Forty-Eight Shades of Germany: Positive and Negative Discrimination in Federal Asylum Decision Making

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Several studies have established considerable cross- and sub-national differences in the chance that an individual asylum-seeker obtains the refugee status at the first instance. However, we do not know whether asylum-seekers also face a similar discriminatory potential when they appeal a negative decision and, if this failed, when the authorities decide about a deportation. To fill this research gap, we examine the possible inequities of the three crucial stages in asylum decision making across the 16 German Länder. We argue based on principal-agent reasoning that all three authorities empowered in this domain – the regional offices of the Federal Office for Migration and Refugees (BAMF), the 52 German administrative courts, and the immigration agencies of the Länder - consider their direct political and economic environment when making a decision. Paying attention to these regional concerns explains in our view the considerable inter-regional differences in the assessment of individual asylum files although the substates only possess the formal power to decide about deportations. The empirical analysis supports several of our theoretical conjectures.

Introduction

One of the key problems in policy implementation is the uniform application of standards that the central government has set for the country. This challenge exists especially in federations like Germany, Switzerland or the United States in which the regional governments often possess substantial discretion in the implementation of federal laws. Pressman and Wildavsky (1973) have expressed the concerns over the inequities that decentralized decision making can create in the sub-title of their classic "Implementation: How Great Expectations in Washington are Dashed in Oakland…". In a landmark study, Riker (1964, 155) described the discriminatory potential of multi-level decision-making arrangements drastically: "[…] if in the United States one disapproves of racism, one should disapprove of federalism".

Such inequities can also exist in policy domains in which the regional governments only enjoy limited discretion. This article explores the discriminatory potential in those areas of German asylum policy making in which regional actors possess no or restricted power at the implementation stage. The relevant international treaties, notably the Refugee Convention (1951) and the Protocol Relating to the Status of Refugees (1967), imply the signatory states to assess asylum requests in a fair fashion. This means that comparable applications and appeals to rejections should have a similar chance to be accepted or rejected. This article evaluates the extent to which states live up to the ideal of impartiality by comparing how three key decisions on an asylum application are made across the German Länder

Titles of academic blogs and articles such as "asylum lottery" (Schneider and Riedel 2017) and "refugee roulette" (Ramji-Nogales, Schoenholtz, and Schrag 2007) reflect the considerable positive and negative discrimination in the implementation of federal asylum standards that has been identified across Germany and the United States. Comparable asylum-seekers with identical and equally credible claims supporting their application face accordingly a very different chance to become recognized as refugees, to be successful with their appeals in the asylum courts or to escape a deportation after the final rejection of their application. Holzer, Schneider and Widmer (2000, see also Holzer and Schneider 2002) establish that the chance to be recognized as a refugee differs considerably across the Swiss Cantons. Riedel and Schneider (2017) demonstrate that there have been considerable differences in the recognition rates of the German Länder between 2010 and 2015 although the first instance decision making takes place in the regional offices of the Federal Office for Migration and Refugees (BAMF), and several authors have analysed the large differences in the recognition rates across the Schengen-Dublin regime (e.g. Holzer and Schneider 2002, Neumayer 2005, Toshkov and de Haan 2013, Toshkov 2014, Hatton 2015).

However, the recognition decision is only the first stage at which systematic differences in the formal assessment of asylum claims can manifest themselves. Asylum-seekers can appeal a negative first decision that the federal authority has made. Ramji-Nogales, Schoenholtz, and Schrag (2007) as well as Miller, Keith and Holmes (2015) report similar differences for U.S. asylum courts. Holzer and Schneider (2002) examine the vast intertemporal differences in the recognition ratios of successful appeals in Switzerland, arguing that the administrative decision making engages into a policy of muddling through. Ellermann (2005, 2006, 2009) finally uncovers considerable differences for the way in which policy makers and bureaucrats in Germany and the United States decide about deportations of migrants. While a xenophobic public opinion forces the German legislative actors to give in to restrictive demands, economic interest organizations lobby immigration authorities more intensively in the U.S.

This article extends the macro-political analysis of the inequities in first-instance decisions made by representatives of the German Office for Migration and Refugees (BAMF) by Riedel and Schneider (2017) to the decision of the German administrative courts and the deportations, for which the immigration authorities of the German Länder are responsible. Using principal agent-reasoning as the baseline for our theoretical analysis, we argue that decision-makers at all three stages are systematically influenced by the attitudes towards migrants of their Land and other extra-legal concerns when they evaluate the files of the individual applicants. Paying attention to regional preferences and constraints results in the positive and negative discrimination of asylum-seekers across the German states and leads to first and second instance rejection and deportation ratios that vary systematically across the sub-states. The macro-quantitative tests show that characteristics of the public administration of a state, its economic power and political orientation influence the decision making in the 16 Länder. We do, by contrast, not find any support for the theoretical expectation derived from Allport´s (1954) contact thesis that sub-states with a larger foreign population are more likely to discriminate positively.

German Asylum and Migration Policy in a Federal System

Federalism is often seen as one of the core assets of a political system. Assuming heterogeneous valuations of public goods, the classic Tiebout (1956) model maintains that citizens will choose the jurisdiction that offers the best mix of public services and taxes for them. Extensions of this framework show that decentralized decision-making allows a state to adjust its policies to the position of the regional median voter (Alesina and Spolaore 2003) and that the inter-regional

competition increases the chance that a society can preserve a market economy (Weingast 1995).

Spiro (2001, 67) argues that cooperative federalism where the central government "enlists subnational authorities as junior partners" surpasses both central government hegemony and devolutionary federalism in the immigration domain. He mentions in this context the right of the Länder in Germany to undertake deportations as a positive aspect of cooperative federalism. However, empowering sub-states in this domain creates a considerable discriminatory potential as the mobility of asylum-seekers is restricted. This was first recognized in a more general way by Riker (1964) who stressed the discriminatory potential of federal arrangements in the treatment of minorities whose members are often too poor to migrate across state boundaries. As asylum-seekers cannot choose their own jurisdiction, their fate depends to a considerable extent on the willingness of the responsible authorities to examine their files thoroughly and objectively.

Unlike the citizens in the Tiebout model, asylum-seekers can therefore not move to the Land which offers them the highest chance of becoming recognized as a refugee, of accepting an appeal against a BAMF decision or of tolerating them despite negative decisions at the first two stages. We know since Becker's (1959) path-breaking work on the economics of discrimination that unfair treatment is only able to materialize in a system of imperfect competition or, to translate it to the case under consideration, restricted mobility. Unless asylum-seekers prefer the uncertainty of illegality, they have no possibility to avoid the discriminatory potential of the state which is in charge of their claim.

There is increasing evidence from various political systems indicating that asylum decision making is characterised by positive and negative discrimination at all relevant decision making stages. While some studies have exhibited the discriminatory access of refugees to the labour market (Spörndli, Holzer and Schneider 1998) or public health services (Scott 2014), this examination focusses on the three decision making bodies that evaluate an asylum-seeker`s application to become recognized as a refugee or to obtain at least temporary protection: (i) the regional outposts of the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*, BAMF), (ii) the administrative courts and iii) the immigration agencies of the German Länder.

While the Länder are responsible for the administrative implementation of the federal asylum and refugee legislation (Eule 2014, 13f.), the BAMF is in charge of the asylum procedure. It decides whether an asylum-seeker is granted the right of residence, the right to remain or whether their application has been denied. The federal office reminds rejected applicants of

their obligation to leave the country[1] (Tiedemann 2015, 27). Denied asylum-seekers have, however, the right to appeal this decision. These requests are dealt with by the administrative courts. The number of these courts per Land range between one (Bremen) and seven (North Rhine-Westphalia). The rejection of an appeal does not necessarily mean that an asylum-seeker has to leave Germany. If an asylum-seeker for instance appealed against a decision not to become recognized as a refugee, she might have nevertheless received the right to remain at least provisionally in Germany.

