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Katherine Caldwell

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List of Abbreviations

AIDA	Asylum Information Database
Art.	Article
ANAG	Swiss Federal Law on Residence and Establishment of Foreigners (Bundesgesetz über Aufenthalt und Niederlassung der Ausländer)
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DACH	Austria, Germany, and Switzerland
ECHR	European Convention on Human Rights
EEC	European Economic Community
EU	European Union
EU-FRC	European Union – Fundamental Rights Charter
FH	University of Applied Sciences (Fachhochschule)
FMS	Business secondary school (Fachmittelschule)
FPÖ	Freedom Party of Austria (Freiheitliche Partei Österreichs)
HRBA	Human Rights Based Approach
Ibid.	Ibidum (this citation is the same as the last one).
ICESCR	International Covenant on Economic, Social and Cultural Rights
NGO	Non-Governmental Organisation
NMS	New Middle School (Neue Mittelschule)
OECD	Organisation for Economic Co-operation and Development
ÖVP	Austrian People's Party (Österreichische Volkspartei)
PISA	Programme for International Student Assessment
SDG	Sustainable Development Goal
SPÖ	Social Democratic Party of Austria (Sozialdemokratische Partei Österreichs)
STEM	Science, technology, engineering, and mathematics
IT	Information Technology
UDHR	Universal Declaration of Human Rights
UN	United Nations
US/USA	United States of America
VET	Vocational Education and Training
Vol.	Volume
WWI	World War I
WWII	World War II

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Chapter 1: Introductory Information

1.1. Reasoning for Topic Choice

Prior to beginning the Master of Human Rights program, I worked for two years as an English assistant at a Gymnasium and at a Vocational school in rural Austria. While there, I worked with a wide range of students and noticed that many of the ones with a migration background were often grouped together in classes and these classes were regularly part of the lower academic tracks. I was confused by my students because despite being in the lower academic track, in English at least, it did not seem that they were drastically less academically talented or less motivated than students I had who were on more advanced educational tracks. After discussing this issue with a few acquaintances with migration backgrounds who had attended school in Austria and Germany, I learned that they had also been placed on lower educational tracks and the one who did manage to move tracks to attend Gymnasium and graduate with a Matura fought a very hard battle to do so. It left me wondering if these were common experiences and if so what the reasoning for such commonalities could be, and how, if this was common, that played into human rights.

1.2. Research Questions

Main Question: Are the education systems in Austria, Germany, and Switzerland discriminating against individuals with a migration background?

Sub-questions:

- Is the early selection process detrimental to long-term success for students with migrant backgrounds?
- What practices do these countries use to integrate immigrant students?
- What proportion of immigrant students go on to higher education?
- How does socioeconomic status factor in?
- If there is discrimination, how does that relate to the Right to Education and the Right to Non-discrimination?

1.3. Research Methods

Research for this thesis was conducted qualitatively using literature review regarding the history of immigration in Austria, Germany, and Switzerland; the educational systems in these countries; statistics related to immigrants within these school systems; PISA 2015 scores and analysis; as well as, the Right to Education and the Right to Non-discrimination. More up-to-date literature was favoured over older information, however, it relation to some topics which are not time sensitive older literature was also used. Also, an effort was made to pull literature from a wide variety of sources to get as rounded an idea of the situation as possible.

The literature was found using the following terms (as well as their German counterparts):

> "Immigrant", "Migrant", "Foreign", "Second-Generation", "Integration", "Immigration", "Language Acquisition", "Discrimination", "Educational Achievement", "History", "Socio-economic", "Austria", "Germany", "Switzerland", "DACH region", "Human Rights Based Approach", "Right to Education" and "Right to Non-discrimination.

1.4. Research Challenges

Conducting research into the issue of educational achievement among immigrants is both difficult and easy at the same time. There is a lot of literature on the subject, however, there is not much literature which delves into the reasoning for disadvantages seen within this community with the majority of it focusing on quantitative facts without much elaboration. As well, since discrimination is, logically, officially illegal on many grounds in all three countries it was difficult to pin point the exact causes which combined with the previous issue made drawing concrete conclusions a long, tedious process.

1.5. Terminology

DACH Region:

the region encompassing Austria, Germany, and Switzerland. The term is formed from D for Deutschland (Germany), A for Austria, and CH for Confoederatio Helvetica (Switzerland)

Educational Achievement/Educational Success:

this term means being able to complete education to the best of one's abilities and to the furthest extent that their inborn intellect and talents will take them, usually understood to be aiming for the completion of at least secondary level II

Individuals with a migration background:

persons who themselves were born in a country other than the one in which they now reside or with direct ancestors (usually within two generations) were born in a country other than the one in which they now reside.

Individuals without a migration background:

persons who were not themselves nor do they have recent direct ancestors who were born in a country other than the one in which they now reside.

1.5.1. Introduction

Maintaining equity in the educational system is important for everyone in a society, but particularly for economically and socially disadvantaged youth, such as those with a migration background. Educational systems that aim to equalize the opportunities available to students create opportunities to combat classicism, prejudice and stereotyping. Here, the extent to which discrimination on the basis of immigration status is occurring in the DACH region will be compared, first by analysing immigration in each country, then by looking at the education systems, next by analysing information from PISA 2015, after that the situation will be examined through a human rights lens, and finally conclusions will be drawn, and recommendations will be made.

Chapter 2: Country Profiles - Immigration

While many waves of immigrants have hit the nations of the DACH region simultaneously, there have as well been waves of immigration and generations of legislation that have affected the nations differently from one another. The diversity of immigration, legislation, and cultures of the individual nations factors into the experience of immigrants in these countries today. As well, the reluctance of Austria, Germany, and Switzerland to recognize themselves as countries of immigration informs the experience of immigrants within these nations. In the following pages country profiles address the history of immigration in each of the three pertinent nations. Each country profile address immigration in three sections: Immigration Post-World War II, 21st Century Immigration, and Current Immigrant Population Estimates. These three categories have been chosen as the waves of immigration during these times periods have the most pertinent influence on the origin of immigrant students in DACH region schools today, helping to paint a better picture for the historical and cultural standpoint from which these students are coming.

2.1 History of Immigration in Austria

i. Immigration Post-World War II

Following the end of World War II (WWII), Austria found itself confronted with the 1.4 million foreign workers, slave laborers, prisoners of war, and refugees as a result of the war, as well as, ethnic Germans fleeing Eastern Europe[12]. 500,000 displaced persons, mainly ethnic Germans, were allowed permanent settlement in Austria while the remaining 900,000 individuals were repatriated or sent to destinations such as the United States or Israel[3].

The end of WWII also turned Austria into a transit state. With the rise of communism in Eastern Europe, many fled their homelands, briefly stopping over in Aus-

[1] W.T.Bauer, *Zuwanderung nach Österreich* , January 2008, http://www.forschungsnetzwerk.at/downloadpub/zuwanderung_nach_oesterreich_studie2008_oegpp.pdf, (accessed 24 March 2018).

[2] Migration Policy Institute, *Austria: A Country of Immigration?,* [website], 2006, https://www.migrationpolicy.org/article/austria-country-immigration, (accessed 25 March 2018).

[3] Ibid.

tria.[4]. Between 1945 and 1990, an estimated 650,000 people went through Austria on their way to other western nations[5].There were three waves of refugees from communism. The first large wave came in response to the Hungarian Revolution of 1956 in the aftermath of which 180,000 Hungarians fled to Austria, 20,000 were eventually allowed permanent settlement within Austrian borders[6][7]. In 1968, following the Prague Spring, Austria became host to 162,000 fleeing Czechoslovakians; around 12,000 of which stayed[8][9]. Lastly, in 1981 and 1982 in response to the Poland Crisis and the later institution of Martial Law in the country between 120,000 and 150,000 Polish citizens sought refuge in Austria[10][11]. In response, a visa requirement was implemented for Poles coming to Austria[12].

Refugees, however, were far from the main source of gains in foreign population for Austria during the mid- 20th century. A boost in the economy and the surrounding Germanic nations led to a labour shortage as new jobs became available and as emigration to nations such as Germany and Switzerland became en vogue[13]. Austria looked to the south to booster its labour pool. Starting in 1961, bilateral agreements were made with four other nations — Italy (1961), Spain (1962), Turkey (1964), and Yugoslavia (1966) — in which it was agreed that Austria would temporarily recruit laborers from these countries with the hope of mutual benefit to both economies[14][15]. The emphasis on 'temporarily' here is important. These deals were not intended to induce permanent settlement among these guest workers[16][17][18]. The idea was to recruit single individuals, the majority of whom being men, to work in blue collar jobs for brief periods of time

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[4] Ibid.
[5] Bauer, 2008.
[6] Bauer, 2008.
[7] Migration Policy Institute, 2006.
[8] Bauer, 2008.
[9] Migration Policy Institute, 2006.
[10] Bauer, 2008.
[11] Migration Policy Institute, 2006.
[12] Ibid.
[13] Ibid.
[14] Ibid.
[15] Migration Policy Institute, 2006.
[16] Bauer, 2008.
[17] Migration Policy Institute, 2006.
[18] Demokratie Zentrum, *Austria: Land of Immigration,* [website], 2003, https://www.migrationpolicy.org/article/austria-country-immigration, (accessed 24 March 2018).

after which they would return to their countries of origin and be replaced by new foreign workers[19]. However, this proved not to be the case as the foreign workers were often reluctant to leave Austria and Austrian employers were reluctant to let them leave in favour of new inexperienced foreign workers[20].

Despite agreements with multiple nations, two nations provided the majority of guest workers: Yugoslavia and Turkey[21]. In 1969, the number of workers from Yugoslavia and Turkey combined numbered 76,500[22]. By 1973, that number was almost three times as much at 227,000; around 178,000 from Yugoslavia alone. In total, between 1961 and 1974, 265,000 people came to Austria[23]. Although these immigrants were slated to be mostly men, by 1971 39.4% of foreign born individuals in Austria were women and 14.8% were kids[24]. This influx marks the first time

immigration policy was face...with new challenges, for example in the matter of civil rights for immigrants or integration in the school system for children whose native language was not German.[25]

The guest worker recruitment programs officially ended in 1974. Spurred by the oil crisis of the previous year that injured the global economy, many Austrians who had previously emigrated began to return home[26]. The lack of jobs and increase in native born Austrians vying for them left little room for foreign workers. In response in 1975, via the passing of the Aliens Employment Act Austrian, citizenship was made a priority for employment and employment of foreigners was severely restricted[27][28]. Expanded to include prioritize other EU nationalities as well, this remains one of the principal ways in which involvement of third country nationals (non-Austrians and non-EU citizens) in the Austrian labour market is controlled to this day.

While the goal of this policy was to limit financial motivation to remain on Austrian soil thereby inciting large remigration back to their countries of origin, most foreign

[19] Bauer, 2008.
[20] Ibid.
[21] Migration Policy Institute, 2006.
[22] Ibid.
[23] Bauer, 2008.
[24] Migration Policy Institute, 2006.
[25] Demokratie Zentrum, 2003.
[26] Bauer, 2008.
[27] Ibid.
[28] Migration Policy Institute, 2006.

workers decided to stay. Through methods such as family reunification the number of foreigners living in Austria remained nearly constant[29].

Pushed by the economic crisis in their own country and drawn in by the hopes of prosperity in Austria, at the end of the 1980s many Yugoslavs came to Austria to work illegally in the construction field among others[30]. The Austrian government moved to regularize the employment status of these illegally employed persons[31], allowing 29,100 workers access to the job market through this process[32].

The 1990s brought about the fall of the Iron Curtain along with political crisis and war throughout the Balkans, Afghanistan, and Chechnya. Citizens of newly freed former-Soviet states and citizens of embroiled Balkan nations began to seek refuge in Austria in large numbers leading the government to crack down on immigration. The percentage of foreign employment was set at 10% of all employment in 1990[33]; 1991 laws such as the Law on the Reception of Asylum Seekers and the Asylum Act cut the benefits provided for individual asylum seekers, placed visa requirements on certain nationalities — in particular Romanians—, and laid the framework to impose sanctions upon companies found transporting undocumented migrants[34][35]; in 1992, a new Aliens Act was passed further regulating entry and residence of foreign nationals within Austria[36]; and in 1993 the Residence Act set a quota for the absolute number of residence permits issued per year[37][38]. As well, asylum denial procedures were accelerated, with the hope of deterring new asylum applications, the right to temporary residence with reduced, and the concept of 'safe third country' was introduced[39] — this referencing the right to deny asylum to any applicant who has previously entered a country deemed free from conflict and danger on their travels to Austria. None of these measures effectively

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29 Ibid.
30 Ibid.
31 Ibid.
32 Ibid.
33 Ibid.
34 Bauer, 2008.
35 Migration Policy Institute, 2006.
36 Ibid.
37 Ibid.
38 Demokratie Zentrum, 2003.
39 Ibid.

stemmed the flow of refugees and migrants despite Austria official recognition of on average only 10% of asylum claims per year during this period[40].

Throughout the 1990s refugees arrived from the embattled former Yugoslavian states; 50,000 individuals arriving from Bosnia-Herzegovina in 1992 alone[41]. The Austrian government began to grant temporary residence to many of these individuals; who by 1995 numbered between 90,000 and 95,000[42][43]. However, these individuals were granted residence as 'de facto refugees' rather than true refugees under the Geneva Refugee Convention[44]. This allowed the government more leeway should they decide to expel the new arrivals.

The late 1990s were a turning point in Austrian foreign policy. The 1997 Asylum Act harmonized Austrian asylum law with that on the 1990 EU Dublin Convention which not only outlines the common formal arrangements on asylum for the entirety of the European Union, but also establishes that asylum seekers who have been denied asylum in one EU country may not be granted asylum in another. As well, this act implemented the 1995 Schengen Agreement providing for border-free travel between the fellow signatories, which has now grown to include all of Austria's neighbouring nations[45]. The second key act of 1997 was the 1997 Aliens Act. This act exempted family members of current long-term resident of Austria from the residence permit quota implemented in the 1993 Residence Act making family reunification easier[46] The third legislative move was the signing of the 1999 Amsterdam Treaty. This treaty set EU-wide minimum standards for the reception of asylum seekers and asylum procedures, standards for individuals granted asylum, and laid out a system of burden-sharing across all EU member states[47].

