicate categorizations of people instituted through colonial expansion (e.g., Mayblin & Turner, 2020; Shilliam, 2018). Just as Korteweg and Yurdakul (2024) observe the manner in which, "The gendered, racialized processes of borders, boundaries, and bodies have been shaped by colonial histories" (p. 295), so too do processes of differential inclusion replicate racial and colonial hierarchies.

Linking differential inclusion to lived experiences of non-belonging

The above discussions of non-belonging and differential inclusion shed light on how these two concepts are inherently linked. As Carmel and Sojka (2021, p. 646) observe, policies directed at immigrants shape "who belong[s], how far they belong and under which conditions." In a system of differential inclusion, the hierarchies created through laws, policies, and discourses may affect immigrants' daily lived experiences. Korteweg and Yurdakul (2024) diagram theorizing non-belonging can therefore be expanded as follows: laws and policies, as well as discourses and symbols, perpetuate the hierarchization of immigrants into different levels of non-belonging. These two mechanisms of the "politics of non-belonging" are two sides of the same coin, as policies and discourses are related and mutually reinforcing. As such internal bordering practices are applied to immigrants' bodies, they shape immigrants' own experiences of the politics of non-belonging, in particular their experiences of hierarchies of non-belonging. I refer to this stratification of experiences as *differential non-belonging*. An elaboration of the analytical framework is provided below in Figure 1.

Many of the studies discussed above highlight the connection between laws, policies, discourses, and symbols that categorize immigrants into groups along a hierarchy of differential inclusion. In addition, a growing body of research is examines immigrants' own "boundary perceptions" and experiences (Simonsen, 2018; *see also* Blachnicka-Ciacek et al., 2021; Huizinga & van Hoven, 2018). By examining the experiences of refugees across legal status categories, this study will focus on how the political dynamics of (non-)belonging impact immigrants' boundary perceptions, shaping their experiences of differential non-belonging.

Case setting

While there are many aspects to non-belonging—such as the political and the cultural—this study will look to the labor market as one arena of laws, policies, and discourses that create and reinforce differential non-belonging in Germany. I focus on refugees as, despite their shared humanitarian reasons for migration, they are sorted into several legal status categories that hold different corresponding labor market rights. Below, I review these four broad legal statuses.

Asylum applicants hold a temporary status while they wait for a decision on their case (*Aufenthaltsgestattung*). They cannot work for the first three months of residence, after which they can apply for formal permission from the federal employment and immigration offices. This approval is subject to several criteria and in practice can be very difficult to obtain (Brücker et al., 2019; Maaroufi, 2017). In the meantime, they receive asylum seekers' benefits, which are lower than the benefits granted to recognized refugees. Once applicants receive a positive decision and one of three possible forms of protection, they gain unrestricted labor market access and become eligible for the same basic unemployment benefit as German citizens, which can be obtained at a local agency called the Jobcenter. Jobcenter case workers are also tasked with