If the asylum-seeker is not successful with the appeal and does not receive any form of temporal protection, the immigration authorities of the Länder take over from the BAMF. The *Ausländerbehörden*, which are typically assigned to the Ministries of the Interior[2] and are in charge of administrative decisions such as the handling of residence permits (Groß 2006, 45ff.), are responsible for deportations (Schneider 2012, 17).[3] For people with an enforceable obligation to leave the country who are still in Germany even after the deadline of their departure, the immigration authorities prepare their deportation, collect the required documents, contact the country of origin and evaluate the physical readiness of the unsuccessful asylum-seekers before assigning the execution of the deportation to the police force of the Land (Oulios 2015, 265ff.).

The so-called refugee crisis and other developments such as the sexual assaults and robberies during the New Year's Eve 2015 celebrations in Cologne intensified the pressure on the Grand Coalition under Chancellor Merkel to make Germany a less attractive destination for refugees and other migrants. Already in October 2015, when the sudden influx of asylum-seekers reached its height, the German Minister of the Interior, Thomas de Maizière, had called for a faster decision making for "obviously unfounded" claims (Bundesregierung 2015). Simultaneously, the administrative courts started to complain about the increasing workload. The administrative court of Freiburg for instance reported a 300 percent increase of filed asylum claims for the first half of 2017 compared to the whole year of 2015, while only 60 percent of

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[1] The Federal Office differentiates, based on the German Asylum Act, between four forms of protection: i) entitlement to asylum according to Article 16a of the Basic Law; ii) refugee protection based on the Geneva Refugee Convention (Section 3 subs. 1 of Asylum Act); iii) subsidiary protection (Section 4 subs. 1 of Asylum Act); iv) national bans on deportation (Section 60 subs. 5 of Residence Act). The authorities further distinguish between outright rejection of an asylum application or rejection as "manifestly unfounded". An asylum-seeker has a maximum of 30 days to leave the country in case of an outright rejection and one week if the BAMF considers the claims "manifestly unfounded".

[2] In Rhineland Palatinate the immigration authorities are part of the Ministry for Family, Women, Youth, Integration and Consumer Protection, whereas the Ministry for Migration, Justice and Consumer Protection hosts the *Ausländerbehörde* of Thuringa.

[3] A rejected asylum application does not always entail a deportation. There are cases in which a departure is not necessarily possible, e.g. because of the current situation in the destination country, because of a lack of cooperation of the country of origin, missing documents or very bad health conditions of subjects of deportation. In these cases immigration authorities can issue a temporary suspension of deportation (Duldung) until all obstacles of deportation are removed (Sachverständigenrat deutscher Stiftungen für Migration und Integration (2016).

the staff required to process this immense number of claims is available (Verwaltungsgericht Freiburg, 2017).

The so-called asylum packages I and II of October 2015 and March 2016 were the main legal reactions to the increased administrative burden. The reforms aimed at speeding up the decision making at all stages and at fostering the integration of those refugees who have a reasonable chance to remain in Germany. As Germany should become a less attractive destination, some countries of origin - Albania, Kosovo, Montenegro (2015), Morocco, Algeria and Tunisia (2016) - were declared "safe countries of origin". The German authorities also shortened the time period during which asylum-seekers can file an appeal to one week and made it more difficult to postpone or prevent a deportation because of bad health. To prevent rejected asylum-seeker from disappearing, the new legislation does no longer request a pre-announcement of the date of deportation. The reforms finally limited the discretionary power of federal states at the last decision making stage, reducing the time frame for a deportation ban from six to three months.

There are nevertheless still considerable differences in how the Länder administer and implement the federal asylum and refugee law. To start with, they accommodate the asylum-seekers which they receive according to the central distribution key, the so-called Königsteiner key, in very different ways (Hirseland 2015). Berlin, Hamburg and Bremen use a one-tier accommodation system in which the federal state organises the accommodation of asylum-seekers. Another group of Länder, including Baden-Württtemberg, Bavaria and Lower Saxony, applies a two-tier system with the responsibilities divided between the federal state and the administrative districts of the Land. A three-tier system of cooperation between state, district and municipal authorities is used among others in Hesse, North Rhine Westphalia and Rhineland Palatine (Müller 2013, 16ff.). Furthermore, health care provisions vary across the Länder. In some federal states, asylum seekers are required to provide a document from an official agency to receive medical treatment or medication in a pharmacy. However, in Berlin, Bremen, Hamburg, North Rhine Westphalia, Rhineland Palatine and Schleswig Holstein asylum-seekers receive an electronic health card of local health insurance providers with which they can directly see a doctor (Fischer et al. 2016). Additionally, the federal states apply diverging models in the field of integration measures. The design, capacity and duration of German language courses varies greatly among the Länder (Schammann 2015a). Whereas asylum-seekers can take part in German language classes for up to 300 hours in Bavaria and Hamburg, Brandenburg offers 600 hours of instruction, which is equal to an integration course for permanent residents (Flüchtlingsrat NRW 2014).

The differences in the implementation of the federal obligations does not only exist in areas in which the Länder possess discretionary power, but also in domains where the central authorities are entirely responsible. Table 1 display how the asylum policy making has evolved at the three stages between 2010 and 2017 and, in the case of deportations, between 2012 and 2017, respectively. We report the average ratios of BAMF rejections, of the rejected appeals at the asylum courts and of the deportations. *Rejections* stands for the negative decisions made by the BAMF divided by all decisions made within a particular year. We have received this information through written requests from the BAMF. *Rejected appeals* is the overall number of decisions made in favour of the authorities of all decisions made by the administrative courts in a given year. The Federal Statistical Office reports these figures on an annual basis, distinguishing whether the authorities were fully or partially winning the appeal cases (Statistisches Bundesamt 2010-2017)[4]. *Deportations* counts the number of deported asylum-seekers divided by the number of negative decision made in a Land in a given year. Table 1 displays in parentheses additionally the coefficients of variation per year of these three ratios; this statistic, which is formally defined as the standard deviation divided by the mean, allows us to judge whether the decision making on asylum matters is converging across the German Länder (Neumayer 2005, Riedel and Schneider 2017).

Table 1: Average yearly ratios and coefficients of variation of BAMF rejections, appeals rejected by the administrative courts and of deportations, 2010 to 2017

Year	Rejections	Rejected appeals	Deportations
2010	0.58 (0.15)	0.41 (028)	NA
2011	0.55 (0.15)	0.42 (035)	NA
2012	0.50 (0.12)	0.46 (0.29)	0.24 (0.52)
2013	0.37 (0.21)	0.38 (0.34)	0.35 (0.56)
2014	0.30 (0.30)	0.34 (0.35)	0.27 (0.58)
2015	0.29 (0.35)	0.35 (0.36)	0.23 (0.61)
2016	0.22 (0.31)	0.32 (0.41)	0.19 (0.78)
2017	0.36 (0.26)	0.36 (0.36)	0.14 (0.83)

Note: The table reports the yearly ratios; coefficients of variation appear in parentheses.