Asylum seekers as well began to change during this period. In addition to the 13,000 Yugoslav citizens that arrived in Austria after fleeing the remnants of the wars in Yugoslavia, many asylum seekers near the turn of the century were of Asian and African

[40] Bauer, 2008.
[41] Ibid.
[42] Ibid.
[43] Migration Policy Institute, 2006.
[44] Bauer, 2008.
[45] Migration Policy Institute, 2006.
[46] Ibid.
[47] Ibid.

origin whereas the majority of prior claims had been from nearby fellow European lands[48]. This effectively changed the, literal, face of asylum in Austria.

ii. Austrian Immigration in the 21st Century

Austria broke tradition in the early 2000s by inaugurating a new government coalition between ÖVP-FPÖ coalition governments[49], the first coalition government to be formed with the anti-immigration FPÖ, drawing criticism and sanctions from other EU leaders as well as scrutiny in relation to human rights and minority/immigration policies[50]. Shortly afterwards, predicting refugee influx from the multiple violent conflicts occurring at the time, Austria began proposing minimum standards for the granting and withdrawal of refugee status[51]. Yet despite these standards, between 1997 and 2002 asylum applications increased from around 6,719 to 39,354[52]. Aiming to dissuade asylum seekers from turning to Austria, in 2002 the Ministry of the Interior officially excluded certain nationalities from asylum benefits, Kosovars being included despite continued conflict in Kosovo[53]. As well, in July 2002, parliament adopted major amendments to the Aliens Act and the Asylum Law focused on three areas: labour immigration, seasonal work, and integration.[54][55]. Addressing the first two, this limited labour immigration to key workers (those in shortage fields or who warrant high salaries), expanded seasonal work to include fields outside of agriculture and allowed seasonal work visas to be renewed for periods of up a year with a two month break in between[56]. These changes were criticized for their potential to create a new guest worker regime under which workers establish ties in Austria while presenting no legal path to long-term residency[57]. Most importantly, these changes issued in a new era of 'integration' in Austria showing mild official recognition of immigration as a source of permanent population growth in

[48] Bauer, 2008.
[49] Migration Policy Institute, 2006.
[50] Ibid.
[51] Ibid.
[52] Ibid.
[53] Ibid.
[54] Ibid.
[55] Library of Congress, *Family Reunification Laws,* [website], 2014, https://www.loc.gov/law/help/family-reunification/foreign.php#austria,, (accessed 26 March 2018).
[56] Bauer, 2008.
[57] Ibid.

Austria. These new laws required for all new third country nationals to attend integration courses focused on German language development, as well as, cultural immersion via instruction in laws, history, and politics of Austria[58].

While these policies created and continue to create hindrance for third country nationals wishing to set up residence in Austria, they did not stop immigration flow[59]. As countries to the east began to join the EU in the mid-2000s, many new workers came in from the east seeking better job opportunities and financial security. These migratory workers tend to have rather low paying jobs in industries such as construction, private child care, elder care, and cleaning[60]. Newer migrants appear to be preferred to migrants who have longer resided in Austria resulting from their perceived flexibility and acceptance of lower wages. As Christiane Hintermann puts it in her article on immigration to Austria between the 1980s and 2000, '*The 'old' workforce has already been 'proletarianized' and makes bigger demands*[61].'

The face of Austrian citizenship as well has begun to change. At birth conferred only via ius sanguinis, that is having at least one Austrian parent, in 2003 a record number of non-Austrian born individuals received Austrian citizenship (44,694)[62]; consisting mostly of the remnants of the original guest workers who refused to leave after the program ended[63].

The most recent additions however to Austrian immigration harkens back to the turmoil in the Balkans of the 1990s. As the Arab Spring broke out in 2011 across the Middle East and Northern Africa and those uprisings began to turn into long standing conflicts and revolutions, refugees once again began arriving from these countries into Austria. 2015, in particular, was a year in which enormous proportions of refugees arrived both seeking direct refuge and looking for safe passage on to other parts of Western and Northern Europe. During this one year alone, Austria took in around 90,000 asylum seekers[64].

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[58] Ibid.
[59] Bauer, 2008.
[60] Migration Policy Institute, 2006.
[61] Demokratie Zentrum, 2003.
[62] Bauer, 2008.
[63] Ibid.
[64] Federal Ministry of European Integration & Foreign Affairs, *Foreign and European Policy Report 2015*, 2015,

This refugee crisis brought about both the ugly head of xenophobia as well as a demonstration of the changing face of Austrian identity. In the foreword for the 2015 Foreign and European Policy Report, Sebastian Kurz, then Federal Minister for Europe, Integration, and Foreign Affairs (later elected chancellor of Austria in 2017 and who would go on to form a coalition government with the historically anti-immigration FPÖ), stated:

> *Austria is a country that is characterised by diversity. Every fifth Austrian has a migration background, so either they themselves or their family are originally from another country*[65].

Despite being precedent to a further statement highlighting the need for immigrants to make a '*positive contribution...to Austria and to Austrian society*[66]' this statement still showcases the changing idea of who and what makes an Austrian.

iii. Current Immigrant Population Estimates

The Migration Policy Institute estimated that in mid-2017 there were c. 1,652,000 foreign-born foreign nationals living in Austria[67]. Figure 1, on the following page, illustrates the composition of this total as percentages as it is distributed across the different continents

Immigrants from other parts of Europe — understood to include Russia but exclude Turkey and the Caucasus nations — contribute heavily to the amount of foreign born individuals residing in Austria; c. 73.3% or 1,209,000 individuals[68]. The European countries which contribute to this number the most are Germany with c. 246,000 German nationals living in Austria and Serbia with c. 215,000 individuals[69]. When com-

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https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Publikationen/AEPB/Foreign_and_European_Policy_Report_2015.pdf, (accessed 11 April 2018).

[65] Ibid.

[66] Ibid.

[67] Migration Policy Institute, 'Immigrant and Emigrant Populations by Country of Origin and Destination, mid-2017 Estimates', 2017, https://www.migrationpolicy.org/programs/data-hub/charts/immigrant-and-emigrant-populations-country-origin-and-destination?width=1000&height=850&iframe=true, (accessed 12 June 2018).

[68] Ibid.

[69] Ibid.

bined the former Yugoslavian nations have contributed c. 498,000 individuals or 30.1% of all immigrants in Austria[70].

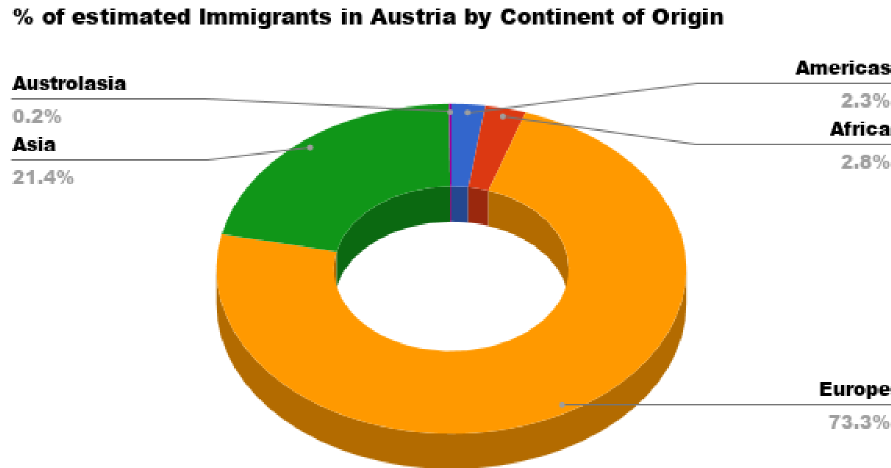

Figure 1 – Percentage of estimated Immigrants in Austria by Continent of Origin[71]

Asia is the second largest contributing continent to the population of foreign nations in Austria (21.4%; c.355,000 individuals)[72]. With c. 204,000 Turkish nationals living in Austria, Turkey is country on the Asian continent which contributes most heavily to the Austrian population[73]. Africa and the Americas contribute only small percentages to the total number of foreign nationals living in Austria with 2.8 % (c. 47,000 individuals) and 2.3% (c. 38,000 individuals) respectively[74]. The largest contributing countries from Africa and the Americas are Egypt with c. 16,000 individuals and the United States of America with c. 12,000 individuals[75]. Australasia contributes just a small 0.2% to the total percentage of foreign residents of Austria of which only Australians (c. 3,000 individuals) are recorded potentially as the other nationalities from Australasia may be negligibly small[76].

[70] Ibid.
[71] Ibid.
[72] Ibid.
[73] Ibid.
[74] Ibid.
[75] Ibid.
[76] Ibid.

2.2 **History of Immigration in Germany**

i. Immigration Post-World War II

Following WWII, the German economy recovered to such a degree that by the 1950s there was a shortage of blue collar workers. This led to the first of several labour recruitment treaties, better known as 'guest worker' agreements, with Italy in 1955[77]. This original agreement provided only for a one-year long work permit[78]. Labour recruitment treaties were subsequently signed with Greece (1960), Spain (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunisia (1965), and Yugoslavia (1968)[79].

These treaties were wildly successful. By 1964, the millionth guest worker arrived[80]. The next year, West Germany enacted the Act on Foreigners of 1965 which regulated entry and residence status but was notoriously vague on concepts related to residence purpose and family reunification stating that a residence permit should be granted if the '*presence of the foreigner does not compromise the interests of the Federal Republic of Germany*'[81]. This allowed courts and local authorities to develop principles and guidelines at their discretion, as well as, allowing for adjustments related to changes in economy and foreign policy[82]. The Act also specified that those foreigners who had lived in Germany for at least 5 years and who were economically and socially integrated were eligible for an unlimited residence permit[83].

In 1969, to comply with standards of the European Economic Community (EEC), the Law on European Economic Community Residence was put in action establishing protocol for the right to live, work, and bring family members to Germany[84]. Section 3 allowed EEC citizens a residence permit valid for 5 years provided the individual was

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[77] Jenny Gesley, *Germany: The Development of Migration and Citizenship Law in Post-war Germany* , March 2017, https://www.loc.gov/law/help/migration-citizenship/migration-citizenship-law-postwar-germany.pdf, (accessed 15 March 2018).
[78] Ibid.
[79] Documentation Centre and Museum of Migration in Germany, 2016.
[80] Ibid.
[81] Gesley, 2017.
[82] Ibid.
[83] Ibid.
[84] Ibid.

employed during this time[85]. This resulted in citizens of other EEC countries making up a quarter of all foreigners in Germany by 1970[86].

However, Germany did not see itself as a country of immigration and workers who came to Germany during this time were expected to be temporary additions to the German population, willing to return home when Germany no longer needed them[87]. When the labour recruitment programs ended in 1973 in response to the oil crisis and corresponding economic recession, it became clear that returning home was not desired by many of those who came as guest workers. The majority stayed and applied for visas for themselves and their families[88].

The issue of what to do with Germany's new-found large immigrant population eventually led to measures taken in 1983 in an attempt to economically incentivize foreigners to leave German soil via the Return Assistance Act[89]. Through this act 10,500 Deutschmarks were allocated to each foreigner who arrived in Germany via a labour recruiting treaty and who, with some stipulations, left Germany between October 30, 1983 and September 30, 1984[90]. To incentivize repatriation, a penalty was enacted upon those leaving after January 1, 1984 to the amount of a 1,500 Deutschmark reduction in the amount of return assistance awarded per additional month[91].

This effort proved to be futile. Few resident foreigners took the West German government up on their offer. According to a report from the United States Library of Congress regarding the history of German migration, '*No measurable difference could be observed in the number of repatriations in 1983-1984 compared to previous years*[92].'

Immigration became a hot button topic of German consciousness. The elections of 1990 held this at the forefront leading the coalition government to enact the Act on Foreigners of 1990 in response on the basis that Germany was firmly not a country of

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[85] Ibid.
[86] Ibid.
[87] Ibid.
[88] Ibid.
[89] Ibid.
[90] Ibid.
[91] Ibid.
[92] Ibid.

immigration[93]. This was mainly an expansion of the previous Act on Foreigners of 1965[94].

The early 1990s was a time of great immigrant influx in Germany. The turmoil of the early 1990s brought many refugees fleeing the crumbling Eastern Bloc, the wars in Yugoslavia, and conflict in the Kurdish region of Turkey[95]. Overwhelmed by the influx of asylum seekers — 70% of all asylum seekers in the European Community in 1992 ended up in Germany[96]— in December 1992 Germany amended Article 16 of the Constitution in an attempt to slow immigration[97]. Whereas previously '*anybody persecuted on political grounds*' would be granted the right to asylum, this amendment introduced the concepts of '*safe third countries*' and '*safe country of origin*', and airport procedure regulations[98][99]. These new regulations greatly reduced who could apply for asylum in Germany by de facto preventing any asylum seeker from entering Germany via land or air from any country that has been declared '*safe*'[100]. Article 16 while laying clear many things also remains in many parts vague so as to '*fulfil the minimum requirements of the Refugee Convention, thereby ensuring that Germany does not violate the non-refoulment clause*[101].'

This change to Article 16 also had a noted effect on later instances of immigration to Germany, most recently the 2015 refugee crisis.

ii. German Immigration in the 21st Century

In 2000, recognizing growing lack of workers in the emerging tech fields[102][103], talks began across both media and within the government regarding a controlled, but reformed migration policy and recognition of Germany as a nation of immigration[104][105].

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[93] Ibid.
[94] Ibid.
[95] Documentation Centre and Museum of Migration in Germany, 2016.
[96] Kay Hailbronner, 'Asylum Law Reform in the German Constitution', *American University International Law Review,* vol. 9, no. 4, 1994, p. 159-179, http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1487&context=auilr, (accessed 16 March 2018).
[97] Ibid.
[98] Gesley, 2017.
[99] Hailbronner, 1994.
[100] Ibid.
[101] Ibid.
[102] Documentation Centre and Museum of Migration in Germany, 2016.

Germany moved to recognise its new status by reforming citizenship laws to allow dual citizenship. Whereas previously Germany was a land of ius sanguinis, citizenship by blood, Germany moved to allow for ius soli as well, citizenship by birth within in the country. These new regulations allowed for those children born in Germany to foreign national with permanent residency in Germany to receive German citizenship as well as the citizenship of their parents. However, only children of EU nationals and children of those individuals whose countries of origin have established a special agreement with Germany may permanently keep their dual citizenship upon adulthood[106]. This showed a notable shift in the idea of who was a German, what was required thereof, and what being German means, which eventually led to the 2005 Migration Act[107]. This law changed the way that immigration worked in Germany. It put integration, particularly linguistic, at the forefront[108]. In addition, this law simplified the structure by which residence permits functioned from a multi-cog system into a system of just two permits: short term (Aufenthaltserlaubnis) and permanent settlement (Niederlassungserlaubnis) and put the focus on long-term settlement rather than on temporary status[109110].

The new focus on integration became a highlight of mid-aughts immigration policy. On 1 September 2008, the first naturalised citizenship test was conducted[111]. The secondary aim of the test aside from ascertaining naturalisation eligibility was to encourage further integration. The idea was that by incentivizing immigrants to delve into German history, law, society, and culture, it would foster language learning and integration[112].

Currently, while immigration may still be prohibitive for many third country nationals, the number of EU national immigrating to Germany continues to steadily increase

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[103] Gesley, 2017.
[104] Documentation Centre and Museum of Migration in Germany, 2016.
[105] Gesley, 2017.
[106] Ibid.
[107] Ibid.
[108] Documentation Centre and Museum of Migration in Germany, 2016.
[109] Ibid.
[110] Gesley, 2017.
[111] Ibid.
[112] Ibid.

driven by tuition-free universities in a highly-rated educational system as well as the reputable work-life balance and good salaries[113][114].