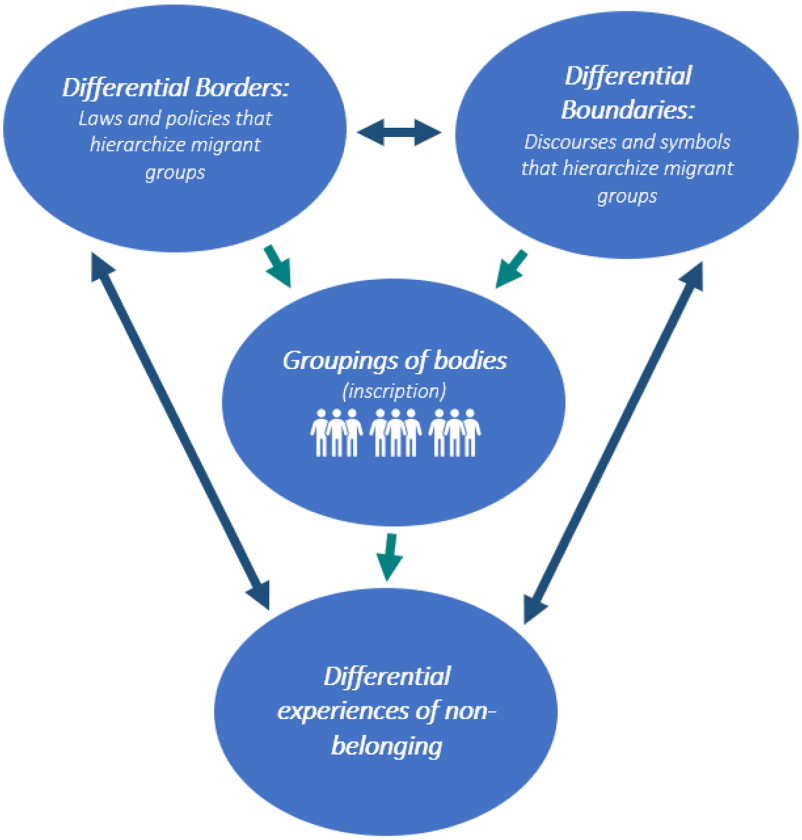

Figure 1. Analytical framework demonstrating differential non-belonging, building on Korteweg and Yurdakul (2024).

labor market activation, enrollment in training programs and language courses, and facilitating recognition of degrees and qualifications.

Those not entitled to the first three asylum statuses—but who cannot be deported for several possible reasons—are often issued a tolerated stay (*Duldung*). The term *Duldung* comes from the German word *dulden*, "to tolerate." Rather than signifying acceptance or legitimacy, the *Duldung* merely indicates that the German state tolerates a person residing temporarily in the country. In general, asylum applicants from "safe countries of origin," if not rejected, are more likely to receive a tolerated stay. As of December 2021, around 242,000 individuals were residing in Germany under a tolerated stay; many receive several tolerated stays in a row, leaving them in a holding pattern (a "chain toleration," or *Kettenduldung*) in which they are permitted to remain in the country but under highly restricted conditions.

Compared to recognized refugees, tolerated stay holders' access to the labor market is severely curtailed. They are technically permitted to work with permission from immigration and employment agencies, but in practice it is difficult to obtain the required employer sponsorship to do so and applications are often denied or delayed (Jonitz & Leerkes, 2022; Schultz, 2021). One option is to successfully begin a vocational training program (*Ausbildung*), which can eventually lead to a path to secure residency (Drangsland, 2021; Fontanari, 2022; Schammann, 2017). However, in order to enter legal employment, applicants must provide identity documents, the absence of which may have been the grounds for the tolerated stay (Bauer & Schreyer, 2019; Jonitz & Leerkes, 2022). Tolerated stay holders receive the same welfare benefits as asylum seekers and, in Berlin, visit the Office for Refugee Affairs for benefits during the first six months, after which they switch to their local social welfare office. Further information about the refugee statuses described above is provided in Appendix A.

In early 2022, as the conflict in Ukraine escalated, Ukrainians began to flee to safe European countries nearby. They entered Germany under very different conditions compared to other groups of refugees. In March 2022, the European Union decided to implement "immediate and collective" temporary protection, "without the need for the examination of individual applications," for individuals fleeing Ukraine under the Temporary Protection Directive (TPD) (Council Implementing Decision (EU) 2022/382 of 4 March 2022). This was the first time the TPD had ever been activated (Carrera et al., 2022; Motte-Baumvol et al., 2022). In Germany, those admitted under the TPD were provided with two-year residence permits and could immediately begin working. Before June 2022, Ukrainians, like all other newly arrived displaced persons, received asylum seekers benefits from the social welfare office, the same one serving tolerated stay holders, disabled persons, and retirees. However, the German government eventually decided that starting June 1, 2022, working-age Ukrainians would be eligible for Jobcenter support immediately (Bundesagentur für Arbeit, 2023). In addition, obstacles to work were ameliorated through measures such as waiving fees for recognition of qualifications (Bushanska et al., 2024).