Table 1 shows similar trends for rejections and rejected appeals. The BAMF and the administrative courts have decided increasingly in favour of the asylum-seekers between 2010 and 2016 if we disregard the single-year increases in 2012 (courts) and 2013 (immigration offices). First and second stage decisions have become less generous in 2017. The coefficient of variations,

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[4] The correlation between these two measures is 0.3301 across the eight years under examination.

conversely, have been growing until 2016. This indicates that the decision making behaviour in the German Länder on asylum cases has been diverging more and more before possibly reverting for a lower level of variation after the onset of the "refugee crisis". Deportation decisions are influenced by the large number of rejected, but tolerated asylum seekers. It is therefore not surprising that this ratio was at an all-time low in 2017. Note that the coefficient of variation has steadily grown over the five years for which we possess data.

Table 2 confirms the considerable spatial inequities in the ways the BAMF, the administrative courts and the immigration offices behave. The Saarland and Bremen have much lower average rejection ratios than Baden-Württemberg, Berlin and most of the new Länder. The deflated figures in Bremen are to some extent due to the positive discrimination a collaborator in the BAMF centre in the Hanse town exerted mainly towards Yezidi refugees – a divergence that was quickly derided as a scandal and that threatened the survival of the new Grand Coalition soon after it had gained office (Spiegel 2018). These divergences have, however, become smaller through the inclusion of the year 2016 in comparison to the results reported in Riedel and Schneider (2017).

Table 2: Mean rejection, rejected appeals and deportation ratios by Bundesländer, 2010(2012)-2017

Bundesland	Rejection	Rejected appeals	Deportation
Baden-Württemberg	0.45	0.44	0.21
Bavaria	0.41	0.49	0.23
Berlin	0.46	0.20	0.19
Brandenburg	0.44	0.36	0.14
Bremen	0.34	0.29	0.06
Hamburg	0.38	0.19	0.21
Hesse	0.37	0.30	0.32
Mecklenburg West Pomerania	0.39	0.26	0.35
North Rhine-Westphalia	0.42	0.42	0.20
Lower Saxony	0.37	0.42	0.15
Rhineland Palatine	0.39	0.46	0.15
Schleswig Holstein	0.38	0.53	0.21
Saarland	0.24	0.33	0.65
Saxony	0.44	0.41	0.32
Saxony-Anhalt	0.45	0.52	0.22
Thuringia	0.42	0.45	0.19
Mean[1]	0.40	0.38	0.24

[1] Federal means are not weighted by population size.

The administrative courts of such diverse Länder as Bavaria, Schleswig Holstein and Saxony Anhalt decided between 2010 and 2016 in 50 or more per cent of the cases in favour of the authorities, rejecting the appeals of the asylum-seekers to a (partially) negative decision by the BAMF. In Berlin, Hamburg and Mecklenburg West Pomerania, the judges decided in less than a quarter of the equivalent cases in favour of the BAMF. The lowest mean deportation ratio can be again found for Bremen, which has the second lowest recognition ratio, too. The Saarland, which has the lowest recognition rate, deported rejected asylum-seekers most consequently with an average ratio of two thirds. The reversed role of this small Land also becomes apparent in Figure 1 that shows the development over time for the sub-states with the most extreme yearly ratios and the entity closest to the country mean. For the rejection and the deportation ratio, this average Land was, perhaps surprisingly, Bavaria, while the Brandenburg administrative courts take this role with regard to the rejected appeals.

Figure 1: Asylum decision making behaviour in three exemplary Länder: rejections, rejected appeals, and deportations
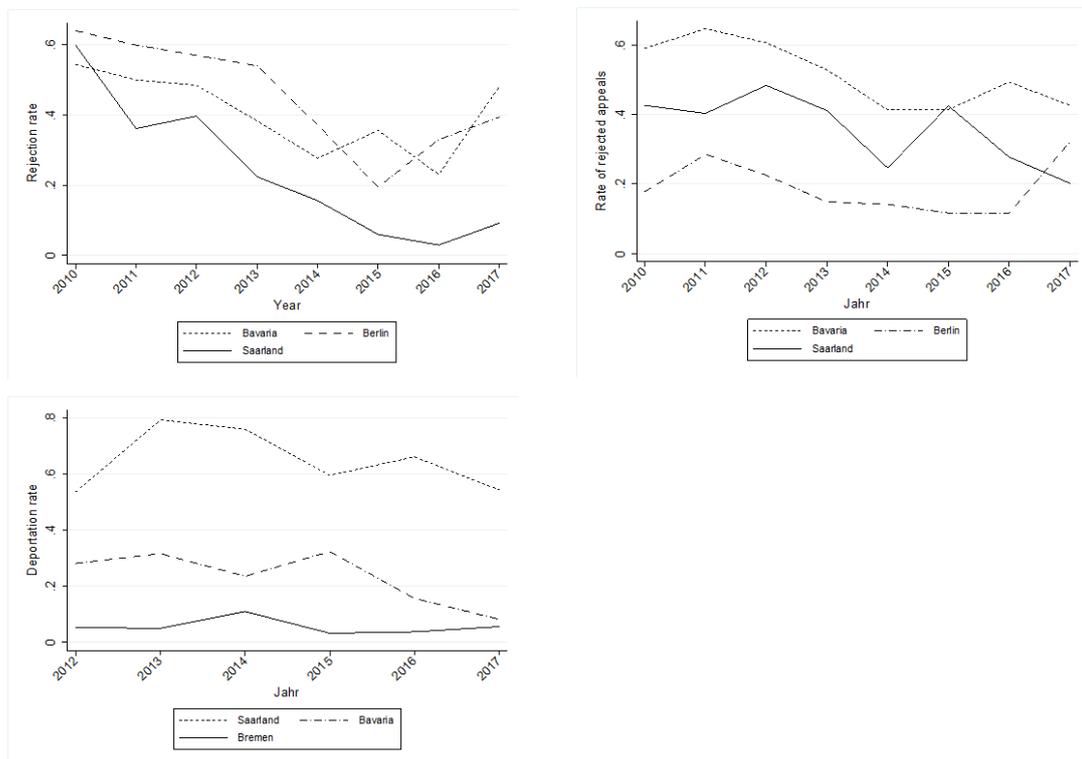
Theory, Data and Methods

To understand these inequities across the three stages of decision making studied in this article, we adopt in line with a set of diverse studies (e.g. Ellermann 2009, Holzer, Schneider and Widmer 2000, Riedel and Schneider 2017, Salehyan and Rosenblum 2008, Spörndli, Holzer and Schneider. 1998) a unifying principal agent framework. We argue that the BAMF collaborators,

the judges and the Länder authorities are all influenced by the socio-economic and political profile of the Land in which they are making their decision. This general expectation is rooted in Lipsky's (1980) and Niskanen´s (1971) canonical analyses of implementation and bureaucratic politics and the subsequent works these contributions sparked. In this perspective, the collaborators of the agencies responsible for asylum decisions are, to borrow Lipsky's famous catchphrase, "street-level bureaucrats". Spread out over the entire federation, they hold considerable discretion when deciding about an asylum file.[5] This leeway results firstly from the grey zone that surrounds any attempt to match an individual request with the prerogatives of the federal law. The officials of the BAMF, the administrative judges and the civil servants working in the immigration offices have not the least to assess the credibility of the argument that an asylum-seeker has been persecuted. While the deportation decisions are formally delegated to the Länder, leaving them some administrative discretion, federal decision makers have, as indicated, tried to streamline the decision making in this area at least since the "refugee crisis".