Aside from economic immigration, in recent years Germany has experienced an influx of enormous numbers of asylum seekers fleeing conflicts in many African nations, Afghanistan, and most importantly the war in Syria and all of the mini-conflicts associated therewith.

The number of asylum seekers peaked in 2015 as lax border controls between EU states as well as the inability and unwillingness of many EU border states to deal with such a massive influx of war-weathered people allowed for asylum seekers to enter Germany in numbers unseen possibly since World War II. However, the number of asylum seekers entering Germany already began to increase prior to this highpoint. Between 2012 and 2013, the number of asylum request in Germany increased by 70% [115]. Between 2013 and 2014, this increased by another 60% [116].

iii. Current Immigrant Population Estimates

Immigration to Germany is Germany's main source of population growth. Looking back at the same year, 2015, adjusting for emigration, Germany's population grew by 978,000 people to a total of 82 million. This was a 1.2% increase and the largest since 1992[117][118]. Without immigration, Germany's population would be in decline[119].

As of 2016, 17 million German residents were reported to have a migration background. This includes all foreigners — delineated under article 116, paragraph 1 of the German Constitution, to be anyone who is not German, namely anyone who only holds

[113] Rachel Pells, 'German Universities to Reintroduce Tuition Fees for Non-EU Students', *Independent,* 3 December 2016, https://www.independent.co.uk/student/study-abroad/german-universities-reintroduce-tuition-fees-international-non-eu-students-erasmus-baden-wurttemberg-a7453666.html, (accessed 17 March 2018).
[114] Documentation Centre and Museum of Migration in Germany, 2016.
[115] Ibid.
[116] Ibid.
[117] Ibid.
[118] Destatis Statistisches Bundesamt, 'Pressmitteilung vom 26. August 2016 - 295/16: 82,2 Millionen Einwohner am Jahresende 2015 - Bevölkerungszunahme durch hohe Zuwanderung', 26 August 2016, https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/2016/08/PD16_295_12411pdf.pdf?__blob=publicationFile, (accessed 17 March 2018)
[119] Gesley, 2017.

a non-German passport[120]. This means ⅕ of all people residing in Germany can trace their recent heritage to a place outside of Germany.

The mid-2017 estimate for foreign population residing in Germany from the Migration Policy Institute stands at c. 12, 053,000[121]. It is notable that this is around 5 million individuals less than in the previous estimate from Jenny Gesley's *Germany: The Development of Migration and Citizenship Law in Post-war Germany*. The reasoning for this lies in the understanding of '*foreignness*' used in collecting these numbers. While the prior hinges migrant criteria on lack of a German passport, the Migration Policy Institute collects its data via the UN Population Division and notes in a disclaimer on their website that '*the UN Population Division provides mid-year estimates of international migrants based on official statistics of the foreign born, i.e. people born outside of the country of current residence.*[122]' It can thereby be ascertained that there are potentially nearly 5 million individuals with a migration background in Germany who were born in Germany, but who do not currently have the right to a German passport.

Figure 2, below, shows the division of immigrants by continent of origin.

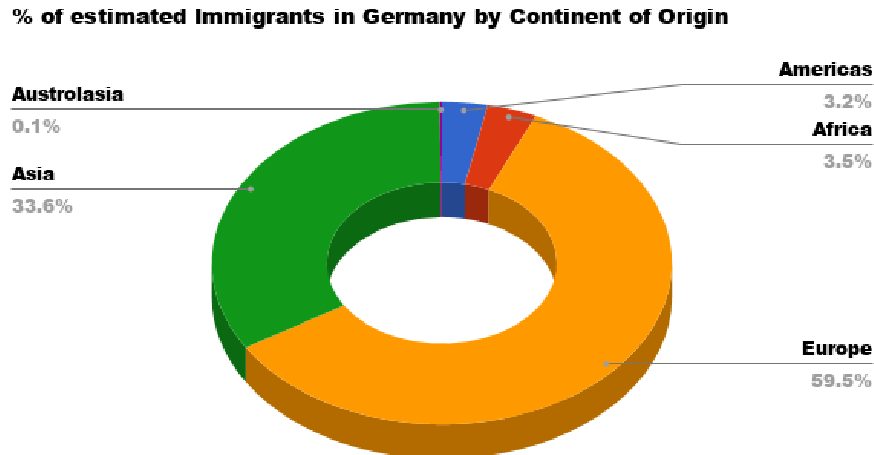

Figure 2 – Percent of estimated Immigrants in Germany by Continent of Origin[123]

[120] Ibid.
[121] Migration Policy Institute, 2017.
[122] Ibid.
[123] Ibid.

As is evident from the graph, c. 59.5% of foreign nationals living in Germany come from elsewhere in Europe – understood to include Russia, but not Turkey – composed of c. 7,177,000 individuals[124]. The most frequent country of origin being Germany's neighbour, Poland, with c. 1,937,000 Polish nationals contributing to the German population[125]. With 33.6%, Asia comes in second in terms of percentage of foreign nationals[126]. The largest contributing country on the Asia continent is, given Germany's history, unsurprisingly Turkey (c. 1,662,000[127]); the more surprising second largest Asian contributing nation however, does not fall far behind this with 1,020,000 nationals living in Germany[128]. The Africa continent contributes the fourth largest number of individuals to the population of Germany with 3.5% or c. 423,000 individuals[129]. The largest contributing African nation is Morocco with c. 115,000 Moroccans living in Germany[130]. The Americas contribute the slightly smaller amount of 3.2%[131]. The largest contributing country from the Americas is the United States with 138,000 nationals living in Germany territory[132]. Lastly, Australasia contributes a miniscule 0.1% — c. 17,000 individuals of whom 14,000 come from Australia[133].

2.3 Immigration History of Switzerland

i. Immigration Post-World War II

During World War II, Switzerland made efforts to maintain its neutrality; occasionally at the expense of Jewish refugees fleeing persecution from the Nazis. The negative reaction to these acts both from within Switzerland and from the international community went on to influence Swiss refugee law for most of the second half of the 20th century[134] with Switzerland signing the Geneva Convention in 1955 thereby adhering to in-

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[124] Ibid.
[125] Ibid.
[126] Ibid.
[127] Ibid.
[128] Ibid.
[129] Ibid.
[130] Ibid.
[131] Ibid.
[132] Ibid.
[133] Ibid.
[134] D'Amato, 2008.

ternational refugee standards[135] and joining what remains one of the main pillars of international human rights to this day. With the Geneva Convention as its guide and with one of the most generally lax asylum systems in the world for the time, Switzerland played host to waves of refugees fleeing Hungary in 1956, Czechoslovakia in 1968, Chile in 1973, and Vietnam and Cambodia between 1979 and 1982[136][137].

The years directly following WWII were boom years for Switzerland Falling into the same recruitment scheme as its neighbours, Switzerland and Italy signed an agreement in 1948[138] allowing workers to come to Switzerland for the economic gain of both countries with the understanding that workers would return to Italy once their contracts were finished[139]. To emphasize this time limit, the law addressing foreigners, the Bundesgesetz über Aufenthalt und Niederlassung der Ausländer (ANAG), originally written in 1931, was amended to make family reunification more difficult and to allow for long-term residence permits only after ten years rather than at the end of a five-year period as was previously used[140]. The first workers to arrive in Switzerland under the new recruitment schemes were provided only with year-long work permits to emphasize this point; although this permit was not prohibited from extension and often was extended several times[141].

The number of immigrants that arrived via the worker recruitment programs continued to rise throughout the 1950s and 1960s as new treaties were made between Switzerland and several countries across southern Europe[142]. While most immigrants arriving throughout the 1950s remained Italian in origin[143], the national origin of new workers diversified to the point that by 1970 although 50% were still Italian. 20% came from

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[135] Ibid.
[136] Swiss Federal Archives, 'Switzerland - Land of Immigration', 2018, https://www.bar.admin.ch/bar/en/home/research/searching/topics/auf-den-spuren-von-aus—und-einwanderern/einwandererland-schweiz.html, (accessed 19 April 2018).
[137] D'Amato, 2008.
[138] S. Summermatter, 'Photo Exhibit in St. Gallen: the Italian seasonal workers in Switzerland', *SWI*, 21 May 2016, https://www.swissinfo.ch/eng/photo-exhibit-in-st-gallen_the-italian-seasonal-workers-in-switzerland/42167476, (accessed 10 May 2018).
[139] D'Amato, 2008.
[140] Ibid.
[141] Ibid.
[142] Ibid.
[143] Ibid.

Switzerland's other neighbours (France, Germany, and Austria), 10% were from Spain, and 4% were from Yugoslavia, Turkey, and Portugal[144].

As well, during this twenty-year period the rotational principle, meant to insure a lack of permanent settlement, started to fall apart[145]. The Swiss government recognized this on a limited scope in its second bilateral agreement with Italy in 1964 in which the rotational principle and its accentuation of temporary residence was superseded by an emphasis on integration[146]. This early focus on integration appears to be one of the first in the region to show moderate acceptance of, or at least resignation to, the desire of migrants to settle long-term.

As migrants and migrant advocates began to push back against these social barriers in the 1970s, demanding involvement in trade unions, the elimination of segregated migrant classes in educational institutions, equality of education opportunities and eased family reunification, a new wave of xenophobia raised its head with the 'Überfremdungsbewegung' (Over-Foreignization Movement)[147].

This movement conversely pressed for tighter immigration controls and selective rights only for Swiss citizens perpetuating the idea that foreign workers were competitors of native Swiss workers rather than colleagues with common goals[148]. This was further exacerbated by the 1973 oil crisis which negatively affected the Swiss economy, just as it did with the economies of its neighbours. Securing employment became increasingly difficult and fewer residence permits were issued by the Swiss government[149]; leading to a 2.4% drop in the percentage of foreigners by 1980[150].

Whereas Germany and Austria's guest worker programs officially ended with the oil crisis in 1973, therefore making for a rather mild migrant flow throughout the 1980s, as the Swiss economy recovered throughout the 1980s. By 1990, the percentage of foreigners had risen from 14.8% in 1980 to 16.4% and by 2000, to 19.5%[151]. As well, the nature of the work done by these people had changed. The first mass wave of for-

[144] Ibid.
[145] Ibid.
[146] Ibid.
[147] Ibid.
[148] Ibid.
[149] Ibid.
[150] Ibid.
[151] D'Amato, 2008.

eign workers had been geared towards industrial work, however, by 2005, although still a major destination industry for foreign workers, only 20.4% of foreign workers were employed in this field[152] while formerly minor fields such as real estate, finance, and insurance have increase at least sevenfold[153].

As well, the face of immigration in Switzerland began to change. Immigration from countries like Italy and Spain, two of the original top countries of origin for foreign workers, began to dwindle. In the 1990s, the top countries of origin shifted to Portugal and Yugoslavia[154]. While these countries had long been contributors to the foreign-born Swiss population, work-abroad began to play a greater role in the Portuguese economy — ⅓ of Portuguese workers were employed abroad by 1990[155]— and wars raged throughout Yugoslavia both workers and asylum seekers came to Switzerland[156].

These asylum seekers were coming into a political and bureaucratic environment greatly different from refugees of the past. Swiss asylum law had been unusually lenient in the decades following WWII with the signing of the Geneva Convention, however, in the 1970s amid the increased xenophobia, the difficulties of integrating these more culturally distant peoples led to widespread doubt regarding the legitimacy of many asylum claims[157]. This is recognized not only in the changing political climate but is reflected in the changing terminology as well; peoples previously called '*refugees*' were now referred to increasingly as '*asylum seekers*' with the undertone that these individuals were not actually fleeing from anything, but rather using the asylum process as a backdoor through which to stay in Switzerland indefinitely[158].

Such ideology brought with it the adoption of stricter asylum regulations in 1981 through which the asylum procedure was regularized, the requirements for asylum were established, and the authority for the process was transferred from the cantonal level to the federal one[159]. Secondly, in the mid-1980s the requirements for asylum were narrowed even further leading to a sharp reduction in the rate of asylum application ac-

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[152] Ibid.
[153] Ibid.
[154] Swiss Federal Archives, 2018.
[155] E. Solsten (ed.), *Portugal: A Country Study*, Washington, GPO for the Library of Congress, 1993.
[156] D'Amato, 2008.
[157] Ibid.
[158] Ibid.
[159] Ibid.

ceptance, despite an increase in applications throughout the 1980s (already at ~1,000/year throughout the 1970s[160]), between 1979 and 1990 the acceptance rate for asylum applications dropped by roughly 80% [161]. However, although official asylum approvals were few, the principle of non-refoulment allowed a majority of those who had filed asylum claims to reside in Switzerland throughout the 1990s. These refugees included numerous individuals fleeing wars in Yugoslavia[162].

The economy of Switzerland was hard hit in the 1990s and the influx of Balkan refugees was not often welcomed among the native Swiss populace[163]. Unemployment was at a high unseen since WWII and the original foreign workers, now aging, were severely struggling to retain their employment, competing with newer younger arrivals[164]. The stress that efforts to employ and integrate both the new and old foreign nationals into Swiss society fell largely on local authorities throughout the 90s[165].

In 1999, the title of duty-bearer shifted to the federal government as the result of revisions to the immigration law championing integration[166]. This law laid out guidelines for language competence, cultural exchange, prevention of barriers to access education, and health. The new aspects of the law also further complicated the asylum process by requiring all illegal residents of Switzerland who could not provide identification papers to be prohibited from long-term stay in Swiss territory[167].

ii. Swiss Immigration in the 21st Century

The year 2002 marked a major turning point in the history of Swiss immigration. In this year bilateral agreements were signed between Switzerland and the European Union[168]. These agreements greatly improved the prospects for citizens of EU member states in terms of residence in Switzerland by easing the process of receiving permission to reside and work within Swiss territory for these individuals, as well, it allowed for the

[160] Ibid.
[161] Ibid.
[162] Ibid.
[163] Ibid.
[164] Ibid.
[165] Ibid.
[166] Ibid.
[167] Ibid.
[168] Ibid.

regularization of the status of numerous EU citizens who had been previously living in Switzerland either on temporary permits or without documentation[169]. This agreement left a lasting effect on Swiss policy in many other ways as well. By making quotas, localized intranational agreements, and the prioritization of regional and industry-specific interest things of the past[170].

However, the establishment of the above stated bilateral agreement with the European Union did not ease the residency process for third country nationals. Just 40% of third country nationals have Swiss settlement permits with many individuals possessing Asylum Seeker status, Temporary status, or Short-Term Residence[171]. It can therefore be extrapolated that security of residence in Switzerland remains closely correlated to country of origin and the immigration path of the individual[172].

Well known European laws such as the Schengen Agreement and the Dublin Convention came into effect in Switzerland in 2008[173]. These laws in conjunction with the 2002 Bilateral Agreement made things significantly more difficult for third country nationals, particularly asylum seekers as the Dublin Convention established that asylum seekers must apply for asylum in the first convention country they enter[174]. As most asylum seekers arrive via land routes due to extensive air travel restrictions, this absolves Switzerland from responsibility for the majority of individuals who aim to claim asylum there since Switzerland's landlocked status prevents entry onto Swiss territory over land without first entering another country party to the Dublin Convention.