As illustrated above, different policies were directed at refugees from different countries of origin over time, creating a system of differential inclusion (Schwenken, 2021). A decade of rapid policy responses to two "refugee crises"—the Syrian and Ukrainian migration inflows—has contributed to increasing stratification of refugees' rights over a proliferation of legal statuses. A simplified table of labor market and social welfare entitlements of these four legal status groups is provided below in Table 1.

Data and methods

Sample

Semi-structured interviews were conducted with 30 forced migrants as part of a broader project on refugees' experiences of labor market and welfare policies. Ten interviews were conducted with asylum recipients, one of whom spoke about his experience as a former tolerated stay holder; four with tolerated stay holders; six were waiting for a decision on their asylum case; and ten were Ukrainian residence permit holders. All had lived in Germany for a maximum of seven years. Sample characteristics are described in Table 2.

Interviewees were recruited through three channels: snowball sampling of existing networks ($n = 10$), two government-run refugee residence facilities ($n = 13$), and one residence facility run by a nonprofit organization ($n = 7$). These varied recruitment strategies allowed for a diverse sample: those recruited through the first method tended to be more educated, possessed greater resources and networks, and were more likely to have a secure legal status compared to those recruited through the second and third methods. The nonprofit-run refugee home houses a more vulnerable population, including women and families with children.

Interviews were conducted between April 2022 and February 2023 in locations chosen by respondents. Interviews lasted approximately one hour and were audio recorded with written consent. The consent form included data protection information in accordance with and approved

Table 1. Legal entitlements of refugee groups in Germany.

	Residency	Labor market entry	Social benefits	Labor market activation
Ukrainian residence permit	2 years, no asylum process (renewed)	Unrestricted	Unemployment benefits	Yes
Asylum recipient	1-3 years (usually renewed)	Unrestricted	Unemployment benefits	Yes
Asylum seeker	Until decision	After 3 months with permission, but significant obstacles	Asylum seekers' benefits	No
Tolerated stay (*Duldung*)	1-12 months	With permission, but significant obstacles; no entry for *Duldung* light	Asylum seekers' benefits	No

Table 2. Characteristics of the sample.

	Asylum recipient	Asylum seeker/tolerated stay	Ukrainian residence permit holder
N	10 (1 former *Duldung*)	10 (6 asylum seeker, 4 *Duldung)*	10
Nationality	4 Syria, 2 Palestine, 2 Iraq, 2 Afghanistan[2]	3 Iraq, 3 Afghanistan, 2 Somalia, 1 Palestine, 1 Cameroon	9 Ukraine, 1 Nigeria
Gender balance	50% female	50% female	60% female
Education level	5 university, 1 some college, 3 HS, 1 some HS	2 university, 1 some college, 2 HS, 3 primary school 1 unclear, 1 illiterate	5 university, 2 some college, 3 HS
Age: 30 & under	5	6	3
Age: 30-55	3	4	4
Age: over 55	2	0	3
Daily activity (employment, language course, childcare, other)	6 employment, 2 childcare, 2 waiting for language course availability	2 language course, 3 childcare, 5 other	4 language course, 2 looking for work, 4 other

by the university ethics board. The majority of interviews were conducted in English or German if the interviewee indicated that they were comfortable doing so. For interviewees who were not comfortable in English or German, I utilized the assistance of interpreters; interviews with translators included two in Russian, five in Arabic, and three in Dari. In order to provide some reciprocity (Krause, 2017), interviewees were offered monetary compensation using university funding. When applicable, I also referred interviewees to sources of additional assistance for challenges such as changing their residence permits.

Analytical approach

The interview questionnaire was designed in accordance with the six types of interview questions recommended by Patton (2023), focusing on interviewees' experiences and perceptions of labor market and welfare policies. This paper utilizes responses mainly to question types 2) emotions during encounters with these policies, and 5) opinions on social policies and normative values when it comes to work and welfare.