The second source of agency discretion is the limited information that the federal government has about the working of its agents. The informational advantage - a classic theme in the study of bureaucracy since Niskanen's (1971) classic treatise – is since the 1980 analysed through the lenses of principal-agent theory. In the realm of German asylum policy making, the federal authorities are the principals for the BAMF collaborators and the asylum judges, while the Länder governments are ultimately responsible for the implementation decisions carried out by the regional migration office. Agents, however, are not only influenced by the preference of their superiors, but also by the wishes of the region in which they are working. This sensitivity to regional concerns typically grows with the social and political heterogeneity of a country (Alesina and Spolaore 2003).

Delegating authority to regional actors is advantageous in areas in which the unequal provision of public goods reflects the diversity of desires across a country. Policy makers are then able to exploit their superior knowledge of their local and regional agents through the development of optimal policy mixes. However, decentralized decision making also creates what McCubbins, Noll and Weingast (1987) have called "bureaucratic drift" – a theoretical concept that measures the deviation between the government's preferred policy and the implemented policy. In asylum policy making, bureaucratic drift results from decisions made at the sub-state level that do not correspond to the political preferences of the federal government.

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[5] According to some author's, Niskanen (1971) represents a top-down and Lipsky (1980) a bottom-up perspective (e.g. Gilson 2015).

Although principals try to limit the "bureaucratic drift" that the assignment of implementation powers to an agent creates, such attempts will not necessarily succeed in federal Germany. The ideological tensions between the federal and Länder governments as well as between the coalition partners at both levels frequently hinder attempts to curtail the agent´s discretion. The descriptive evidence shown above demonstrates that the legal reforms introduced in the wake of September 2015 did not dramatically limit the huge variation in the implementation of federal asylum policies.

How can we account for these differences more systematically? An increasing number of studies examines how the decentralized decision making in migratory matters in Germany affects policy outcomes. Investigating naturalisation rates across the Länder, Henkes (2008) shows that the ideological orientation of the regional governments makes a difference in this domain. A smaller ratio of foreign residents obtains accordingly a German passport in Länder in which the Christian democrats have dominated the political landscape in comparison to substates in which the SPD was the ruling party for an extended period. The long-term dominance of regional politics by a political party does, however, not affect the decisions that the collaborators of the BAMF make when they decide in the regional offices of the organization about an asylum claim (Riedel and Schneider 2017). Unemployment and xenophobic attacks against foreigners are among the factors that have influenced decision making in this domain in the years before the refugee crisis.

In a qualitative analysis of four German cities, Aumüller and Bretl (2008) establish major differences in the way in which the local authorities accommodate asylum-seekers, how they grant access to health care and how they assist the applicants in finding their way to the labour market. The authors attribute this variation to the differing municipal contexts. Building on 12 interviews with twelve rejected asylum-seekers, Scott (2014, 2018) demonstrates that "street-level" bureaucrats in welfare offices have ample leverage in the decision of how refugees obtain access to health care. Eule (2014) carries out four case studies in four German immigration offices and finds that the partly improvised nature of decision-making and different practices in the *Ausländerbehörden* are due to constantly changing German immigration legislation. Additionally, the implementation process is influenced by political discussions, executive and judicial interventions as well as local public organisations. Schammann (2015b: 174ff.) establishes, in a comparative cases study of asylum implementation practices in Bavaria and Schleswig-Holstein, distinct practices of cash disbursements, administrative requirements for access to medical treatment and educational services. He concludes that the authorities in Bayern use more intensive forms of control whether an asylum-seeker is eligible to a service,

whereas officials in Schleswig-Holstein only inspect exceptional cases and usually grant services.

Gibney and Hansen (2003: 7) compare the practice of deportation in Germany, Canada and the UK. For the German case, they argue that the division of labour between Länder based implementation and federal legal frameworks leads to the fact that whether an individual is subject to deportation largely depends on the Land he or she lives in (2003: 7). By comparatively assessing the decisions of bureaucrats in Baden-Württemberg and Brandenburg on deportation implementation, Ellermann (2006) shows that bureaucrats are influenced by public opinion and public opposition on deportation enforcement when making the decisions that often seal the fate of the former asylum seekers in Germany (2009, 124ff.). In interviews with officials in the immigration authorities, Ellermann (2009) provides evidence that bureaucratic capacity is affected by public protests against deportation. She argues that deportation is differently executed in the Länder because of an inadequate implementation of existing legal regulations (Ellermann 2006, 294).

To explain variation between a federal principal and regionally operating agents, this study distinguishes between an administrative, a socio-economic and a political model. Empirically, the focus will be on the three outcome variables that we have introduced before: the rejection, the negatively decided appeals and the deportation ratios. We define the variables and list their sources in the appendix.

The *administrative model* takes into account how much the Land invests in the asylum sector and how many resources go to public security. In addition, we also examine whether the likely political orientation of the public administration influences decision making in the asylum domain. We expect that past asylum expenditures decrease the rate of decisions that are negative for the asylum seekers. By contrast, decision makers acting in Länder that have a clear "law and order" profile and invest more in the police force should be less favourably disposed towards asylum claimants. Finally, states in which the Social Democrats have ruled for a long period of time instead of the Christian Democrats should be less restrictive in their asylum decision making. While a long tenure gives the ruling party more opportunities to appoint judges and civil servants of their liking, the predominance of a party in a Land also shapes it political culture and attitudes towards foreigners. The latter force is expected to influence the BAMF decision makers at the first stage, and the partisan appointment and hiring processes should affect the behaviour of the asylum courts and the immigration offices. We measure the

yearly asylum expenditures per capita with data from the Federal Statistical Office. The indicator for the law and order culture is the number of police officers per 100'000 inhabitants, and we count the number of years that the SPD was the predominant government party.

The *socio-economic model* considers Allport's (1954) influential contact hypothesis according to which decision makers in Länder with many foreigners should engage into positive discrimination. Riedel and Schneider (2017) found some limited support for this thesis. We use the share of the foreign population with data from the Federal Statistical Office as an indicator for this test. In addition, this model will study how lagged economic factors – unemployment, development and growth - affect the decision making behaviour. Previous cross-national studies have found that economic development and low unemployment can increase first instance recognition rates, but the findings are not robust across all specifications (e.g. Holzer and Schneider, 2002, Neumayer 2005, Toshkov 2014). Riedel and Schneider (2017), conversely, established that economically prosperous Länder were less likely to accept refugees than less prosperous ones, but this effect is not strong and robust. In some models, higher unemployment drives down recognition rates. We include besides the GDP per capita and the unemployment rate economic growth as a potential driver of positive decisions across the German Länder. The data are taken predominantly from the Federal Statistical Office.

The *political model* finally tests whether the influence of political parties or the strength of xenophobic parties influence asylum decision making across the German Länder. Riedel and Schneider (2017) did not find that the political orientation of the federal state makes any difference for BAMF decision makers. They could also not establish an influence for the vote share that goes to parties of the extreme right. They found, however, some evidence that the lagged number of xenophobic attacks reduces the recognition ratios. In this article, we again use the lagged and logarithmized number of such incidents as possible correlates of rejection and deportation ratios. We measure the partisan orientation of the government through a dummy variable that amounts to 1 in case the SPD was the leading party, 0 otherwise. The proportion of right wing parties is measured through the added shares of the Alternative for Germany (AfD), the National Democratic Party of Germany (NPD) and the Republicans (REP).

We will run longitudinal models in the spirit of Riedel and Schneider's (2017) more limited study. The statistical models, however, are of a purely correlational nature. Although most explanatory variables are lagged for one year, the limited time span studied and the absence of an obvious instrumental variable do not allow us to interpret the significant estimates as causal. All models are linear regression with panel-corrected standard errors and controlling for first-order auto-correlations. The decision for random effects in this analysis is based on the

finding that point out that random effects generate results of higher quality for small numbers of observations per unit as it is the case for this investigation across the German Länder (Clark and Linzer 2015). The online appendix contains a number of alternative specifications.