As well, during 2008 a new Foreigner Law (Ausländergesetz) — replacing the law originally drafted in 1931— entered into force in Switzerland[175]. This law played upon integration initiatives stemming from the Italian-Swiss labour agreements of 1964 and was the first time a section dedicated specifically to integration was included in a federal Foreigner Law[176]. This section on integration is however a double-edged sword. On the one hand, it shows willingness to accept Switzerland's status as a state of immigra-

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[169] Ibid.
[170] Ibid.
[171] Ibid.
[172] Ibid.
[173] Ibid.
[174] Ibid.
[175] Ibid.
[176] Ibid.

tion and an expansion of the idea of what it means to be Swiss. On the other hand, one could potentially recognize in this chapter an insistence that foreigners relinquish their ethnic and cultural identities in favour of conforming to the 'Swiss' way of life[177].

Likewise, the law can be perceived as being mildly racist or classist in nature as among non-European workers those allowed immigration on a non-asylum seeking or family member basis are only those most highly-skilled workers or those with the most financial assets[178]. However, on the bright side, this law provided foreign nationals with more freedom of movement within the labour market and expedited family reunification[179].

iii. Current Immigrant Population Estimates

The population of Switzerland currently hovers around 8.3 million —spread across its 2,600 municipalities and 26 cantons — with a near quarter of that being individuals with a recent immigration background[180]. The Migration Policy Institute reported that as of mid-2017 circa 2,380,000 immigrants were living in Switzerland – compiled in Figure 3[181].

This sum includes c. 1,758,000 Europeans[182] (c.73.8% of the total number of foreign nationals living in Switzerland) — consisting of all countries typically understood to be European; including Russia and excluding Turkey —, the largest contributing country of which is Serbia with c. 175,000 Serbians living in Switzerland[183]. Furthermore, nations of the former Yugoslavia when counted jointly contribute c. 326,000 individuals to the Swiss population[184]. The second largest contributing group is Asia (12.4%) with the largest contributing country being Turkey with c. 88,000 Turkish nationals living in Switzerland[185].

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[177] Ibid.
[178] Ibid.
[179] Ibid.
[180] D.-Q. Nguyen, 'Defining the 25% foreign population in Switzerland', *SWI*, 19 November 2017, https://www.swissinfo.ch/eng/society/migration-series-part-1-_who-are-the-25-foreign-population-in-switzerland/42412156, (accessed 20 April 2018).
[181] Migration Policy Institute, 2017.
[182] Ibid.
[183] Ibid.
[184] Ibid.
[185] Ibid.

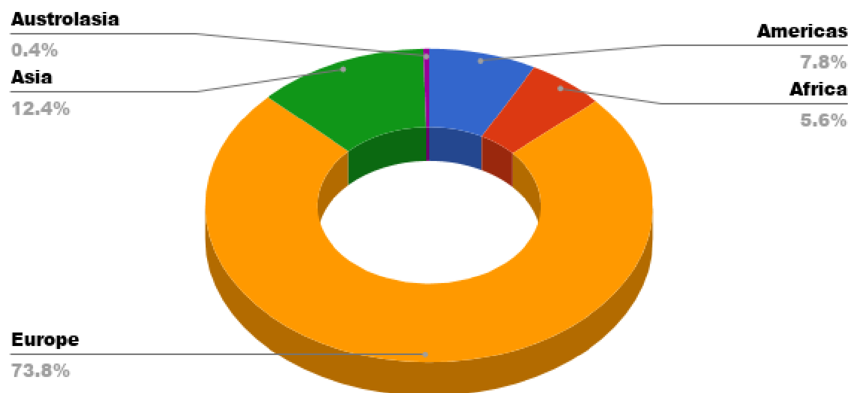

Figure 3 – Percentage of estimated Immigrants in Switzerland by Continent of Origin[186]

The third most contributing continent is the Americas with 7.8%, the largest country of which is Brazil providing c.49,000 individuals to the Swiss population[187]. Fourthly, Africa contributes c. 133,000 individuals to the Swiss population[188]; the largest contributing country of which is Morocco with c. 18,000 individuals[189]. Lastly, compiling just 0.4% of all foreign nationals in Switzerland, just c. 10,000 Australasians live in Swiss territory[190], 8,000 of which hail from Australia[191].

Additionally, the immigration doesn't seem set to slow down any time soon. Switzerland is one of Europe's top countries for immigration — and the largest in terms of area with the others being city states such as Luxembourg and Monaco[192]— with 19/1000 inhabitants having a foreign nationality; compared to Germany's 1/1000 inhabitants and the UK's 9.8/1000)[193]. The growth is so rapid that just between 2014 and 2015 the proportion of foreigners living in Switzerland rose by 0.3% [194].

[186] Ibid.
[187] Ibid.
[188] Ibid.
[189] Ibid.
[190] Ibid.
[191] Ibid.
[192] D.-Q. Nguyen, 'With 244 million immigrants in the world, which country has the most?', *SWI*, 13 September 2016, https://www.swissinfo.ch/eng/society/migration-series-part-2-_with-244-million-immigrants-in-the-world-which-country-has-the-most/42439122, (accessed 20 April 2018).
[193] Nguyen (b), 2017.
[194] Ibid.

Switzerland's increasingly cosmopolitan image and rapidly increasing immigrant population — which could be attributed to births among immigrants rather than new immigration as around ⅕ of foreign citizens in Switzerland were born within Switzerland[195]—, does not however indicate an 'all welcome' open immigration policy; quite the contrary. As recently as 2014, Swiss citizens voted to tighten immigration controls[196]Also, among foreign citizens who have been born outside of the country, 44% have lived in Switzerland for 10 years or more[197]. In many nations this would be enough to begin the process of acquiring citizenship. Swiss citizenship, however, is notoriously complicated and difficult to attain[198] meaning that many well integrated long-term residents are not eligible to obtain citizenship for many years.

[195] Nguyen (a), 2017.
[196] Nguyen (b), 2017.
[197] Nguyen (a), 2017.
[198] Ibid.

Chapter 3: Country Profiles - Education Systems

Austria, Germany, and Switzerland, potentially by virtue of a common linguistic and cultural history, have developed very similar education systems. In this chapter, the layout of these education systems will be profiled as will the interaction of immigrants within these systems. This will be done in three sections, one per country, each of which consists of two subsections. The first subsection addresses the structure of the education system in the country and the second subsection addresses the situation of immigrants in education in the country.

3.1 Austria

i. The Structure of the Austrian Education System

The Austrian educational system, as with many systems around the world is divided into four distinct levels: Primary Level, Lower Secondary Level, Upper Secondary level and Post-Secondary level, also known as Tertiary[199]. Generally, the lower three levels cover the ages from six until the end of the teenager years with divisions around age ten (lower secondary level) and thirteen (upper secondary level)[200]. In addition, Kindergarten is widely optionally attended starting at age three (creches are available for children younger than three) and is compulsory during the year preceding the start of primary school[201]. As stated above, school usually starts around age six and compulsory education continues until age fifteen, with most students graduating secondary school before their twentieth birthday[202].

Aside from those students with special needs whose education track may be attended to in separate schools away from that of the general student population or may be part of integrated classes within typical primary schools, students of all ability levels and with all career aspirations attend primary school together[203]. These schools, known as Volksschule, usually have a student population made up of children living in the area

[199] Euroguidance Austria, 'The Austrian Education System', 2014, https://www.bildungssystem.at/en/, (accessed 13 June 2018).
[200] Ibid.
[201] Ibid.
[202] Ibid.
[203] Ibid.

around the school, such as is often the case in smaller communities, or by children whose parents have specifically sought out the school due to specific characteristics of the school — for example proximity to the parents workplace or home, bilingual education, etc. — and have then registered for and received a place at said primary school. Primary school lasts for four years with the possibility of an extra year tacked on at the beginning during students may attend a school preparedness program thereby extending their time in primary education to five years.[204] After the student has completed this school preparedness program, which often focus on language or social skills, he or she will be admitted to the first year of school[205]. In addition, for students with special needs there are schools called Sonderschule to which these children can go which are more specialized in attending to their needs[206].

Following the primary level, the lower secondary level as well spans four years[207]. Before being admitted to lower secondary education students will be divided onto many different educational paths according to academic ability, interests, parental wishes, and recommendations from their teachers[208] often vying for a spot in more competitive programs particularly in larger cities. Those students with a high level of academic ability may continue on to the Lower Cycle at an Academic Secondary School (AHS), whereas other students may continue on to a New Secondary School or formerly a Hauptschule (High School)[209].

Academic Secondary Schools have a long-standing tradition in Austria and accept only those students who complete the last year of primary school with high academic grades in the compulsory subjects of German, Reading, and Mathematics or who despite lower academic performance receive attestations from their teachers as to their ability to succeed in such an academic environment[210]. Occasionally, students may also

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[204] Ibid.
[205] Ibid.
[206] C. Fabry, 'Ein Viertel der Schuler spricht zuhause nicht Deutsch', Die Presse, 21 February 2017, https://diepresse.com/home/bildung/schule/5172935/Ein-Viertel-der-Schueler-spricht-zuhause-nicht-Deutsch, (accessed 2 June 2018).
[207] Euroguidance Austria, 2014.
[208] Ibid.
[209] Ibid.
[210] Ibid.

be asked to pass an entrance exam or attend an interview[211]. New Secondary Schools (NMS) are, as the name states, a rather new addition to the Austrian educational climate having been introduced in 2012 with a mission to convert all former Hauptschulen to NMS by the 2015/2016 school year[212]. NMS were planned with the aim of creating a unified learning environment in which students of varied ability levels work together on common themes in an environment in which their individual aspirations and abilities are fostered[213].

The Upper Secondary Level lasts for six years and contains many more subdivisions than the previous level[214]. Students who have attended the Lower Cycle of an Academic Secondary School may now choose to either continue to the Upper Cycle of the Academic Secondary School or a College for Higher Vocational Education[215]. Those who continue onto the Upper Cycle may, after one additional year transfer into a VET for Healthcare Professions or a Second Chance Education program; or after two additional years transfer to a School of Nursing[216]. Students who attend these schools will finish their school career with a school leaving exam[217]. In Austria this exam is known as the Matura which is administered by the teachers of the school at the end of the school year and allows those who pass it to attend academic universities should they desire[218].

For those students who attended New Secondary Schools, like the students who attended the Lower Cycle of the Academic Secondary School, they too may enter the Upper Level of the Academic secondary school or attend a College for Higher Vocational Education[219]. However, they may also attend Integrative-Vocational Training, part-time Vocational Training and Apprenticeship, or a School for Intermediate Vocational Education[220]. After these students have finished their Upper Secondary Level education they too may pass a Higher Education Entrance exam and advance to higher level vocational

[211] Ibid.
[212] Ibid.
[213] Ibid.
[214] Ibid.
[215] Ibid.
[216] Ibid.
[217] Ibid.
[218] Ibid.
[219] Ibid.
[220] Ibid.

training[221]. Unlike the students in the previous track however, those who opt for vocational training do not complete a Matura and therefore are not directly eligible to attend academic universities[222]. Should these students choose to complete the Matura so as to enter an academic university they may do so; however, preparations therefore are not included in their coursework nor is the test administered by the school[223]. In addition, several paths have been opened in recent years to enable students from alternative paths to attend tertiary education, although they are seldom used[224].

ii. Immigrants in the Austrian Education System

At nearly a quarter of the total student population[225][226], students from a migration background make up a significant subgroup within the Austrian school system. The distribution of these students is however not equal, being concentrated in cities, making the role these students play particularly significant in Vienna where nearly half of all students speak a language other than German outside of school[227], and where 27% of the population is foreign born[228]. The other provinces show rates of non-German mother tongues as follows: Vorarlberg at 25%; Salzburg at 21%; Upper Austria at 19%; Tyrol at 16%; Styria at 15%; Lower Austria at 15%; Burgenland at 15%; and Carinthia at 13%[229]. It is thereby clear that the efforts made to integrate speakers of other languages must be taken on at a different scale depending on the size of this subgroup within the student population.

Aside from the size of this population of students, the methods taken towards integrating these students within the German-speaking student population cannot be truly

[221] Ibid.
[222] Ibid.
[223] Ibid.
[224] S. Bloem, M. Fazekas, S. Field, & P. Musset, *OECD Reviews of Vocational Education and Training: A Skills beyond School Review of Austria*, 2013, http://www.oecd.org/austria/ASkillsbeyondSchoolReviewofAustria.pdf, (accessed 3 June 2018).
[225] R. Beer, 'Auf die Mitschüler kommt es an', News@ORF.at, 20 March 2017, Available from http://orf.at/stories/2404722/2383036/, (accessed 2 June 2018).
[226] Fabry, 2017.
[227] Beer, 2017.
[228] Medien-Servicestelle Neue Österreicher/innen, 'Fact Sheet 25: Jahresrückblick - Integration und Asyl 2016', 29 December 2016, http://medienservicestelle.at/migration_bewegt/2016/12/29/fact-sheet-25-jahresrueckblick-integration-und-asyl-2016/, (accessed 2 June 2018).
[229] Fabry, 2017.

one-size-fits-all as a result of the linguistic diversity present in Austrian schools as well as the reasoning for immigration for each individual. More than 80 languages were reported as being spoken in Austrian schools as of 2016[230]. In the 2014/15 school year, the top languages spoken by the 262,777 non-Native German speakers in schools were Serbo-Croatian with ~72,000 speakers and Turkish with ~61,000 speakers[231][232]. However. though these languages are the largest by number of speakers these languages are no longer the fastest growing languages in Austrian schools. This title now belongs to Arabic and Romanian[233]. Turkish in particular is beginning to stagnate and may soon begin to decline as, while 2,600 new Serbo-Croatian speaking students, 2,400 Arabic speaking students, and 1,700 new Romanian speaking students entered school in the 2014/15 school year, only 500 Turkish speaking students entered school indicating that while the overall Turkish speaking population is large the population may, at least currently, be on a trend of decline[234]. This could potentially be attributed to the long length of residency in Austria for many families of Turkish origin. As this population may now be entering its third or fourth generation in Austria, it is possible that they are now showing signs of long-term integration typical of those with immigration backgrounds over time, including widespread adoption of the local language in the quotidian.

Since the 1970s, immigrants to Austria have been allowed the option to take courses in their native language when available; however, despite the increase of students with a foreign language as a mother tongue the availability of these courses has decreased in recent years[235]. What is disconcerting being the distribution of non-native German speakers among the different school types available in Austria. Most noteworthy is that nearly 33% of all students with a language other than German as their mother tongue are either at a Sonderschule (special needs school) or have completed a Sonderschule and are attending further education at other schools[236]. Meanwhile just 15% attend Vocational schools[237].

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[230] Medien-Servicestelle Neue Österreicher/innen, 2015.
[231] Fabry, 2017.
[232] Medien-Servicestelle Neue Österreicher/innen, 2015.
[233] Fabry, 2017
[234] Ibid.
[235] Ibid.
[236] Ibid.
[237] Ibid.