Interview transcripts were analyzed in MAXQDA using an iterative coding process. During the analysis of the material, several guiding questions were kept in mind, including: 1) Do systematic differences in answers emerge along interviewees' characteristics? What are they? 2) Do similarities emerge across answers to questions (either within or between groups) in order to indicate common patterns and themes? 3) What factors are leading to these differences and similarities? In accordance with the grounded theory approach (Glaser & Strauss, 1967), higher-level ideas and links to theory were discovered through emerging patterns in the data. This "analytic procedure of constant comparison" entailed continued interaction and familiarity with the interview transcripts (ibid, p. 102).

Analysis

The asylum seeker: waiting for belonging

While they have not yet been granted the right to belong through the asylum process, asylum seekers demonstrate hope of eventually overcoming the boundaries of non-belonging through gainful employment. Reflecting policies and discourses that identify refugees who are deserving of national membership as those who work, their understandings of active labor market participation as a key criterion of belonging shape their strategies for securing legal residency in Germany. Unlike interviewees with a tolerated stay, they still see the possibility of fulfilling this criterion in their futures as they wait for a decision on their asylum case.

Even among asylum seekers who had not yet received a decision on their residence permit, the logic of deservingness had already seeped into their expectations of the asylum system. Although asylum decisions are supposed to be based upon humanitarian considerations, some viewed their likelihood of receiving asylum to also be dependent upon cultural and economic performance. For example, one asylum applicant believes that if he begins learning German and completing a training program, he will have better chances of securing a residence permit. "They see if you are good for Germany, you study here, you want to work here. So that's why they give you residency" (25-35 M). Already before receiving a response to his initial application, he is already approaching the immigration process with deservingness criteria in mind, elaborating, "every country I think needs qualified people. So they don't give everyone permanent residency. To the active people they give it" (25-35 M). Given the emphasis on employment in judging an asylum seeker's "good prospects to remain," seeking work is a logical course of action from the perspective of a hopeful asylum seeker. "Refugees should be given meaningful employment during the asylum process—for example, helping to serve food in the accommodation or maintaining green spaces" reads the government website in reference to this policy (Bundesregierung, 2016; *see also* Sohail, 2023).

Deservingness discourses function as a mechanism of differential inclusion through non-belonging, placing "good" and "bad" refugees in different places on the hierarchy of belonging according to labor market contributions. These discourses enact non-belonging upon asylum seekers by *telling them that they have not yet earned their right to be there, but must perform in order to earn it*, or what Drangsland (2021) describes as "working to wait well." Moreover, asylum seekers are already placed outside the boundaries of belonging as they are *prevented from entering the labor market until a decision on their asylum case has been made*. In this manner, immigration policies and deservingness discourses work hand in hand to reinforce differential non-belonging. As asylum seekers observe and potentially internalize notions of deservingness, they understand that in order to earn their right to someday belong, they must already be a "good" immigrant who works, not just fulfill humanitarian criteria required for asylum.

Even as notions of deservingness shape refugees' perceptions of non-belonging, some also use their understanding of this system of differentiation to attempt to negotiate the hierarchy of non-belonging. Proactively looking for employment and training opportunities in a self-conscious effort to demonstrate deservingness may be seen as a method of coping with the asylum system. Moreover, many already arrived in Germany with socially ingrained positive values attached to work and self-sufficiency. One asylum recipient, for example, says that her "philosophy in life" is "to either be learning or to be working" (55-65 F), indicating that she has always done so. Another explains, "I want to work like other people. Then I find my money and pay for my apartment. I want to do it myself" (25-35 M). After arrival in Germany, this value attachment to self-sufficiency becomes linked to the right to stay in the country.

The tolerated stay holder: interminable non-belonging

In contrast to asylum seekers, tolerated stay holders are no longer waiting for a decision on their asylum case, but have received a decision that excludes them from belonging, often in a long-term situation of "chain tolerations." While some tolerated stay holders can regularize their status through an apprenticeship, depending on the type of toleration they received (Jonitz & Leerkes, 2022), those interviewed either did not have the option of doing so or were not informed of it. While demonstrating a clear awareness of the role of labor market participation in overcoming non-belonging, tolerated stay holders are not given the option to work in Germany, nor is it an imminent part of their futures. Seemingly stuck in interminable limbo, they express feelings of non-belonging and cannot see a clear legal way forward.