Results

This article examines asylum decision making in Germany at all three relevant stages. To see whether the administrative and judicial decision are influenced by the same set of factors, we include the same covariates in all three sub-tables. Table 3 first shows that mainly the first decisions, for which a federal agency, the BAMF is in charge, can be explained through facets of the Länder administrations. First, an increased police presence correlates positively with the rejection rates. Furthermore, the longer the Social Democrats were governing a Land alone or as the senior partner in a coalition, the smaller the rejection rate is. Economic factors and a larger proportion of foreign citizens residing in a Land do with the exception of unemployment not exert any systematic influence on aggregate rejection rates for the time period studied. As expected, the unemployment figure in the last year is associated with a higher rejection rate next year. The corresponding coefficient is, however, no longer significant in the model that includes all explanatory variables. In the fully specified model, richer Länder have a lower recognition ratio – a finding that is in line with our expectation and in contrast to the tiny negative impact that economic development has for the shorter time span examined by Riedel and Schneider (2017). Finally, the proportion of votes going to right-wing parties increases the rejection ratios in a model that only includes political variables. This predictor does, however, no longer exert a systematic influence if all explanatory variables are included. In such an extended model, Länder with an SPD government have higher rejection rates. In contrast to Riedel and Schneider (2018), xenophobic tendencies in a Land do not correlate with an increased rejection rate.

The decisions of the appeal judges are, as shown in Table 4, partly influenced by the same determinants as the choices made by the BAMF collaborators. However, the coefficient point in the opposite direction for the Länder that employ, relatively speaking, more police staff. Administrative courts of sub-states in which the Social Democrats have called the shots for a long time have a lower ratio of decisions made against asylum seekers. Only a comparative study of judges with different party affiliations could indicate whether this correlation is due to a higher proportion of judges appointed under the SPD reign of the Land. The same qualification has to be made for the influence of the investment in the police force which is no longer significant in the larger specification. The negative impact that a current SPD government has on the judges' decisions on appeals, however, underlines that partisanship is a factor

to be reckoned not only at the German constitutional court, but also at lower-level administrative courts (Engst et al. 2017). The negative impact of economic development on the appeal rejection rates is in line with our expectations, but this is not the case for the impact that unemployment exerts. This influence, which might be due to some liberal Länder with high unemployment such as Bremen, disappears in a model that includes all predictors.

The deportation ratios are only correlated with one administrative facet, the asylum expenditures per capita. The negative coefficient could, however, also indicate reversed causality as decisions not to deport rejected asylum seekers increases expenditures in this domain. Among the socio-economic factors, the negative coefficients of economic development and economic growth are in line with our expectations. These results indicate that prosperous and growing regions deport fewer asylum seekers whose claims and appeals were rejected. The negative impact of unemployment might again be due to the pro-refugee environment in some Länder that are struck by high unemployment. The regressions reported in Table 5 finally also indicate that partisanship also matters with regard to deportations. SPD-led regional governments are more liberal than states in which the Christian Democrats dominate the executive. The negative association between last year's xenophobic attacks and the deportation ratio is hard to interpret; it also vanishes in the full model.

Regression results

	Rejection rate				Rate of rejected appeals				Deportation rate			
	Model 1	Model 2	Model 3	Model 4	Model 1	Model 2	Model 3	Model 4	Model 1	Model 2	Model 3	Model 4
Asylum expenditures (t-1)	-0.000324			0.000329	0.0000488			0.0000776	-0.00130**			-0.00147***
	(-0.43)			(0.52)	(0.14)			(0.22)	(-2.57)			(-4.33)
Police officers per 100.000 capita (t-1)	0.000398**			0.000315	-0.000722***			-0.000248	-0.000179			0.000245
	(2.33)			(1.36)	(-5.07)			(-1.37)	(-0.75)			(0.82)
Government years SPD (t-1)	-0.00772***			-0.0121***	-0.00299***			-0.00485**	0.00105			0.00611***
	(-4.20)			(-5.79)	(-2.87)			(-2.12)	(0.51)			(2.62)
Proportion of foreigners (t-1)		-0.203		-0.157		-0.0635		0.0569		-0.0758		0.453**
		(-0.64)		(-0.78)		(-0.27)		(0.31)		(-0.31)		(2.12)
Unemployment rate (t-1)		0.0117*		0.00965		-0.0210***		-0.0120		-0.00714		-0.0167***
		(1.67)		(1.34)		(-3.58)		(-1.31)		(-1.23)		(-3.81)
GDP per capita (t-1)		-0.00226		-0.00466*		-0.00800***		-0.00761***		-0.00378***		-0.00279
		(-1.24)		(-1.80)		(-5.03)		(-6.32)		(-2.61)		(-1.17)
Economic growth (t-1)		-0.00517		-0.00109		0.00126		0.00994		-0.0280***		-0.0296***
		(-0.68)		(-0.17)		(0.40)		(1.32)		(-2.63)		(-4.09)
Government SPD			0.00657	0.0726***			-0.0564**	0.00986			-0.0720**	-0.159***
			(0.33)	(2.86)			(-2.12)	(0.28)			(-2.21)	(-3.91)
Right votes (t-1)			0.0383***	0.00223			0.00724	-0.0246***			0.0111	0.00316
			(2.83)	(0.11)			(0.55)	(-2.89)			(0.49)	(0.16)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Xenophobic attacks (t-1)			-0.0191	-0.0191			0.00408	0.00284			-0.0439**	-0.0179
			(-1.03)	(-1.27)			(0.47)	(0.27)			(-2.14)	(-1.50)
Rejcection rate					0.165		0.113	0.00303				0.0816
					(1.60)		(1.09)	(0.02)				(0.66)
Rate of rejected appeals								-0.0390				-0.0259
								(-0.27)				(-0.24)
_cons	0.413***	0.423***	0.392***	0.588***	0.568***	0.822***	0.378***	0.820***	0.339**	0.512***	0.403***	0.532***
	(5.54)	(4.37)	(6.10)	(5.65)	(9.21)	(9.53)	(10.34)	(10.05)	(2.04)	(4.43)	(5.34)	(4.02)
N	126	128	128	126	111	128	128	111	96	96	96	96
R^2	0.441	0.466	0.463	0.514	0.432	0.408	0.337	0.501	0.212	0.219	0.195	0.449

t statistics in parentheses
* $p<0.10$, ** $p<0.05$, *** $p<0.01$

Conclusion

This article offers the first comprehensive macro-political analysis of the three key stages of asylum decision making across the German Länder, demonstrating that positive and negative discrimination of asylum-seekers does not stop with the initial decision by the Federal Office for Migration and Refugees (Riedel and Schneider 2017). We uncover considerable spatial inequities in the aggregate rulings of the administrative courts on appeals by asylum-seekers and the deportations for which the immigration offices of the Länder are responsible.

We explain these divergences through a principal-agent framework according to which extra-legal considerations affect the behaviour of the agents of the federal government – the collaborators of the BAMF and the judges at the administrative courts as well as the agents of the Länder governments – the employees of the immigration offices. Panel regression analyses show that socio-economic characteristics of a Land and its political situation affect the choices the agents make at all three decision making stages. These inequities pose in our view a major problem that is hardly discussed in the current debate on how the process can be further fastened and how future asylum-seekers can be deterred from flocking to Germany to file their requests.