The difference of opportunity between students with German as a native language and those who learn it secondarily becomes clearer when you look at the proportion of students who speak German, Turkish, Serbo-Croatian, and other non-German languages at the different types of schools (Figure 4) and the proportion of individuals whose highest level of education finishes at each level (Figure 5).

% of Students Speaking Each of the Most Spoken Languages at Each School Type				
Type of School	**German**	**Turkish**	**Serbo-Croatian**	**Other**
Volksschule	73.4%	7%	7.3%	12.3%
Hauptschule	78.2%	6%	6.5%	9.3%
NMS	71.8%	9.1%	8.2%	10.9%
Sonderschule	68.8%	10.4%	8.4%	12.4%
Polytechnic School	72.1%	8%	8.2%	11.7%
Academic Secondary School - Lower Level	83%	2.9%	5.2%	8.9%
Academic Secondary School - Upper Level	84.1%	2.4%	3.9%	9.6%
Trade School	88%	3.4%	4.4%	4.2%
Vocational School with Diploma	77.9%	6.4%	5.9%	9.8%
Vocational School with Diploma and Matura	84.1%	3.2%	4.8%	7.9%
Vocational College with Matura and Apprenticeship	96.2%	0.6%	1.5%	1.7%

Figure 4 - Percentage of Students Speaking Each of the Most Spoken Languages at Each School Type [238]

As can be seen in Figure 4, at the primary school level (Volksschule) the percentage of German spoken is around 73% with foreign languages making up roughly 27%[239]. However, considering on the one hand that the percentage of foreign language

[238] Medien-Servicestelle Neue Österreicher/innen, 2015.
[239] Ibid.

speakers has continued to increase slightly in recent years, but also on the other hand that this increase has not constituted exorbitant influx of non-native German speakers one can then broadly 'follow' the path of these speakers of other languages by examining the shift of percentages at each type of school. What is noticeable is that in schools forms traditionally perceived to be education paths pursued by less academically talented students — generally understood to be Hauptschulen, NMS, Sonderschule and to a lesser extent polytechnic schools — , the proportion of students who do not speak German as their daily language is significantly higher than at those schools perceived to be more advantageous in terms of academics and career preparation — generally understood to be Academic Secondary School - Lower and Upper levels, Trade Schools, Vocational Schools with diplomas, Vocational Schools with diploma and Matura, and Vocational Colleges — . The starkest gap presents itself between Sonderschule and Vocational Colleges. At the prior more than 31% of students speak a language other than German in their daily life; at the later just 3.8% do[240]. Even between school tracks that are less specific, i.e. those for students in the years directly following Volksschule large differences are present. At New Middle Schools, 28% of the student population has a language other than German as their native tongue; whereas in the Lower Level of Academic Secondary Schools just 17% do[241]. This may be due to the emphasis that entrance to the Lower Level of Academic Secondary School places on mastery of the German language as exhibited through school notes in this specific school subject. This emphasis thereby disadvantages students who, if given proper support and opportunity, may later develop more than satisfactory German language skills allowing them to continue on several different educational paths.

As can be seen in Figure 5, in all cases the majority of individuals in each subgroup complete their education at a trade school or with an apprenticeship. However, while in the group of individuals without a migration background the percentage of individuals completing their education in this category accounts for more than half (56.8%) of cases, in the group of individuals with a migration background this percent-

[240] Ibid.
[241] Ibid.

age lowers to 35.7%[242]. The specific influence of recent immigration on education can be seen when the difference between first generation migrants and second-generation migrants is examined. In the case of first generation migrants, 33.8% of individuals completed their education at the trade school or apprenticeship level[243]. Among second generation, this number jumps to 52.2%; much closer to the figure for individuals without a migration background[244].

% of Population Subgroups by Migration that End Education at Each Form of Institution				
	Tertiary Education	**Upper Secondary Education (Matura)**	**Apprenticeship or Trade School**	**Compulsory Schooling**
Total population:	16.8%	16.1%	52.1%	15%
Without migration background	16.4%	15.4%	56.8%	11.5%
With migration background	18.6%	18.6%	35.7%	27.2%
1st generation migrants	19.3%	18.8%	33.8%	28.1%
2nd generation migrants	11.9%	11.9%	52.2%	18.7%

Figure 5 – Percentage of Population Subgroups by Migration that End Education at Each Form of Institution[245]

For both second generation migrants as well as individuals without a migration background, graduation from a trade school or completion of an apprenticeship is by far the most common situation; in the case of the prior with the difference between the highest and the second highest category being 33.5 percentage points (52.2% vs. 18.7%) and in the latter the difference between the highest and the second highest category being 40.4 percentage points (56.8% vs. 16.4%)[246]. The contrast here is that in the case of individuals without a migration background the second highest category is graduation from tertiary education; while in the case of second generation migrants the second highest category is completion of compulsory education. Among first generation mi-

[242] Ibid.
[243] Ibid.
[244] Ibid.
[245] Ibid.
[246] Ibid.

grants, completion of compulsory education holds a very close second place following completion of a trade school or apprenticeship with just 5.7 percentage points between them (33.8% vs. 28.1%); more than 50% of first generation migrants do not complete academic focused upper secondary schools nor do they go on to tertiary education[247]. This indicates two things: firstly, that academic success and education geared towards later job prospects increases by generation among individuals with a migration background and secondly, that a large proportion of first generation migrants are being in some way deterred from pursuing further academics driven education.

Interestingly however, first generation migrants also depict a demographic that is much closer to evenly spread than that of other categories — with the exception of that of individuals with a migration background which is clearly heavily influenced by the large first generation migrant sample size due to the proximity of the figures in both categories. For example, with 19.3%, first generation migrants exhibit the highest proportion of individuals completing their education at the tertiary level; higher even than individuals without a migration background for whom the figure is 16.4%[248]. This draws many questions regarding the varied distribution of these individuals leading to several hypotheses. In relation to graduates of tertiary education, it is possible that this figure has been influenced by the large influx of German universities students — and increase of nearly 30,000 over the past decade[249] — who would technically qualify as first generation migrants, but who share a common native language with German-speaking Austrians and the vast majority of whom leave Austria within a few years of graduating university — just 6% of foreign students stay in Austria after graduation[250]; thereby contributing very little to the population of second generation migrants. The high percentage of first generation migrants completing Upper Secondary Education with a Matura is more difficult to pinpoint; however, it might be similarly related to temporary migration in pursuit of education as students from nearby countries have been known to cross to border regions of Austria for secondary education.

[247] Ibid.
[248] Ibid.
[249] Ibid.
[250] Ibid.

This hypothesis is further supported by a report from Statistik Austria entitled *Parents Education is a Key Factor in the Educational Career (Bildungsabschluss der Eltern ist wesentlicher Faktor für Bildungskarriere)*. This report states that individuals who aspire to tertiary education tend to have parents who have also attended tertiary educational institutions[251]. However, while parental tertiary education is a good indicator that individuals will begin tertiary education, once tertiary education is begun having parents who have not completed tertiary education does not influence one's ability to complete their studies as the proportion of students with parents who have completed tertiary education is the same at the point of completion of tertiary education as at the beginning[252]. The trend can be seen among student at Upper Secondary Academic and Vocational schools — the schools in which students may complete a Matura —. This is laid out in Figure 6.

Parental Education Level – Upper Secondary Students (Academic and Vocational with Matura) vs. General Population of 18 to 20-year-olds		
	Upper Secondary Students	**General Population (18-20 yrs old)**
Tertiary Education	31.2%	16.7%
Upper Secondary School with Matura	23.5%	15.9%
Professional School (Fachschule)	21.9%	21.8%
Apprenticeship	19.5%	32.8%
Compulsory Education	3.9%	12.8%

Figure 6 - Parental Education Level - Upper Secondary Students (Academic and Vocational with Matura) vs. General Population of 18 to 20-year-olds[253]

Figure 6 makes clear that the education of the parents of upper secondary students in Austria is very much correlated to their choosing the path towards upper sec-

[251] Statistik Austria, 'Bildungsabschluss der Eltern ist wesentlicher Faktor für Bildungskarriere', 3 May 2017, http://www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/bildung_und_kultur/112262.html, (accessed 2 June 2018).
[252] Ibid.
[253] Statistik Austria, 2017.

ondary education. The majority of students in upper secondary education have parents that have completed tertiary education (31.2%) whereas among the general population within this same age group the largest percentage for parental education lies in Apprenticeship (32.8)[254]. It appears that having parents with at least a Matura if not tertiary education positively influences the likelihood that a child will attend Upper Secondary Education with the chance at a Matura — tertiary education preparatory education — whereas having parents with an education level terminating in an apprenticeship or with compulsory education greatly negatively influences a student's chance of attending these types of schools. Having a Professional School education does not seem to either positively or negatively influence the chance that a student would attend an upper secondary school culminating with a Matura.

The above information combined with the prior information regarding academic paths of first generation migrants, second generation migrants, individuals with a migration background, and individuals without a migration backgrounds paints a picture of limited long term social, financial, and academic opportunity for migrants and children of migrants within Austria. If completion of higher level education continues to be barrier for migrants due to lack of linguistic skills and insufficient cultural integration, these limitations will then be passed down, in notably continually milder forms, to their children. This is particularly noteworthy with regards to the percentage of second generation migrants who completed just compulsory education, although lower than among 1st generation migrants, remains worryingly high especially when compared to the percentage of individuals without a migration background who complete only compulsory education (18.7% vs 11/5%)[255]. If the educational background of migrant students' parents continues to have such a strong influence on the academic paths that they seek it may take several generations to see total integration between contemporary migrant families and individuals without a migration background. With new migrants continually arriving in Austria the disadvantaging of migrant students and families will continue to be a problem.

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[254] Ibid.
[255] Ibid.

Criticism of equity within Austria's school system has long come from international organizations and NGOs alike. School performance in Austria is heavily tied to socioeconomic status and migration in a way unseen in most other OECD countries[256]. OECD Director for Education and Skills, Andreas Schleicher, stated in a news conference in 2016 with regards to the Austrian school system that

> *equity...remains a concern in a system that is still characterised by early tracking and selection. ... Quality and equity in Austria's school education remain far behind what parents and taxpayers should expect*[257].

This is particularly noteworthy as the Austrian education system is not at all underfunded as Austria ranks among the top OECD countries in terms of education expenditure[258]. Of all OECD nations, Austria ranks third in educational spending per student; exceeded only by Switzerland and Luxembourg[259].

As well, the OECD released a report in 2013 entitled *OECD Reviews of Vocational Education and Training: A Skills beyond School Review of Austria* in which the OECD focused on the advantages, disadvantages, and ways to improve the Austrian vocational education system[260]. The vocational education system is of importance for a large swath of the Austrian population; however particularly so in relation to long-term migrants as you can see above. In this report, the OECD lauded the Austrian system for its variety of programs offered, as well as, the development of avenues to allow graduates of vocation training to continue on to tertiary education[261]. The OECD also however, remarked negatively on the disorganization of the vocation training system leading to confusion among many as to how to navigate it, as well as, the limited frequency with which these alternative, non-Matura pathways to tertiary education are used[262]. The OECD further elaborated on these challenges by emphasizing the semi-opaqueness of

[256] OECD, *Skills Strategy Diagnostic Report: Austria*, 2015, https://read.oecd-ilibrary.org/education/oecd-skills-strategy-diagnostic-report-austria-2014_9789264300255-en#page1, (accessed 4 June 2018).
[257] OECD, 'Reform of Austria's school governance crucial to deliver better value for money', 07 June 2016, http://www.oecd.org/austria/reform-of-austrias-school-governance-crucial-to-deliver-better-value-for-money.htm, (accessed 2 June 2018).
[258] OECD, 'Government at a Glance 2015: Country Fact Sheet – Austria', 2015, https://www.oecd.org/gov/Austria.pdf, (accessed 22 July 2018).
[259] OECD, 2016.
[260] Bloem, Fazekas, Field, & Musset, 2013.
[261] Ibid.
[262] Ibid.

the system and the dubiousness it can cause in both students and employers as students may not be sure which path to take to achieve their goals and employers may be unsure the value of the qualifications received on each of these pathways[263]. In order to improve these areas of difficulty the OECD's suggestions placed priority in the development of national advisory bodies composed of a wide range of stakeholders to establish clarity of methods and regulations within the vocational education and training system[264]. In particular, the hope for this is to improve the rate of admission to tertiary education via the various avenues of doing so[265]. Should these be implemented it could stand to have a prominent impact on academic and long-term social outcomes within migrant communities.

Socioeconomic status and migrant status has long lasting effects on many aspects of the lives of individuals who fall into these categories, which often overlap. As the OECD stated in its 2014 *OECD Skills Strategy Diagnostic Report: Austria,*

> *Students from richer families with well-educated parents tend to attend the best-performing schools and those with lower socio-economic status and less-educated parents attend the lowest performing schools*[266].

This fact can lead to increased stratification within Austrian society and a perpetuation of disadvantages among migrants and their descendants. As well, this discrepancy shows itself clearly on PISA scores. In reference to student resiliency, that is the ability of students to succeed and exceed despite being 'in the bottom quarter of the PISA index of economic, social and cultural status[267]', top performing OECD countries present around 13% of this subpopulation who are resilient, in Austria only 6% of such students are resilient[268]. Clarifying the further disadvantages experienced by migrants in this regard the OECD states:

> *A migration background has an above average impact on performance of 15-year-olds in Austria, while only a third of the performance gap between students*

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[263] Ibid.
[264] Ibid.
[265] Ibid.
[266] OECD, 2015.
[267] Ibid
[268] Ibid.

with and without an immigration background can be explained by the lower socio-economic background of students with an immigration background[269].

Therefore, while all students with a low socioeconomic status are disadvantaged in the Austrian system, this is felt even more acutely among migrants.

The education and socioeconomic situation of one's parents and the effect that it has on their children extends not only to the school that one attends and that academic path that one chooses, but also into the working world. Migrants in particular are hindered in several areas of society beyond even their similarly educated native-born compatriots. OECD reports that although, 'International migration accounts for a third of new entrants into Austria's working-age population...migrants have far lower labour market outcomes than native-born Austrians[270].' Specifically,

the children of immigrants aged 20-29[271] *are four times more likely to be both low-educated and neither in employment nor in education and training than their native-born counterparts*[272].

However, it is not only low-educated and unemployed migrants who are disadvantaged within the Austrian system (and who often do not benefit from adult education efforts[273]). OECD also reports that,

at all ages, highly educated first- and second-generation immigrants are penalised most in terms of whether they are in skills-adequate employment. Only 55% of highly-educated immigrants are employed in high-skilled jobs compared to 70% of their highly-educated native-born peers[274][275].

Thereby exhibiting that the disadvantages faced by immigrants in Austrian society in relation to education and thereafter careers does not directly go hand in hand with socioeconomic status. A migrant who is of high socioeconomic status is still more disadvan-

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[269] Ibid.

[270] Ibid.

[271] *those who have most likely just finished education and are ideally beginning their careers*

[272] OECD, 2015.