Quite literally, policies excluding tolerated stay holders from the labor market are, "inscribed on bodies," as Korteweg and Yurdakul (2024) describe, as these policies affect interviewees' daily

tangible activities. When asked to characterize his current situation, one tolerated stay holder responds:

> Being a Duldung holder means that you have to stay unemployed and will receive your benefits. I am not allowed to work or learn the language. I just have to eat, drink and sleep and that's wrong. (25-35M)

Another interviewee with a tolerated stay similarly describes his circumstances: "I live my life like *Tier* [animal]. I eat, I go my room, and I do not go. I sit, I need something to do" (25-35 M). While not physically restricted from movement, both interviewees are *excluded from one main "social world"* (Sigona, 2012), producing non-belonging. Their experiences echo the "bare life" described by Ticktin (2005, p. 358). Especially for the interviewee who describes his life "like *Tier* [animal]," non-belonging viscerally affects daily embodied existence; "the production of the logic of non-belonging… renders refugees not fully human" (Korteweg & Yurdakul, 2024, p. 298). For tolerated stay holders excluded from employment, labor market policies produce non-belonging by *dehumanizing refugees, through preventing them from engaging in daily human activities*.

Labor market exclusion also means that tolerated stay holders cannot demonstrate their economic performance in order to fulfill the criteria of deservingness. Like many other interviewees, tolerated stay holders ascribe value and self-worth to the ability to participate actively in society and to support oneself through work. "Good citizens" are employed and paying taxes for the benefit of the country. This is especially the case for tolerated stay holders, whose main opportunities to regular legal status are through work, such as the *Ausbildungsduldung* (tolerated stay for the purpose of a training program), reflecting a neoliberal asylum regime that links rights to residency and deservingness with being a good worker in a low-paid sector of the economy (e.g., Drangsland, 2021; Fontanari, 2022; Jonitz & Leerkes, 2022). Those excluded from this opportunity are not even given the chance to show that they are deserving. "It's not like somebody has given us a chance to work" (25-35 F), one tolerated stay holder remarks. When policies exclude immigrants from labor market participation, they enact non-belonging through *preventing immigrants from performing a script of belonging*, in this case the prototype of the "deserving migrant."

Moreover, exclusion from the labor market also leads the interviewees to remain in the residence facility for an interminable period as they wait to have "something to do." Blank (2021) refers to collective refugee accommodations as "spaces of exclusion," as they tend to be in isolated, remote locations with limited public transport access, security guards, and sometimes fences, spaces where refugees are physically separated from the rest of the population. These descriptions also fit the residence facilities visited for the purpose of gathering interviews for this study, as they were relatively difficult to reach, fenced off and guarded, and architecturally austere. As Karakayali (2008, p. 172) observes in Bavaria, these "austere" accommodations were meant to serve as a "psychological barrier" to pressure asylum applicants to leave Germany (*see also* Korvensyrjä, 2024, p. 78). Asylum applicants from safe countries of origin and some tolerated stay holders are required to live in these accommodations, while tolerated stay holders permitted to seek private accommodations are unlikely to successfully obtain a rental contract due to their precarious status and discriminatory housing markets (El-Kayed & Hamann, 2018). Labor market policies for tolerated stay holders therefore contribute to non-belonging through protracted *relegation to a space of non-belonging*, the refugee residence facility.

That said, tolerated stay holders also resisted labor market policies through criticism or undeclared work. "The country does not benefit from those in the refugee camp, but only provides for their expenses. But if they were granted residency, they would be able to work for the benefit of the country and them instead of spending on us with their money," one interviewee points out (25-35 M). While he adopts the discourse of the working, tax-paying immigrant as deserving, he also utilizes this discourse to critique a labor market policy that does not even permit tolerated stay holders to demonstrate deservingness, identifying the paradoxical nature of a policy that has rendered deservingness as "both a civic obligation and a civic privilege

duty" (Chauvin & Garcés-Mascareñas, 2014, p. 423). Another method of resistance is through undeclared employment. The male interviewees with a tolerated stay occasionally engaged in work that had not been authorized by the immigration office.