Note that our macro-analysis probably underestimates the discriminatory potential of German asylum decision making. Especially the reliance on yearly averages creates a regression to the mean-effect insofar as it ignores the decision making behaviour of the most extreme BAMF collaborators, administrative court judges and immigration office officials. To overcome this problem and the potential ecological fallacy bias that our regressions face, we would need access to information about representative samples of individual asylum requests, appeals decisions and deportations and non-deportations. Although such studies seem almost inconceivable in the German context in light of our difficulties in obtaining even simple macro-statistics, Holzer, Schneider and Widmer (2000), Milner, Camp and Holmes (2015) and few others were able to exploit individual level data for the systematic study of asylum decision making in other countries. It should be noted that access to disaggregated data would not only benefit the research community, but could also help the authorities in establishing fair asylum decision making procedures. Greater data transparency could also initiate a debate about the proper measurement of asylum decision making. We do for instance not think that the current definition of the deportation ratio – the number of deportations divided by the number of negative decisions - makes much sense as the denominator does not include the successful appeals and the rejected asylum-seekers who cannot be deported to the country of origin and who are thus tolerated. Such measurement issues are politically important as the

current deflated version of the deportation ratio inadvertently unnecessarily fuels right wing allegations about government failures in migration issues.

References

Alesina, Alberto, und Enrico Spolaore. 2003. *The Size of Nations*. Cambridge, MA: MIT Press.

Allport, Gordon W. 1954. *The Nature of Prejudice*. Cambridge: Perseus Books.

Aumüller, Jutta and Carolin Bretl. 2008. *Lokale Gesellschaften und Flüchtlinge: Förderung von sozialer Integration: Die kommunale Integration von Flüchtlingen in Deutschland*. Berlin: Berliner Institut für Vergleichende Sozialforschung. Available online at: http://www.ehrenamtsbibliothek.de/literatur/pdf_828.pdf. [21.03.17].

Becker, Gary S. 1959. *The Economics of Discrimination*. Chicago: University of Chicago Press.

Bundesregierung 2015. Zustrom von Flüchtlingen Merkel schließt Steuererhöhungen aus. https://www.bundesregierung.de/Content/DE/Artikel/2015/10/2015-10-12-fluecht-linge-mo.html

Clark, Tom S. and Drew A. Linzer. 2015. Should I Use Fixed or Random Effects? *Political Science Research and Methods* 3(2): 399–408.

Ellermann, Antje. 2005. Coercive Capacity and the Politics of Implementation: Deportation in Germany and the United States. *Comparative Political Studies* 38(10): 1219-1244.

Ellermann, Antje. 2006. Street-level Democracy: How Immigration Bureaucrats Manage Public Opposition. *West European Politics* 29(2): 293–309.

Ellermann, Antje. 2009. *States Against Migrants: Deportation in Germany and the United States*. Cambridge: Cambridge University Press.

Engst, Benjamin G., Thomas Gschwend, Nils Schaks, Sebastian Sternberg, and Caroline Wittig. 2017. Zum Einfluss der Parteinähe auf das Abstimmungsverhalten der Bundesverfassungsrichter - eine quantitative Untersuchung. *JuristenZeitung* 72(17): 816-826.

Eule, Tobias G. 2014. *Inside Immigration Law: Migration Management and Policy Application in Germany*. Surrey, Burlington: Ashgate Publishing Limited.

Fischer, Sebastian; Gathmann, Florian; Gerl, Maximilian; Kalinowski, Frank; Ohdah, Dawood and Anna Reimann. 2016. Umgang mit Flüchtlingen - der Bundesländer-Vergleich. *Spiegel Online*. Available online at: http://www.spiegel.de/politik/deutschland/fluechtlinge-so-organisieren-die-bundeslaender-die-lage-a-1078809.html [21.03,17].

Flüchtlingsrat NRW. 2014. *Deutschkursangebote für Flüchtlinge*. Flüchtlingsrat NRW e.V. Available online at: http://www.frnrw.de/images/In_eigener_Sache/2015/Broschuere_

Gibney, Matthew J. andRandall Hansen. 2003. Deportation and the Liberal State: the Forcible Return of Asylum Seekers and Unlawful Migrants in Canada, Germany and the United Kingdom. Working Paper No. 77. Geneva: UNHCR, Evaluation and Policy Analysis Unit.

Gilson, Lucy L.. 2015. Michael Lipsky: Street-Level Bureaucracy: Dilemmas of the Individual in Public Service. In Balla, S. J., Lodge, M., Page, E. C. (Eds.), *The Oxford*

*Handbook of Classics in Public Policy and Administration*, pp. 383–404. Oxford: Oxford University Press.

Groß, T. 2006. Die Verwaltung der Migration nach der Verabschiedung des Zuwanderungs-gesetzes. In M. Bommes & W. Schiffauer (eds), *Migrationsreport 2006: Fakten - Analysen - Perspektiven*, pp. 31–62. Frankfurt, New York: Campus Verlag.

Hatton, Timothy J. 2015. Asylum Policy in the EU: The Case for Deeper Integration. *CESifo Economic Studies* 61 (3-4): 605-637.

Henkes, Christian. 2008. Integrationspolitik in den Bundesländern? In A. Hildebrandt & F. Wolf (eds), Die Politik der Bundesländer *Integrationspolitik in den Bundesländern?*: Staatstätigkeit im Vergleich: 113–135. Wiesbaden: VS Verlag für Sozialwissenschaften.

Hirseland, Katrin. 2015. Aktuelle Zahlen und Entwicklungen. *Aus Politik und Zeitgeschichte* 65: 17–25.

Holzer, Thomas, Gerald Schneider, und Thomas Widmer. 2000. Discriminating Decentralization. *Journal of Conflict Resolution* 44(2): 250-276.

Holzer, Thomas and Gerald Schneider. 2002. *Asylpolitik auf Abwegen*. Opladen: Leske und Budrich.

Lipsky, Michael 1980. *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage Foundation .

McCubbins, Mathew D., Roger G. Noll and Barry R. Weingast 1987. Administrative Procedures as Instruments of Political Control. *Journal of Law, Economics, & Organization* 3(2): 243-277.

Miller, Banks, Keith, Linda Camp and Jennifer HolmesS. 2015. *Immigration Judges and U.S. Asylum Policy*. Philadelphia: University of Pennsylvania Press.

Müller, Andreas. 2013. Die Organisation der Aufnahme und Unterbringung von Asylbewerbern in Deutschland: Fokus-Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 55. BAMF.

Neumayer, Eric. 2005. Asylum Recognition Rates in Western Europe: their Determinants, Variation and Lack of Convergence. *Journal of Conflict Resolution* 49(1): 43–66.

Niskanen, W.A. 1971. *Bureaucracy and Representative Government*. Chicago & New York: Aldine Atherton.

Oulios, Miltiadis 2015. *Blackbox Abschiebung: Geschichte, Theorie und Praxis der deutschen Migrationspolitik*. Berlin: Suhrkamp.

Pressman, Jeffrey L., and Aaron Wildavsky. 1973. *Implementation. How Great Expectations in Washington are Dashed in Oakland: or, Why It's Amazing that Federal Programs Work at All, This Being a Saga of the Economic Development Administration as Told by Two Sympathetic Observers Who Seek to Build Morals on a Foundation of Ruined Hopes*. Berkeley: University of California Press.

Ramji-Nogales, Jaya, Andrew Schoenholtz, and Philip Schrag. 2007. Refugee Roulette: Disparities in Asylum Adjudication. *Stanford Law Review* 60: 295–411.