[273] OECD, *Skills Strategy Diagnostic Report: Austria,* 2014, http://www.oecd.org/skills/nationalskillsstrategies/Diagnostic-report-Austria.pdf, (accessed 27 July 2018).

[274] Ibid.

[275] OECD(a), 2014.

taged in terms of job outcome than their non-immigrant counterpart. An immigrant who is also of low socioeconomic status is thereby doubly disadvantaged.

The situation of immigrants, asylum seekers, and their descendants in Austria in relation to education and therethrough career outcome is a complex one. There are many factors that contribute to it that span the gamut from societal to personal. Overall, individuals with a migration background experience disadvantages in the education system that their peers without a migration background do not.

3.2 Germany

i. The Structure of the German Education System

School in Germany can be slightly different according to state[276], but in general it is compulsory starting at age six or age seven if the child is found to not be ready to attend school upon visit by a school doctor[277]. Education continues to be compulsory until the age of 18 with full time compulsory schooling applicable for either nine or ten years depending on the state and at least part-time compulsory schooling (vocational training) applicable thereafter[278].

The German education system encompasses five levels: Elementary Level, Primary Level, Secondary Level I, Secondary Level II, and Tertiary Level[279]. For the sake of consistency, we will be discussing the intricacies of just the first four levels as tertiary education is not compulsory although generally tertiary education is divided into universities and universities of applied sciences with occasional exceptions such as teacher training colleges and certified vocational training.

The Elementary Level of the German education system comprised all creches, day cares, kindergartens, and school preparation classes thereby covering the age from

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[276] K. Dambach, 'Your guide to the German education system', *InfoMigrants,* 7 March 2018, http://www.infomigrants.net/en/post/7914/your-guide-to-the-german-education-system, (accessed 16 June 2018).
[277] B. Edelstein, 'Das Bildungssystem in Deutschland', *Bundeszentrale für politische Bildung,* 23 July 2013, http://www.bpb.de/gesellschaft/bildung/zukunft-bildung/163283/das-bildungssystem-in-deutschland, (accessed 16 June 2018).
[278] Ibid.
[279] Ibid.

infancy until entry into regular school[280]. 90% of three to six-year-olds in Germany attend some type of Elementary Level education and since 2013 every child in Germany is legally guaranteed to be able to find placement in one of the aforementioned programs; however, attendance is not compulsory under German law[281]. Only 20% of children under three attend creches in Germany[282].

The Primary Level of the education system, known as Grundschule entails the first four to six years of compulsory education depending upon the state in which the school is located[283][284]. It is also the only program in which nearly all students regardless of level of ability are in attendance together[285]. At the end of this level students receive an official non-binding suggestion as to which educational path to follow based on grades, learning capability, and work ethic[286]. Should a student aspire to attend a type of school other than the one officially suggested to them, in most cases they will either be made to sit an entrance exam or admitted on a preliminary basis[287].

Secondary Level I presents many options for students. The main options are Hauptschule (Lower Secondary School), Realschule (Middle School), and Gymnasium (Academic Secondary School)[288]. All of these school types have particular aims, yet they may still be combined at the same school usually with Hauptschule and Realschule combined or with characteristics of all three combined in which case these are usually called Comprehensive Schools (Gesamtschulen)[289]. Gesamtschulen are a relatively new concept designed to 'give students a better chance of achieving their highest academic potential[290].' Additionally, there are also Integrated Comprehensive Schools in which students do not yet follow any specified educational path, but rather have the opportunity to choose their courses much like at North American schools[291]. At the end of the Secondary Level I students from all school types receive a general education diploma

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[280] Ibid.
[281] Ibid.
[282] Ibid.
[283] Ibid.
[284] Dambach, 2018.
[285] Edelstein, 2013.
[286] Ibid.
[287] Ibid.
[288] Ibid.
[289] Ibid.
[290] Dambach, 2018.
[291] Edelstein, 2013.

thereby allowing them to progress onto the next education level at schools typically correspondent to the path they chose at the beginning of Secondary Level I.

Secondary Level II includes academic and vocational tracks as well as combinations thereof[292]. The track on which a student ends up, as mentioned in the previous paragraph, is largely dependent upon which track they chose at the beginning of Secondary Level I[293]. Students who successfully completed the Hauptschule are now able to go on to vocational training and begin an apprenticeship or, should they fail to find a position, it qualifies them to attend a pre-vocational training course eventually leading upon completion to certification in a specific job[294]. Those who receive a Middle School Diploma are allowed to either begin vocational train, begin full-time attendance at a higher level vocational school, or attend the upper levels of Academic Secondary School[295]. Those who attend Academic Secondary Schools will upon completion take a school leaving exam, known as the Abitur[296]. Successful completion of this exam will then allow these students to go onto tertiary education[297]. Those who attend higher level vocational schools and complete the preparedness test at the end of those programs will also be able to continue on to tertiary education[298].

As well, students with special needs or with disabilities were previously taught in special separate schools for Primary, Secondary Level I, and Secondary Level II[299]. With the ratification of the UN Convention on the Rights of People with Disabilities in 2009 these schools began to be phased out in favour of integrated education in other school types; however, some do remain[300].

ii. Immigrants in the German Education System

The success of immigrants in the German education system is a multitiered and multifactored issue. Many criteria come into play when examining to what degree an

[292] Ibid.
[293] Ibid.
[294] Ibid.
[295] Ibid.
[296] Dambach, 2018.
[297] Edelstein, 2013.
[298] Edelstein, 2013.
[299] Ibid.
[300] Ibid.

individual may expect to achieve success in the German education system. These criteria include among others:

- migrant generation – whether the individual first or second generation [301][302]
- The generation of the individual within the general population — younger generations regardless of their experience with migration tend to strive for higher levels of education than their predecessors[303][304]
- The education of said individuals own parents[305]
- Socioeconomic status[306][307]
- The country of origin of the individuals family [308][309]
- Extent of mastery of the German language[310][311][312]
- The age at which they immigrated to Germany (if they were not born there)[313]

As well, there are smaller more personal circumstances that may influence the outcome of an individual. As an example, with reference to the recent large influx of refugees, such a circumstance may be the degree of trauma experienced by the individual before arriving in Germany and whether or not this individual has accessed appropriate psychological counselling[314].

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[301] Autorengruppe Bildungsberichterstattung, 'Bildung in Deutschland 2016', Destatis, 2016, https://www.destatis.de/DE/Publikationen/Thematisch/BildungForschungKultur/Bildungsstand/BildungDeutschland5210001169004.pdf?__blob=publicationFile, (accessed 21 June 2018).
[302] M. Siegert, 'Schulische Bildung von Migranten in Deutschland', German Ministry for Migration and Refugees, 2008, https://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/WorkingPapers/wp13-schulische-bildung.pdf?__blob=publicationFile, (accessed 21 June 2018).
[303] Ibid.
[304] Autorengruppe Bildungsberichterstattung, 2016.
[305] Ibid.
[306] BertelsmannsStiftung, 'Freie Grundschulwahl verschärft die soziale Trennung von Schülern', 16 January 2016, https://www.bertelsmann-stiftung.de/de/themen/aktuelle-meldungen/2016/januar/freie-grundschulwahl-verschaerft-die-soziale-trennung-von-schuelern/, (accessed 19 June 2018).
[307] BertelsmannsStiftung, 'Deutschlands Schulsysteme: Bessere Chancen fur Kinder und Jugendliche, aber einige Baustellen bleiben', 1 March 2017, https://www.bertelsmann-stiftung.de/de/themen/aktuelle-meldungen/2017/maerz/deutschlands-schulsysteme-bessere-chancen-fuer-kinder-und-jugendliche-aber-einige-baustellen-bleiben/, (accessed 19 June 2018).
[308] Siegert, 2008.
[309] Autorengruppe Bildungsberichterstattung, 2016.
[310] Siegert, 2008.
[311] Autorengruppe Bildungsberichterstattung, 2016.
[312] SPIEGEL staff, 'What a Million Refugees Mean for Everyday Life: Part 11: Germany Will Need 20,0000 New Teachers for Refugees', *SPIEGEL Online*, 19 February 2016, http://www.spiegel.de/international/germany/22-germans-speak-about-challenges-of-integrating-refugees-a-1075661-11.html, (accessed 20 June 2018).
[313] Siegert, 2008.
[314] Autorengruppe Bildungsberichterstattung, 2016.

Asylum seekers make up a significant subsection of the German student body. Between January 2015 and mid-2016 more than 680,000 asylum applications were filed in Germany, the majority of which were placed by individuals under the age of 25[315] – in the same two years 400,000 asylum applications were placed by children and teenagers alone[316]. The number of school age children in particular is impressive. In the 2014/15 school year c. 325,000 child refugees were in school in Germany[317]. In addition, in just the last few years 120,000 children under the age of six, prime to enter the school system in the upcoming years, immigrated to Germany[318]; 40% of which were refugees from countries such as Syria and Afghanistan. Child refugees bring with them the complexity of their status both as foreign-born individuals from families who often have little mastery of the language or understanding of the system and as, often times, survivors of trauma[319][320]. This complicate situation is particularly exacerbated by the high frequency at which those with refugee status are likely to be socioeconomically disadvantaged[321]. Germany has long been notorious for the correlation between socioeconomic status and success in the education system[322].

Within that majority under age 25 mentioned above there are more than 59,000 (the figure as of March 2016) unaccompanied minors for whom the situation is even more complex given their numerous disadvantages among which for many include lack of mastery of the German language, low socioeconomic status, and (usually) more advanced age upon entering the German school system[323]. The situation of child refugees is further complicated by the diversity of asylum systems throughout Germany when it comes to allowing children to enter school. In some German states, refugee children may begin school in Germany as soon as they are processed into the asylum system; in

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[315] Ibid.

[316] BertelsmannsStiftung, 'Pädagogen mit Fluchtgeschichte können Schulen unterstützen', 2017, https://www.bertelsmann-stiftung.de/de/unsere-projekte/in-vielfalt-besser-lernen/projektthemen/paraprofessionals/, (accesssed 19 June 2018).

[317] SPIEGEL staff (a), 2016.

[318] Autorengruppe Bildungsberichterstattung, 2016.

[319] K. Schuster, 'Study: Germany kids not suffering because of refugees', *DW*, 20 April 2017, https://www.dw.com/en/study-german-kids-not-suffering-because-of-refugees/a-38512034, (accessed 20 June 2018)

[320] Autorengruppe Bildungsberichterstattung, 2016.

[321] K. Schuster, 2017.

[322] BertelsmannsStiftung, 2017.

[323] Autorengruppe Bildungsberichterstattung, 2016.

other states, the children may only begin school after they have been moved into more permanent housing; in yet others, the guidelines may only stipulate that the child must begin school before he or she has been in Germany for six months[324]. Generally, parents, where present, may request that the child be able to attend school at any point[325]; however, as can be imagined many parents are either not aware of this right or engulfed by issues of more pressing importance.

While the process of initially accessing education may be a bit complicated for many of the newest, most vulnerable arrivals in Germany, several programs have been developed in the past few years which attempt to ease their transition into the education system and workforce. For adult asylum seekers, half of which arrive in Germany without having completed school[326], most areas of the nation have established one to two-year long programs aimed at expedient job readiness and vocational training[327]. For children who are entering the education system without extensive knowledge of the German language or culture, both refugee children and more children with a more traditional route of immigration, special welcome classes have been established across the country[328]. These welcome classes aim to help the students build skills in the German language, inform them about particular aspects of the culture, as well as, help identify those students with trauma who need counselling[329].

Unfortunately, these programs do not come without hitches. In order to be able to identify the children who have experience trauma while still educating students in a classroom environment in which there is an overarching deficit of a common language throughout the classroom, teachers need to be specially trained[330]. Due simply to the ebb and flow of the labour market there will soon be a shortage of teachers in many countries of Europe, Germany among them. It is estimated that they may need to hire a

[324] Ibid.
[325] Ibid.
[326] Ibid.
[327] Ibid.
[328] Ibid.
[329] Ibid.
[330] Ibid.

further 20,000 new teachers in the near future[331] with a particular emphasis on language education[332].

It is not only asylum seekers who face the brunt of the complicated German education system; migrants across the board often have to make extensive efforts to understand and succeed in the system. Segregation is present to an extent throughout the education system in Germany, beginning as early as pre-school education. While 90% of 4 and 5-year-olds with a family history of migration attend Kindergarten, few children in such families under the age of 4 do[333]. This is unfortunate as early childhood exposure to the German language could be quite helpful in improving the academic success of these children later. Among children of kindergarten age, 63% speak a language other than German at home — among 2nd generation immigrants where both parents are from the same country that figure is 50% — and around 20% have a deficit in the German language[334]. Steps are however being made to remedy this. The number of children attending a creche — a day care and educational facility for children under age three — was only 11% in 2009 but had doubled to 22% by 2015[335]. The reasoning behind this being that prior to 2013 every child in Germany did not have the right to attend a creche as spots were limited and families in which both parents were employed were given first choice[336]. Women in migrant families are less likely to be continuously employed thereby relegating migrant families to the bottom of the pile so to speak[337]. The time in German-language childcare could serve as a stepping stone into the German language that many of these children are not receiving at home.

Grundschulen, primary schools, as well tend to be unintentional places of segregation. In many areas of Germany, the primary school which one attends is not, as in many countries, tied to the area in which one lives[338]. This fact leads to much 'rearranging' of students, typically from the middle class, as their parents strive to place them in

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[331] SPIEGEL staff (a), 2016.
[332] Autorengruppe Bildungsberichterstattung, 2016.
[333] Ibid.
[334] Ibid.
[335] Ibid.
[336] Ibid.
[337] Ibid.
[338] BertelsmannsStiftung, 2016.

more advantageous schools[339]. Parents who are well-to-do and parents who are less well-off tend to have children who attend a primary school in their area rather than who attend a school they have 'shopped around' for[340]. In the state of Nordrhein-Westfalen, where this program is particularly widespread about ¼ of parents send their children to schools outside of their neighbourhood[341], particularly if there was the possibility to send them to school in a more socioeconomically advantaged district[342]. It is certain that this system of open choice was originally tooted to promote less segregation within these formative years, however, as Brigitte Mohn, Board Member of the Bertelsmann Foundation states

> *Social and ethnic school segregation was already pronounced at the time of elementary school district integration via the socio-spatial segregation of residential neighbourhoods, and it continues to increase with the introduction of free primary school choice.*[343]

As with many principally good ideas throughout time, it is incredibly difficult to predict human behaviour which is noticeable in this area.