Finally, long-term tolerated stay holders encounter the state in mostly transactional, impersonal ways, leading them to feel forgotten. As they are not allowed to work, appointments at welfare offices mostly entail renewing benefits every several months, rather than job counseling or other labor market activation services, so appointments can be relatively perfunctory. One tolerated stay holder explains:

> I am part of Sozial [the social welfare office] the last two years. I saw only my social worker one time… I need to speak, how is my life, how is my situation, no one knows. Payment for the refugee home and your benefits, you have to take. But no one really, no one care. That's something me, I feel. (25-35M)

As the interviewee continues to describe his long history of interactions with the welfare office, which also includes occasions he waited the entire day for his appointment only to be told, "you have to come next week," he conveys a feeling of being neglected. No longer the subject of labor market activation policies, tolerated stay holders mainly encounter the welfare office in transactional, impersonal ways, leading them to feel as though they have fallen through the cracks. These experiences highlight how one mechanism of non-belonging enacted by states is by *not paying attention*.

The recognized refugee: partial belonging

After receiving asylum, refugees are allowed to enter the labor market without restrictions, which can be an important vehicle of belonging and "lived citizenship" (Müller, 2022). In addition, recognized refugees begin to receive social benefits from the Jobcenter, rather than the immigration or social welfare office. Some interviewees claim that this change feels like an upgrade, and not just because their monthly benefits increase:

> …it was like success for us to move to Jobcenter because you fight like a year and a half until you get this kind of treatment as a normal refugee… it was like treatment as – wow, Jobcenter, you know. Wow. I've done it. It was like wow, I'm in the Jobcenter. (25-35M)

He is still a refugee, but now he is a "normal refugee," receiving unemployment benefits from the same office as any German citizen or resident. In addition, as several other interviewees mention, Jobcenter claimants receive job search support over longer, more frequent appointments with case workers. In this regard, some refugees perceive an explicit difference in how the state treats them after receiving asylum. Some internal borders created by policies have fallen, fostering feelings of belonging and normalcy. However, other bordering mechanisms—especially through public discourses and welfare case workers' discretionary decisions—still persist in the labor market.

Although recognized refugees can legally work, many interviewees said that welfare case workers steered them away from their desired career paths toward low-skill jobs for faster labor market entry. One interviewee wanted to get her degree in IT recognized and then go back to university to update her skills, but was denied financial support for both measures by her case worker. "Jobcenter has said, university is not our business. We only support people to go to work or do an apprenticeship," she recounts (35-45 F). "They really play with the lives of some talented people," she adds in frustration. Another who held a master's degree in management was similarly discouraged from using her qualifications and advised to apply for grocery store jobs instead. "I said, I have not problem with working, but I have a university and a master's degree," she replied (35-45 F). Echoing Menke and Rumpel (2022), she also noted that some case workers make racialized assumptions that refugee women may be denied jobs because "a headscarf would be a problem" (35-45 F). Even though they are legally allowed to work, recognized refugees may continue to experience non-belonging when case workers and the labor

market *fail to acknowledge their skills, qualifications, previous experience, and ambitions for the future*.

Even after receiving asylum, deservingness discourses still shape refugees' labor market opportunities and contribute to continued differential inclusion. The activation approach to labor market policy, developed in the early 2000s, deploys the welfare agency to pressure claimants into faster employment (Eichhorst et al., 2010), sometimes despite their long-term aspirations. Moreover, the discretion granted caseworkers in enforcing this demand can lead them to replicate racialized integration and deservingness discourses in society (e.g., Menke & Rumpel, 2022; Ratzmann & Sahraoui, 2021), funneling refugees into low-paying jobs. Notions of proper refugee "integration" are tied to rapid labor market entry (Maaroufi, 2022; Phillimore, 2021), leading case workers to suggest refugees lower their expectations and take on any available job. A group of immigrants with diverse educational backgrounds, skills, and experiences becomes compartmentalized into a source of "disposable labour" (Barwick-Gross, 2025; *see also* Gowayed, 2022; Nikolov et al., 2022), placing them lower on the hierarchy of belonging despite their legal entitlement to work in any job. One interviewee explains:

> Well, so honestly, it's rude, or it's unpopular for them [refugees] to attend university here. Or – well, rather do training. I think so because Germany needs apprentices. There's a shortage of staff everywhere. Yes. They try that over and over again or at least so – no, so rather go work. (25-35M)

The interviewee continues, "The clerks, sometimes they show no understanding [of one's career plans]. Just go to work and done." Overall, several interviewees demonstrate awareness, and sometimes frustration, that refugees are viewed as a disposable, low-skill workforce. Though recognized refugees face less formal bordering through policies, they still encounter discourses of non-belonging. They sometimes resist such messages: when speaking of his Jobcenter activation encounters, one interviewee insists, "how I want to move with my life, it depends on me" (25-35 M). By challenging case workers' authority over his career decisions, the interviewee also rejects a hierarchy that limits refugees' labor market inclusion.

The Ukrainian refugee: accelerated partial belonging

As demonstrated above, any refugees recognize that their acceptance in German society is conditional and piecemeal, with labor market policies and discourses reinforcing a hierarchy of non-belonging. This became especially clear when Ukrainians began fleeing war early in the fieldwork and Germany introduced new policies that eased their arrival. Some interviewees expressed frustration that they were not allowed to enjoy many rights as quickly as Ukrainians and found these differences discriminatory:

> Now it's easier for the Ukrainian people, which is – I'm glad that they don't have to go through the same situation that – the same process that we went through, but on the other hand, it's not fair. Why other people from other country, Afghanistan, Pakistan, Syria, Iraq, whatever, Palestine, you know. Why do they need – why it's different? … Because they are European. And it's obvious. It's obvious. They are European. (25-35M)

For some, the relative ease with which Germany activated the TPD in 2022 served as evidence of racialized hierarchizing of refugee groups, with white Ukrainians enjoying greater privileges than racialized people from the Middle East and Africa (Carrera et al., 2022).[1] Bypassing the asylum process meant that Ukrainians could work more quickly, receive higher social benefits, and avoid some of the experiences of non-belonging described above. When refugees notice differential inclusion, as in the above quote, they may interpret it as a signal of non-belonging. Ukrainian protection seekers were able to bypass the asylum process, a period of greater exclusion from rights, and were quickly granted rights similar to those with recognized refugee status. To some, this was a signal that Ukrainians belonged more, demonstrating how market policies can reinforce non-belonging by *privileging others in comparison*.

Indeed, in interviews with Ukrainians themselves, concerns about being legally permitted to work did not apply at all. One electrician who spoke some German had already found a possible job lead. Others had entered training programs for their desired professions or language courses. Still others did not yet perceive work as an urgent matter because they still needed to recover from war experiences. "All they [Ukrainians] want, they want a quiet place to stay… They need to be in this hibernation period for a couple of months because you cannot be a part of the society yet," one Ukrainian respondent explains (35-45 M). That said, some mentioned learning German and deskilling as barriers to labor market entry (*see also* Lashchuk, 2025; Lazarenko, 2024). While Ukrainians quickly obtained legal status granting them rights similar to those of recognized refugees—bypassing the exclusion period typically faced by asylum seekers—they still encountered some mechanisms of non-belonging experienced by other refugee job seekers.

One standout feature of interviews with Ukrainian protection seekers was the frequent mention of lack of digitalization and "user-friendly" processes (Lazarenko, 2024) in social welfare and employment services. "So I mean, they [Germany] are not so digitalized, for example, as we are still in Ukraine," one interviewee explains (35-45 M). While one reason for the focus on digitalization may be because they are accustomed to it, another may be because they do not have to worry about access to basic rights and can consider how services could be improved. Kirsch et al. (2025) write in their evaluation of digital identity tools for immigrants: "Notably, digitalization was not a priority for all immigrant groups: While some EU Blue Card holders and Ukrainian protection holders talked confidently about the potential benefits of digital identity tools, asylum seekers, tolerated stay holders, and other immigrants facing systemic barriers prioritized more immediate concerns such as discrimination in accessing rights." Lack of focus on certain topics in interviews can be evidence as well, and in this case, Ukrainian respondents did not experience the period of differential bordering and greater non-belonging encountered by most refugees in the asylum application period.