Riedel, Lisa and Gerald Schneider. 2017. Dezentraler Asylvollzug diskriminiert: Anerkennungsquoten von Flüchtlingen im bundesdeutschen Vergleich, 2010-2015. *Politische Vierteljahresschrift* 58(1): 21-48.

Riker, William H. 1964. *Federalism. Origin, Operation, Significance*. Boston: Little, Brown.

Sachverständigenrat deutscher Stiftungen für Migration und Integration 2016. Fakten zur Asylpolitik 2016. Sachverständigenrat deutscher Stiftungen für Migration und Integration. Available online at: https://www.svr-migration.de/wp-content/uploads/

Salehyan, Idean and Marc R. Rosenblum. 2008. International Relations, Domestic Politics, and Asylum Admissions in the United States. *Political Research Quarterly* 61(1): 104–121.

Schammann, Hannes 2015a. Flüchtlingspolitik im Föderalismus. *Aus Politik und Zeitgeschichte* 65: 25-31.

Schammann, Hannes 2015b. Wenn Variationen den Alltag bestimmen: Unterschiede lokaler Politikgestaltung in der Leistungsgewährung für Asylsuchende. *Zeitschrift für Vergleichende Politikwissenschaft* 9: 161–182.

Schneider, Gerald and Lisa Riedel. 2017. The Asylum Lottery: Recognition Rates Vary Strongly within Germany. EU Immigration and Asylum Law and Policy : Droit et Politique de l'Immigration et de l'Asile de l'UE, http://eumigrationlawblog.eu/the-asylum-lottery-recognition-rates-vary-strongly-within-germany/#more-1485

Schneider, Jan. 2012. Die Organisation der Asyl- und Zuwanderungspolitik in Deutschland: Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN). Working Paper 25. BAMF.

Scott, Penelope. 2014. Black African asylum seekers' experience of health care access in an eastern German state. *International Journal of Migration, Health and Social Care* 10(3): 134–147.

Scott, Penolope 2018. 'It's Like Fighting for Survival': How Rejected Black African Asylum Seekers Experience Living Conditions in an Eastern German State. *Journal of Immigrant & Refugee Studies* 16(4): 372-390.

Spiegel. 2018. *Inside the Coalition Battle That Could Topple Merkel.* http://www.spiegel.de/international/germany/migration-battle-dangerous-for-merkel-a-1213611.html

Spiro, Peter J. 2001. Federalism and immigration: models and trends. *International Social Science Journal* 53: 67–73.

Spörndli, Markus, Holzer, Thomas and Gerald Schneider. 1998. Diener dreier Herren? Kantonalbehörden und die Vollzugsvielfalt der arbeitsmarktlichen Bestimmungen im schweizerischen Asylrecht. *Swiss Political Science Review* 4(3): 53–77.

Statistisches Bundesamt (2010-2017). Rechtspflege, Verwaltungsgerichte. Fachserie 10 Reihe 2.4 (https://www.destatis.de/GPStatistik/receive/DESerie_serie_00000104)

Tiebout, Charles M. 1956. A Pure Theory of Local Expenditures. *Journal of Political Economics*, 64: 416-24.

Tiedemann, Paul. 2015. *Flüchtlingsrecht: Die materiellen und verfahrensrechtlichen Grundlagen.* Berlin, Heidelberg: Springer.

Toshkov, Dimitar D. 2014. The Dynamic Relationship between Asylum Applications and Recognition Rates in Europe (1987–2010). *European Union Politics* 15: 192-214.

Toshkov, Dimiter, and Laura de Haan. 2013. The Europeanization of Asylum Policy: an Assessment of the EU Impact on Asylum Applications and Recognitions Rates. *Journal of European Public Policy* 20(5): 661-683.

Verwaltungsgericht Freiburg. 2017. So viele Asylverfahren wie noch nie. Freiburg. Retrieved from http://www.vgfreiburg.de/pb/,Lde/Startseite/Presse/So+viele+Asylverfahren+wie+noch+nie/?LISTPAGE=1215828

Weingast, Barry R. 1995. The Economic Role of Political Institutions: Market-preserving Federalism and Economic Development. *Journal of Law, Economics, and Organization* 11(1): 1-31.

ONLINE APPENDIX:

<u>Figure A1</u>: Recognitions, appeals and deportations in the German Länder

Rates in percent by Bundesland.
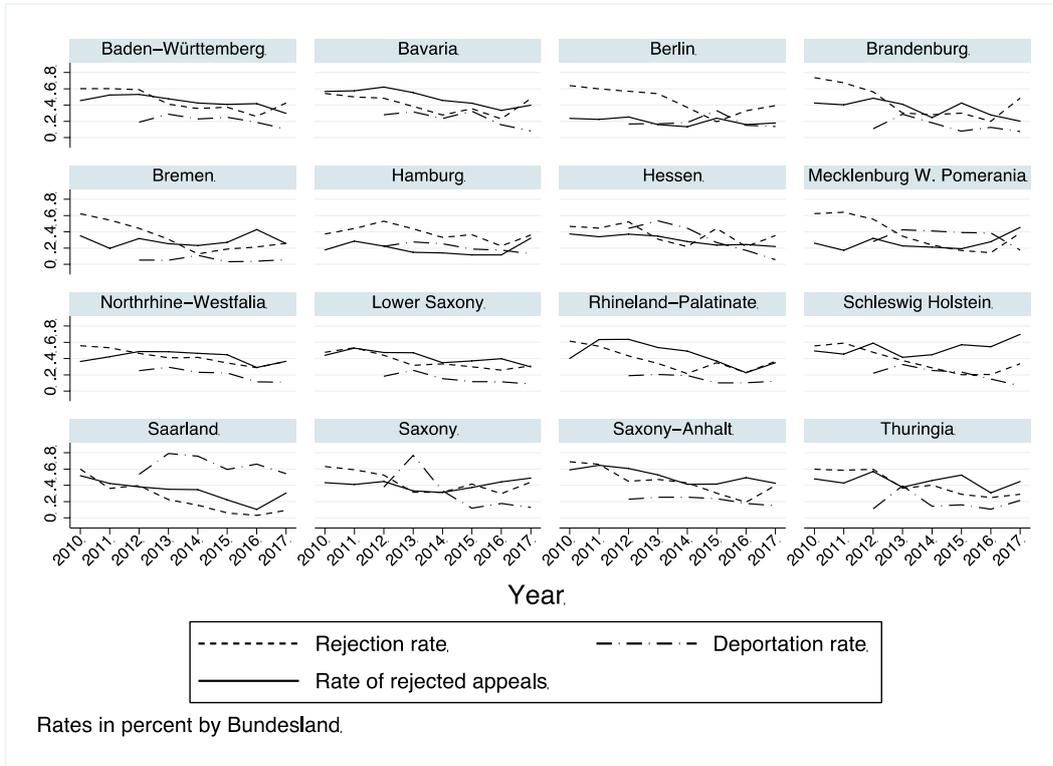
Table A-1: Variables used, sources and comments on variable construction