As well, the structure of traditional primary schools in Germany is not conducive to the production of high level integration due to the short operating hours which make it difficult both for working families to organize care for their children, as well as, for immigrant youth to be sufficient exposed to German language and culture so as to facilitate language acquisition and integration. In recent years there have been steps taken in the German education system to remedy this issue. One way this is being remedied is by offering language classes in the top minority languages – Turkish, Russian, and English as of 2016 [344]– such as the Ruetli Gymnasium, long considered among the worst schools in Berlin, has done [345]. Another more common way is by offering more after school childcare options – known as Hort – and all-day schooling. However, the prior comes with many issues. As it is not mandatory and as many immigrant families have

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339 Ibid.
340 Ibid.
341 Ibid.
342 Ibid.
343 Ibid.
344 Autorengruppe Bildungsberichterstattung, 2016.
345 SPIEGEL staff (a), 2016.

one parent who works, it is less common for immigrant children to attend these after-school programs than it is for non-immigrant children – only 14% of individuals with a migration background participate in extracurricular activities[346]. This means that whereas non-immigrant children reap the benefits of extra hours spent with their peers, extra language practice, and help with homework, many immigrant children spend these hours at home, speaking their native language rather than German and often times without an adult German speaker to help with their homework[347][348]. For language learning time spent among peers and in school is especially important as ⅓ of students with a mother tongue other than German attend educational institutions in which over half of all children speak German non-natively[349]. All day schooling on the other hand has been implemented in many places across Germany with the hope of providing that extra push towards language acquisition and integration[350][351]. All day schooling aims to remedy many of the pitfalls of Hort childcare by removing the barriers of money and registration, as well as, by mandating longer hours in formal education outside of the home thereby providing the structures for aided language learning and homework help[352][353][354]. A side benefit thereof is that all day schooling also frees up more of the caretakers' day therethrough allowing, usually mothers — both immigrant and non — to further pursue their own careers and goals[355].

The pursuit of career and educational goals on the part of parents is closely tied to academic success on the part of the child. This is true across the board for both those with a migration background and those without. However, the rate of undereducation is starker among immigrants than among non-immigrants. Between 6% and 12% of parents with a migration background finished their education at the end of primary school, whereas this is just 1% among non-migrants[356]. As well, even among those who have

[346] Autorengruppe Bildungsberichterstattung, 2016.
[347] BertelsmannsStiftung, 2017.
[348] Autorengruppe Bildungsberichterstattung, 2016.
[349] Ibid.
[350] Ibid.
[351] BertelsmannsStiftung, 2017.
[352] Ibid.
[353] BertelsmannsStiftung, 2016.
[354] Autorengruppe Bildungsberichterstattung, 2016.
[355] Ibid.
[356] Ibid.

proceeded beyond primary education, parents without a migration background are much more likely to have an academic degree than those who do[357]. This undereducation can mean quite a lot for the success rates of the child from very early on. Parents who are undereducated tend to be underemployed and therefore are less likely to put children into early childhood care – at least before the age of 4 to 5 by which time 90% of children with a migration background attend childcare[358] –. As well, children who do not attend early childhood care and do not speak German in the home tend to require extra German language classes prior to being able to complete regular schoolwork thereby delaying the entry of these children into the regular school classroom – normally this delay is a year-long[359]. Additionally, families with lower levels of education are less likely to read books to their children, further hindering language learning abilities[360]. When it comes to choices of Grundschulen, immigrant parents and parents with a lower level of education are much less likely (less than 19%) to send their children out of their district to attend primary school and much more likely to conduct the majority of their activities within their local area due to the correlation between low education, low socioeconomic status, and lack of access to transportation[361]. This is troubling as immigrant children tend to come from more at-risk areas with less opportunity for further socioeconomic advancement and more disadvantaged educational institutions[362]. These disadvantages have very real-world consequences; children with two immigrant parents are often a year behind their peers in reading at the primary school level[363].

It is not however, only the education of the parents that plays a role in the academic success of the child. When it comes to immigrants, the country of origin as well plays a role, albeit not as large of one[364]. It is logical that students whose mother tongue is more like German, — Germanic or Indo-European — will have an easier time adapting to the language of the school system. Yet it appears that not only linguistic, but also cultural aspects come into play. A decade ago, the German Ministry of Migration and

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[357] Ibid.
[358] Ibid.
[359] Ibid.
[360] Ibid.
[361] BertelsmannsStiftung, 2016.
[362] Autorengruppe Bildungsberichterstattung, 2016.
[363] Ibid.
[364] Ibid.

Refugees reported that students with a Russian, Polish, and Croatian background tend to do rather well in the German school system; however, students with a Turkish, Italian, or Serbian and Montenegrin background did not[365]. Turkish students appeared to be disadvantaged even when compared with their peers with immigration background and despite having one of the largest third-country immigrant populations with some of the longest recent family histories in Germany[366]. What is also interesting to note is that Croatian students tended to do well while Serbian and Montenegrin students tended not to despite coming from similar countries and speaking largely mutually intelligible languages. The German Ministry of Migration and Refugees reasons that this is because many Serbian and Montenegrin individuals came to Germany as refugees and were older when they arrived therefore making it more difficult to learn the language; whereas this was not the case for the majority of Croatians[367]. As well in terms of post-compulsory education, the participation rates of Serbians and individuals from formally Serbian territories, such as Kosovars, in addition to those of Romanians is rather low[368]. In contrast, immigrants hailing from Asia or the Americas were very likely to continue participating in formal education after the age of 16 with the participation rate among the latter being exceptionally high in comparison[369].

Much of this may be due to the fact that Germany's educational system divides students into different academic paths rather early in their academic career, at age 10. Students who have been disadvantaged by lack of early language acquisition and a low socioeconomic status as well as the multifaceted situation created therewith may not have long enough in many cases to develop the resiliency to break out of this cycle. While the benefit of this system is that it allows for many different options in terms of vocational and educational paths, it may be confusing for individuals who are not accustomed to it. This may be why, in addition to socio-economic circumstances and language, immigrants and non-immigrants display different rates at which they follow the two more general paths[370]. Much of this hinges on socioeconomic status rather than

[365] Siegert, 2008.
[366] Autorengruppe Bildungsberichterstattung, 2016.
[367] Siegert, 2008.
[368] Autorengruppe Bildungsberichterstattung, 2016.
[369] Ibid.
[370] Ibid.

strictly on migration history; however, immigration and lower socioeconomic status can often go hand-in-hand[371].

Individuals with a migration background and those of lower economic status tend to choose educational paths that are less academic than those of their German peers[372]. In 2014/15, while just 8% of students with German nationality choose to attend Hauptschule (one of the less academic tracks), around a quarter of immigrant students did[373]. As well in the same year, slightly less than a quarter of immigrant students went on to attend Gymnasium (the highest academic secondary track), while nearly half of students with German nationality did — including 69% of individuals with a high socioeconomic status[374]. Immigrant students are more likely to choose a vocational path than their German peers[375]. As well immigrants who choose a vocational path are more likely to choose the lower level of the three-tier system while Germans are more likely to choose the upper two levels[376]. Since 2000, there have been several changes made to allow these vocational students to access universities and other forms of tertiary education should they choose to; however, vocational schools students who sit the Abitur pass at a rate of just 50%[377]. Nevertheless, on average students with a migration background tend to make lower notes that non-migration students overall and are less likely to make attempts to acquire a tertiary degree[378].

This preference for vocational training and lack of mobility between academic tracks is another area in which asylum seekers or those who arrive in Germany at a later age are further disadvantaged. NGOs have long criticized the German system for shutting immigrant students who arrive after the age of 16 out of the public-school system[379]. This prevents students who lack qualifications from their home country from

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[371] Ibid.
[372] Ibid.
[373] Ibid.
[374] Ibid.
[375] Ibid.
[376] Ibid.
[377] Ibid.
[378] Ibid.
[379] Informationsverbund Asyl und Migration,, 'Access to Education: Germany', *AIDA* , 2018, http://www.asylumineurope.org/reports/country/germany/reception-conditions/employment-education/access-education, (accessed 20 June 2018).

attaining a diploma in Germany as well[380]. Even for individual asylum seekers who may be able to enter vocational training via slightly earlier arrival or special circumstances the path is not easy. Vocational training is heavily related to the ability to complete an apprenticeship, often of two or three years in length[381]. Asylum seeker residence permits are however issued for 6-months at a time thereby rendering it incredibly difficult to find an employer willing to make the investment into an apprentice who may be removed on short notice and therefore be unable to complete the apprenticeship[382].

Those immigrants who do manage to navigate the German education system to tertiary education fare a bit better. There is a difference of just 2.5% between the percentage of 16 to 30-year-olds without a migration background and with a migration background who attend university (18.2% vs 15.7%); however, only 8% of individuals who attend tertiary education are first generation immigrants [383]. For those with a migration background between the age of 20 and 25, that percentage jumps to 52.2% with tertiary education including traditional universities, universities of applied sciences, and further vocational training[384] — 54.2% of those individuals without a migration background in the same age range attend university[385]. Although these percentages are similar, individuals with a migration background still tend to pursue lower skills-level degrees and qualifications than their German brethren[386]. Drawing on the topic of ethnic origin in relation to educational success mentioned earlier, this is specifically 48.3% of individuals from EU states, 48.2% of individuals from countries in non-EU Europe, 55.2% of individuals from countries in Africa, 62% of individuals from countries in Asia, and 68.5% of individuals from countries in the Americas within the same age range[387].

It is important to not be distracted by this seemingly moderately high participation rate at the tertiary level. As younger generations on average aim for higher educational achievement than their parents, more people are now attending tertiary education

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380 Ibid.
381 Ibid.
382 Ibid.
383 Autorengruppe Bildungsberichterstattung, 2016.
384 Ibid.
385 Ibid.
386 Ibid.
387 Ibid.

and fewer individuals are finishing school without attaining a diploma[388] — however, this is still 12.9% of foreign national students[389] and twice as much as German nationals[390]. As well, immigrants in the 21st century tend to already arrive with a degree in tow — around ½ of those who have immigrated to Germany within the last 18 years have already had a degree they completed abroad[391]. However, this does not always give these new arrivals a leg up as there is little standardisation for receiving official recognition of prior certifications and degrees from outside of the EU[392]. As well, it remains that foreign nationals in the German school system are nearly 3x more likely to drop out of school entirely before completing secondary education than German nationals[393]. For individuals age 30-35 who have begun vocational training, 33% of immigrants and 10% of Germans have still not completed it[394]. Within the same age range for those who began general education, 8% of immigrants and 2% of Germans did not finish[395].

Employment is another area where the low educational success of many immigrants in Germany crossed paths with socioeconomic status. As the *Education in Germany 2016* report from the German Ministry of Education and Research states, '[there are] *considerable differences in employment status between young Germans and foreigners, overall from non-EU states*[396].' When it comes to furthering their career, country of origin plays a major role in employability — much bigger than the rather negligible length of time in Germany[397]. In particular, immigrants of Asian and African origin have high difficulty securing reliable employment[398]. There may be many factors that play a role in this; however, it is likely that this high level of underemployment may be partially attributed to phenotype differences between these populations and the average ethnic European thereby singling these individuals out as foreigners in a way that many

[388] Ibid.
[389] BertelsmannsStiftung, 2017.
[390]Autorengruppe Bildungsberichterstattung, 2016.
[391] Ibid.
[392] Ibid.
[393] Ibid.
[394] Ibid.
[395] Ibid.
[396] Ibid.
[397] Ibid.
[398] Ibid.

individuals from the Americas and Australasia do not experience. Female immigrants experience difficulties in the job market where their rate of unemployment is twice as high as that of male migrants at 40% for female third country nationals[399].

The German system, while not designed to do so, promotes segregation which allows for the proliferation of low language abilities and lack of integration[400]. This contributes to the cyclical nature of educational — and later socioeconomic— success of immigrants and their descendants. The relationship between country of origin, parental education, qualification and degree recognition, academic path segregation, and socioeconomic status create a whirlpool of sorts from which it is hard for immigrants to emerge. Little by little integration occurs and subsequent generations experience slightly more favourable conditions than those before them; however, the cards are stacked against refugees, asylum seekers, and immigrants in Germany with regards to integration, education and careers.

3.3 Switzerland

i. The Structure of the Swiss Education System

The Swiss education is different from those of its neighbours in the DACH region in that while minority language education is provided on a small scale in Austria and Germany, the education system of Switzerland functions in each one of its official languages dependent upon the local language spoken in the region where each school is located[401]. As well, many decisions about the school system are made at the even smaller cantonal level[402].That being said, school in Switzerland begins around age six and is compulsory for nine years[403].

The Primary Level of education totals eight years and generally begins with two years in Kindergarten, although there are a few areas of German speaking Switzerland

[399] Ibid.
[400] Olivier, 'Are Current Efforts to Educate Immigrants in Germany Living up to the Task?', *Humanium*, 6 June 2016, https://www.humanium.org/en/educating-immigrants-in-germany/, (accessed (20 June 2018).
[401] SWI, 'Swiss Education System - overview', *SWI*, 30 May 2017, https://www.swissinfo.ch/eng/swiss-education-system—-overview/29284412, (accessed 15 June 2018).
[402] TRAMsoft, 'Information about Education in Switzerland', 2016, http://www.about.ch/education/index.html, (accessed 15 June 2018).
[403] SWI, 'State School System', *SWI*, 30 May 2017, https://www.swissinfo.ch/eng/state-school-system-/29286538, (accessed 15 June 2018).

where only one year of Kindergarten is obligatory — although even in these regions most students still attend two years[404]. In one canton, Tessin, an extra year of Kindergarten is offered starting at the age of three[405].

Each canton regulates with which age children must start school, however, in most cases students who have reached the age of four by 31 July must start Kindergarten in the fall of that same year[406]. Upon entering school children are tested and separated by ability with the aim to allow all students to progress to the best of their ability[407]. Core subjects at this level are: language (a second official language and English are taught), Math, Natural Sciences, Social Studies, Music and Art, and Health[408][409]. The curriculum is organized to create harmony within the linguistic regions of Switzerland; which is to say that the francophone cantons have all agreed to the follow the same curriculum and the Germanophone region have agreed to follow the same curriculum, but students in the Francophone and Germanophone regions do not necessarily follow the same curriculum[410].

Secondary Level I follows the Primary level and in all but one canton, Tessin, lasts for three years – in Tessin this level last four years – and generally begins at age 12[411]. Education at this level follows one of three models — split, cooperative, or integrated — and each canton or community is able to choose which model it wishes to follow as well as the specific regulations for entry into this level from the Primary Level[412]. At this level, as at the level before students are organized based on interest and ability which is gauged via their grades in the previous year, teacher recommendation, and occasionally testing, however they are not officially tracked until Secondary II[413]. At this level, in addition to the previously mentioned subjects student may add a third

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404 Swiss Confederation, 'Bildungssystem', 23 February 2018, https://bildungssystem.educa.ch/de/primarstufe-30, (accessed 15 June 2018).
405 Ibid.
406 Ibid.
407 Ibid.
408 Ibid.
409 SWI, 2017.
410 Swiss Confederation, 2018.
411 Ibid.
412 Ibid.
413 Ibid.

official language of Switzerland, Home Economics, or Career-focused training[414]. The end of the Secondary Level I marks the end of compulsory education; however, with a few exceptions no certificates or final exams are given[415].