Conclusion

This study has demonstrated how labor market policies and discourses in Germany create a hierarchy of non-belonging among refugees, with different legal statuses resulting in varying levels of labor market entitlements. I analyze how these policies and discourses inform refugees' experiences in the labor market, highlighting the links between the political project of non-belonging and refugees' own experiences of it. The hierarchies inherent in labor market policies influence refugees' perceptions of their place in Germany, leading to a stratified system of *differential (non-)belonging*.

Overall, this article has demonstrated how policies and discourses together shape differential inclusion, producing and reinforcing a hierarchical system of non-belonging. Moreover, this system affects immigrants' own experiences and awareness of the politics of non-belonging, creating a hierarchy of differential non-belonging codified not just in law but in immigrants' daily lives. Immigrants subjected to the most restrictive policies are placed on the bottom rung of the non-belonging hierarchy, even to the point where they may feel subhuman; while immigrants with more rights bypass this most severe form of exclusion, they continue to experience non-belonging in fewer ways and perhaps milder forms. This stratification of non-belonging can have significant implications not only for immigrants' well-being, but also for social inequality and social cohesion, as strata of belonging and non-belonging are created and reinforced by the state. The study therefore has broader implications for research on immigrants' experiences of belonging and non-belonging in destination countries by highlighting the central role of policies and discourses in creating hierarchies of non-belonging. In light of an increasing plurality of legal statuses available to immigrants, policies that create hierarchies of rights—thereby creating hierarchies of immigrants—have a part to play in shaping immigrants' daily experiences of inclusion and exclusion.

Notes

1. It should be noted that immigrants from Eastern Europe also experience racialization, and there is a significant body of work on this topic (e.g., Barwick-Gross, 2025; Lewicki, 2023).
2. For this table, I have chosen to identify nationality not by country of birth, but by interviewees' self-identified nationality. While this choice entails its own limitations – as the asylum decision may be made based on country of origin, and not the respondent's nationality – nationality also often affects asylum applicants' safety in their country of origin (due to lack of legal documentation from their country of origin, hostilities against minority ethnic groups, or other issues).

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Appendix

Appendix A: Further information about refugee legal statuses

There are several possible legal protection categories granted to asylum seekers: 1) entitlement to asylum (Article 16a of the Constitutional Law, Grundgesetz für die Bundesrepublik Deutschland), 2) refugee protection (Section 3 of the Asylum Act), 3) subsidiary protection (Section 4 of the Asylum Act), or 4) a ban on deportation or tolerated stay (Section 60 V and VII of the Residence Act) (Federal Office for Migration and Refugees, 2023). The asylum application is rejected when none of these forms of protection can be considered. Refugee protection is the most extensive form of protection, but in practice, the first three legal protection categories are similar in terms of residence and welfare state entitlements. Those with an entitlement to asylum or refugee protection receive a three-year residence permit, while those with subsidiary protection or a ban on deportation receive a one-year residence permit. All can potentially be extended and eventually lead to a settlement permit.

The most frequent grounds for the issuance of a tolerated stay, according to German parliamentary documentation, is "other reasons," with the second most frequent reason being "missing travel documents" (Deutscher Bundestag, 2022b). Issues of unclear identity or enrollment in an Ausbildung (apprenticeship) are also common reasons for granting a Duldung. In July 2022, the German cabinet adopted a new regulation providing a path to secure residency for those who had lived in Germany under a tolerated stay for at least five years—but only if they had fulfilled those five years by October 31, 2022 (Deutscher Bundestag, 2022a). However, this measure does not affect any of the tolerated stay holders interviewed for this study.