Variable	Source	Comment
Asylum applications	BAMF (upon request)	
Decisions asylum applications	BAMF (upon request)	
Rejections	BAMF (upon request)	*Subsumes rejection of an asylum application as outright rejection and rejection as "manifestly unfounded"*
Rejection rate	BAMF (upon request)	*Rejections/Decisions upon asylum applications*
Deportations	German Bundestag, Document No. 17/12442 from 22 February 2013; Document No. 18/782 from 12 March 2014; Document No. 18/4025 from 16 February 2015; Document No. 18/7588 from 18 February 2016; Document No. 18/11112 from 9 February 2017; Document No. 19/800 from 20 February 2018	
Deportation rate		*Deportations/Rejections*
Rate of rejected appeals	Federal Statistical Office (2017). Fachserie. 10, Rechtspflege. 2.7, Sozialgerichte. Available online https://www.destatis.de/GPStatistik/receive/DESerie_serie_00000288 [23.01.19].	*Number of cases the BAMF (partially) won divided by all cases ended by a sentence, court order or court decision*
GDP per capita	Federal Statistical Office (2018). Bruttoinlandsprodukt, Bruttowertschöpfung in den Ländern der Bundesrepublik Deutschland. 1991 - 2017. Available online https://www.statistikportal.de/de/veroeffentlichungen/bruttoinlandsprodukt-bruttowertschoepfung [23.01.19].	
Asylum expenses per capita	Federal Statistical Office (2017). Fachserie. 13, Sozialleistungen. 7, Leistungen an Asylbewerber. Available online https://www.destatis.de/GPStatistik/receive/DESerie_serie_00000133 [23.01.19].	
Economic growth	Federal Statistical Office and The Statistical Office of the Länder (2018). Bruttoinlandsproduk, Bruttowertschöpfung in den Ländern der Bundesrepublik Deutschland. 1991 - 2017. Available online https://www.statistikportal.de/de/veroeffentlichungen/bruttoinlandsprodukt-bruttowertschoepfung [23.01.19].	

Proportion of for-eigners	Federal Statistical Office (2017). Fachserie. 1, Bevölkerung und Erwerbstätigkeit. 2, Ausländische Bevölkerung. Ergebnisse des Ausländerzentralregisters. Available online https://www.desta-tis.de/GPStatistik/receive/DESerie_serie_00000018 [23.01.19].	Ausländische Bevölkerung_Anzahl in Mio (nach AZR)/Bevölke-rung_gesamt *Calculated by dividing total foreign population by total population*
Unemployment rate	Federal Statistical Office 2017. Mikrozensus. Bevölkeurng und Erwerbstätigkeit. Stand und Ent-wicklung der Erwerbstätigkeit in Deutschland. Fachserie 1 Reihe 4 2008-2016. https://www.desta-tis.de/GPStatistik/receive/DESerie_serie_00000004 25.07.2017 Statista (2019). Arbeitslosenquote in den Bundesländern bis 2018. https://de.statistik/suche/?q=Arbeitslosigkeit+Bundesl%C3%A4nder+2016&qKat=newSearchFilter&sortMe-thod=idrelevance&language=1&isRegionPref=0&sortMethodMobile=idrelevance&languageMo-bile=1&statistics-group=1&statistics=1&forecasts=1&infos=1&topics=1&studies-reports=1&dos-siers=1&groupA=1&xmo=1&surveys=1&toplists=1&groupB=1&branchreports=1&countryre-ports=1&groupC=1&expert-tools=1&dmo=1&cmo=1&mmo=1&accuracy=and&isoregion=0&iso-countrySearch=&category=0&interval=0&archive=1 [06.02.19].	
Proportion of right votes	*This variable captures the share of first votes for right-wing and right-populist parties at the last parliamentary elections. It sums up the votes for NPD, REP and since 2013 also for AfD.* Der Bundeswahlleiter (2009). Bundestagswahl 2009. Ergebnisse. Online available https://www.bundeswahlleiter.de/bundestagswahlen/2009.html [09.02.19]. Der Bundeswahlleiter (2013). Bundestagswahl 2013. Ergebnisse. Online available https://www.bundeswahlleiter.de/bundestagswahlen/2013/ergebnisse.html [09.02.19]. Der Bundeswahlleiter (2017). Bundestagswahl 2017. Ergebnisse. Online available https://www.bundeswahlleiter.de/bundestagswahlen/2017/ergebnisse/bund-99.html [09.02.19].	
Xenophobic attacks	Statista (2017). Anzahl der politisch motivierten Gewalttaten mit rechtsextremistischem Hinter-grund im Deutschland von 2010 bis 2016 nach Bundesländern. Online available https://de.sta-tista.com/statistik/daten/studie/4707/umfrage/rechtsextreme-gewalt-in-den-bundeslaendern/ [24.01.19].	
Government_SPD	Dummy variable captures whether government on regional level is led by SPD. https://www.lpb-bw.de/wahlen_archiv.html	
Government years SPD	Number of years the SPD was in power since 1991. https://www.lpb-bw.de/wahlen_archiv.html	

Policemen per 100 000 inhabitants	Budget plans of each Land for 2008-2016	

Table A-2: Random effect panel regression with an AR(1) disturbance

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
L.Ausgaben_Asyl_Kopf	-0.000290			0.000174	0.0000254			0.0000485	-0.00122***			-0.00125***
	(0.0003)			(0.0004)	(0.0003)			(0.0003)	(0.0003)			(0.0004)
L.Polizisten_100000_Einwohner	0.000403*			0.000279	-0.000673***			-0.000217	-0.000212			0.000123
	(0.0002)			(0.0003)	(0.0002)			(0.0003)	(0.0003)			(0.0003)
L.regierungsjahre_spd	-0.00784***			-0.0123***	-0.00304			-0.00439	0.00261			0.00510
	(0.0028)			(0.0026)	(0.0026)			(0.0028)	(0.0040)			(0.0038)
L.Auslanderanteil		-0.255		-0.154		0.0376		0.165		-0.245		0.333
		(0.2418)		(0.2423)		(0.1867)		(0.2077)		(0.2219)		(0.2423)
L.Arbeitslosenquote		0.0106*		0.0103		-0.0195***		-0.0143*		-0.000939		-0.0146
		(0.0061)		(0.0080)		(0.0059)		(0.0086)		(0.0111)		(0.0120)
L.BIP_KopfinTausend		-0.00193		-0.00445*		-0.00911***		-0.00788**		-0.00586*		-0.00234
		(0.0020)		(0.0026)		(0.0019)		(0.0026)		(0.0032)		(0.0035)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
L.Wirtschaftswachstum	-0.00678***		-0.00232		0.000930		0.00974				-0.0270***	-0.0276***
	(0.0032)		(0.0048)		(0.0025)		(0.0061)				(0.0075)	(0.0079)
Regierung_SPD		0.00529	0.0870***			-0.0252	0.00279				-0.0486	-0.111***
		(0.0316)	(0.0325)			(0.0275)	(0.0302)				(0.0356)	(0.0387)
L.RechteStimmen		0.0404**	0.00198			0.0177	-0.0206				0.0183	0.00710
		(0.0189)	(0.0184)			(0.0202)	(0.0184)				(0.0221)	(0.0241)
L.lnFremden_Uebergriffe	-0.0171**		-0.0196*		-0.000218		0.00191				-0.0562***	-0.0221
	(0.0070)		(0.0109)		(0.0058)		(0.0141)				(0.0181)	(0.0180)
L.Ablehnungsquote_ges				0.154*				0.131	0.0528			0.0994
				(0.0798)				(0.0870)	(0.1018)			(0.1081)
L.Obsiegensquote_4										0.0965		0.0367
										(0.1276)		(0.1330)
_cons	0.413***	0.423***	0.386***	0.590***	0.559***	0.837***	0.356***	0.815***	0.256**	0.554***	0.431***	0.501**
	(0.0642)	(0.0941)	(0.0495)	(0.1162)	(0.0702)	(0.0925)	(0.0523)	(0.1400)	(0.1243)	(0.1671)	(0.0819)	(0.2169)
N	126	128	128	126	111	128	128	111	96	96	96	96
R^2												

Standard errors in parentheses
* p<0.10, ** p<0.05, *** p<0.01