For those students who have completed Secondary Level I, but who are not yet ready to progress to Secondary Level II should be offered bridge options in accordance with the Federal Law on Vocational Training (Berufsbildungsgesetz)[416]. These options consist of opportunities designed to prepare the students for further general education; lessons for students with a foreign language as a mother tongue focusing on language acquisition and integration; preliminary courses to achieve special qualifications, such as in a creative field; and offerings combining apprenticeships with scholastic aspects[417].

Secondary Level II offers several paths for students who choose to continue their education rather than directly enter the workforce without qualification. Firstly, for those following a traditional academic based path there is the option to attend an Upper Secondary School which lasts for four years[418]. In the Germanophone areas of Switzerland there are also longer versions of Upper Secondary Schools which begin directly after primary education and last for six years – these do not however exist in Italophone or Francophone areas of the country[419]. Between 20 and 30% of students choose to attend this type of school[420]. Entrance into this type of school are tightly controlled with regulations set at the cantonal level and often dependent upon successful completion of an entrance exam[421][422]. At the end of Upper Secondary School students complete a school leaving exam known is Switzerland, as in Austria, as the Matura[423]. Following a successful score on the Matura these students may enter a University of Teacher Educa-

[414] Ibid.
[415] Ibid.
[416] Ibid.
[417] Ibid.
[418] Ibid.
[419] Ibid.
[420] SWI, 2017.
[421] Ibid
[422] Swiss Confederation, 2018.
[423] Education Suisse, 'The Swiss Education System', [website], 2018, https://www.educationsuisse.ch/en/education-switzerland/swiss-educational-system, (accessed 15 June 2018).

tion, a regular academic University, or with additional qualifications a University of Applied Sciences[424].

The second traditional form of upper secondary education exists in the form of vocational training. Around 66% of students enter into vocational training which is normally comprised of working as a trainee for an approved employer while attending vocational school only one or two days per week[425][426]; however, it is also possible for students to fulfil their basic vocational education by attending school full-time — this is much more common in the Italian and French speaking regions than in the German speaking ones[427]. For those who choose this path, the Swiss system offers around 250 skilled trades in which students may choose to apprentice and the Swiss system stands out among many similar systems in that many skilled tradesmen and tradeswomen who would otherwise receive certification for their trades at the tertiary level receive certification in Switzerland following completion of the Secondary Level II[428]. There are two basic vocational education options available, such as a two-year professional certification program laid out for low-achieving young people[429]. After completing of this program students receive a Federal Professional Certificate, known as a Federal Vocational education and training (VET) diploma or certificate[430]. This path is intended for those aspiring to a profession with simpler requirements[431]. The second option is a three to four year program after which trainees receive a Federal Certificate of Proficiency or Federal Vocational Baccalaureate after which the students may advance to Higher Vocational Education aiming for a Federal Diploma or Advanced Federal Diploma, entry into a College of Higher Education or entry to a University of Applied Sciences, or with additional qualifications to a regular Academic University or a University of Teacher Education[432].

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[424] Ibid.
[425] SWI, 2017.
[426] Swiss Confederation, 2018.
[427] Ibid.
[428] Ibid.
[429] Ibid.
[430] Ibid.
[431] Ibid.
[432] Education Suisse, 2018.

The first option allows students to work towards and a Federal Vocational education and training (VET) diploma or certificate or a VET with Federal Vocational Baccalaureate. After this is achieved the students may advance to Higher Vocational Education aiming for a Federal Diploma or Advanced Federal Diploma, entry into a College of Higher Education or entry to a University of Applied Sciences, or with additional qualifications to a regular Academic University or a University of Teacher Education[433].

The third and final possibility for students at the Secondary Level II is Fachmittelschule (FMS)[434]. These schools, for which no appropriate English translation was found, are designed to continue general education and prepare the students for specific career fields or further education at a University of Applied Sciences and may be completed after three years with an optional fourth year added which allows entrance to many programs at a University of Applied Sciences without additional examinations[435]. FMS are present in only 22 cantons and are usually controlled thereby; however, there are also privately-run FMS[436]. Entry requirements for the FMS are decided at the cantonal level, but often consist of entrance exams or entrance interviews[437].

ii. Immigrants in the Swiss Education System

Just as with its neighbours Germany and Austria, the role that immigrants and those with a migration background (second-generation immigrants) play in the education system, as well as, the role that they play in said system is complex. Many factors contribute to the success of each individual student and these factors — ranging from country of origin, parental education, location and beyond — can lead to wildly different outcomes. Despite all the factor variation, in general students without an immigration background in Switzerland are two times more likely to achieve baseline academic proficiency[438]. First generation immigrants are the most likely to not reach this basic achievement likely due to the complications associated with socio-economic status and

[433] Ibid.
[434] Swiss Confederation, 2018.
[435] Ibid.
[436] Ibid.
[437] Ibid.
[438] OECD, 'More efforts needed to help immigrant students succeed at school and in society', 19 March 2018, http://www.oecd.org/migration/more-efforts-needed-to-help-immigrant-students-succeed-at-school-and-in-society.htm, (accessed 9 June 2018).

low-level language acquisition, as these factors can contribute to low levels of academic achievement[439].

As was discussed in the previous section, education in Switzerland is compulsory for eleven years, covering eight years of primary education (including the last two years of kindergarten beginning from age four) and the three years of secondary level I and lasts until the age of about 15[440]. The group of individuals attending compulsory education in Switzerland as of 2016 is 77% of Swiss nationality; 18% were born in Switzerland but have a foreign passport (2nd generation); and 8% were foreign nationals[441]. Compulsory education immigration across Switzerland is however not evenly spread and the different cantons show different frequencies of immigration with the highest percentage of foreign students in compulsory education in Canton Geneva at 46% and the lowest in Canton Appenzell Innerrhoden at 9% [442].

Within compulsory education the number of total students has decreased since the turn of the century mostly due to generation size than anything else[443]. However, the percentage of foreigners has continued to increase at a rate of about 1% for every five years from 21.3% in the 2000/01 school year to 27% in the 2016/17 school year — a total of 5.7% [444][445]. Across all levels of compulsory education, the number of foreigners has grown, albeit to different extents. In primary level 1 and 2 (the last two years of kindergarten), the number of children with a migration background has increased by 4% between 2000 and 2016[446]. The rate of increase has sped up in the last few years, as there has been a 2.2% increase just between 2010 and 2016 whereas there was previously a 2% increase for the entire decade between 2000 and 2010[447]. In primary level 3 to 8

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[439] Ibid.
[440] Swiss Ministry of Statistics, 'Ecole obligatoire', 2018, https://www.bfs.admin.ch/bfs/fr/home/statistiques/education-science/personnes-formation/ecole-obligatoire.html, (accessed 10 July 2018).
[441] Swiss Ministry of Statistics, 'Bevölkerung nach Migrationsstatus', 2017, https://www.bfs.admin.ch/bfs/de/home/statistiken/bevoelkerung/migration-integration/nach-migrationsstatuts.html, (accessed 10 July 2018).
[442] Swiss Ministry of Statistics, 'Obligatorische Schule', 2018, https://www.bfs.admin.ch/bfs/de/home/statistiken/bildung-wissenschaft/personen-ausbildung/obligatorische-schule.html, (accessed 10 July 2018).
[443] Ibid.
[444] Ibid.
[445] Swiss Ministry of Statistics (a), 2018.
[446] Swiss Ministry of Statistics (b), 2018.
[447] Ibid.

(elementary school), there has been an increase of 6.7% for foreign students between 2000 and 2016[448]. As well, there has been a sharp increase at this school level between 2010 and 2016 of nearly 4%[449]. This is impressive as between 2000 and 2010, there was only 3% increase in the same age group[450]. At the secondary level I, there was an increase of nearly 6% since 2000, nearly 5% of which was in just the past six years[451].

The year between 2015 and 2016 coincide with large waves of migration known as the 'Refugee Crisis' which hit much of Europe with masses of individuals fleeing violence and political and economic distress. Expecting that Switzerland would not be spared from this influx, one would expect to find an increase in the percentage of foreign nationals entering school in Switzerland during that year. However, there was just a 0.2% increase exhibited across the primary level from year 1 through year 8[452]. At the primary level 1 & 2, this shows a decrease of the rate at which the percentage of foreigners increased per year between 2010 and 2015 (0.4%)[453]. At the primary level 3-8 this increase of 0.2% also shows a slowing down as between 2010 and 2015 this school level experienced an increase of 0.7% per year for foreign students[454]. In secondary level I there was an increase of 0.6% which is on par for the average between 2010 and 2015 at this school level.

Yet there was a segment of the student population at the compulsory school level in which the percentage of foreign nationals rose at an accelerated rate between 2015 and 2016: those individuals with a 'special curriculum'. This can include a variety of specific programs ranging from special education for the handicapped to extra language classes[455]. What is notable about this category is that in reference to the special categories monitored by the Swiss Ministry of Statistics — women and foreigners — the percentage of women in these classes has continued to steadily decrease by about 1% every five years between 2000 and 2016; however, the percentage of foreigners has increased

[448] Ibid.
[449] Ibid.
[450] Ibid.
[451] Ibid.
[452] Ibid.
[453] Ibid.
[454] Ibid.
[455] Swiss Ministry of Statistics, 'Bildung', 2017, https://www.bfs.admin.ch/bfs/de/home/statistiken/wirtschaftliche-soziale-situation-bevoelkerung/gleichstellung-menschen-behinderungen/bildung.html, (accessed 20 July 2018).

around 7% — from 40.9% to 47.5% — within the same time period, inclusive of a 1.6% increase within the year between 2015 and 2016[456]. This is an increase of 0.7% from the 0.9% increase per year on average between 2010 and 2015 — which was itself a massive upswing from the net loss of 0.1% per year between 2005 and 2010[457]. The Ministry of Statistics proposes that this increase is due to language classes offered to benefit non-native speakers of a Swiss national language[458].

Language classes play a key role in academic success. However, language acquisition alone does not necessarily guarantee for an individual to reach their full potential in terms of education and job preparation therethrough. As immigrants who arrive at age 16 or older, particularly asylum applicants, continuing their education is exceedingly difficult[459]. Individuals who arrive after this age have missed the window for compulsory education and may enrol in schools only under exceptional circumstances[460]. Those individuals who manage to access further education are often still dependent on the altruism of the municipality or canton to finance their studies as they are excluded from public scholarships[461].

It is not however only asylum seekers and late arrivals who may be disadvantaged in the Swiss school system. OECD reports that stereotyping of immigrant students (particularly, but not limited to refugees) has led in the past to calls from parents and politicians to limit the number of students with a migration background in compulsory school classes to just 35% so as to avoid negatively affecting the academic success of native Swiss students[462]. The OECD however warned against such measures as lack of agreement among stakeholders may lead to further segregation and 'ghettoizing' of students with a migration background[463] therethrough severely hindering measures for integration and overall academic success. Legal sociologist Tarek Naguib builds upon the dangers of such prejudices in his writings over the promotion process from primary to

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[456] Swiss Ministry of Statistics (b), 2018.
[457] Ibid.
[458] Ibid.
[459] Swiss Refugee Council, 'Access to Education: Switzerland', *AIDA,* 2018, http://www.asylumineurope.org/reports/country/switzerland/access-education, (accessed 7 June 2018).
[460] Ibid.
[461] Ibid.
[462] OECD, 'Education at a Glance 2014: Switzerland', 2014, http://www.oecd.org/switzerland/Switzerland-EAG2014-Country-Note.pdf, (accessed 6 June 2018).
[463] Ibid.

secondary level I — which is subdivided into A and B classes with the A classes being more academically advanced —, by explaining that advancement into the more academic class is hinged not only on the grades of the individual student, but may be also influenced by the opinions of their teachers including the stereotypes and prejudices included therein[464]. Naguib presents an example derived from a real situation in which three students — two foreign and one swiss, two girls and one boy — have all achieved the same grade point average falling just below the cut off for entrance into the A class in secondary level I[465]. The female Swiss student is advanced to the A class on the grounds of her social skills and self-competence, as well as, the understanding that her parents, both being Swiss, will be able to help her to catch up to her classmates[466]. The female foreign student, from Latin America, is as well advanced to the A class, although with a bit of harsh criticism, after encouragement from her parents, both academics, and on the basis of her social skills and self-competence[467]. The third student, a male with origins in a former Yugoslav country is denied access to the A class despite being noted as interested and independent with the reasoning being that because his parents, who both work, would not be able to provide him with the support to catch up with his peers[468]. As well, this student is also referred to by his teachers as restless and rebellious[469].

The situation described above highlights the intersection between discrimination, stereotyping and prejudice on multiple levels, both positive and negative, direct and indirect, even when this occurs subconsciously. Swiss students may be positively stereotyped to be more astute or to live in households with more academically dextrous parents whereas foreign students may be more harshly criticized for their shortcomings, assumed to have parents incapable of helping them, or have other assumptions made about them according to their country of origin[470]. The case of the third male student may indicate a crossing over of gender discrimination and ethnic discrimination in that

[464] T. Naguib, 'Der Rechtliche Schutz vor Ethnisch-Kultureller Diskriminierung im Bildungsbereich - Illustriert am Beispiel eines Entscheids für den Übertritt in die Sekundarschule I', *Equity-Diskriminierung und Chancengerechtigkeit im Bildungswesen, Migrationshintergrund und soziale Herkunft in Fokus,* Bern, 2015, pp. 27-41.
[465] Ibid.
[466] Ibid.
[467] Ibid.
[468] Ibid.
[469] Ibid.
[470] Ibid.

the words used to describe him are partially contradictory and as a young man from the Balkans, as is often the stereotype, it may be assumed that he is naturally aggressive or rambunctious and therefore his actions may be perceived as more so than such actions may be perceived among an individual of another gender or ethnic origin[471]. As well the case of the foreign female student whose parents are both academics may indicate the way in which higher socioeconomic status may positively influence the perception someone has of someone else and in this instance may influence the ability of this set of parents to argue for their child in a way that a lower socioeconomic status would not have[472].

Indeed, lower socioeconomic status and immigrant status often go together in Switzerland[473]. Foreigners on average tend to:

- be in the workforce younger – 56% are under the age of 40 compared to 44% of the Swiss[474]
- work more full-time jobs[475]
- have higher unemployment rates, particularly among women – although when employed female foreign nationals work more full-time jobs than Swiss women[476]
- be less qualified – more foreigners than Swiss complete only compulsory education [477]
- make less money – on average 800 francs (€687.26[478]) less[479]
- be more financially unstable (working poor) – many work in areas affected by economic swings[480]

However, as a nation with a large percentage of foreigners and strict work and residency regulations, the experience of foreigners can vary widely even among their

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[471] Ibid.
[472] Ibid.
[473] Swiss Ministry of Statistics, 'Ausländerinnen und Ausländer in der Schweiz: Bericht 2008, Neuchatel, BFS, 2008.
[474] Ibid.
[475] Ibid.
[476] Ibid.
[477] Ibid.
[478] XE,'Currency Converter', [website], 2018, https://www.xe.com/.
[479] Swiss Ministry of Statistics, 2008.
[480] Ibid.

European brethren — immigrants from Northern and Western Europe are nearly twice as likely as native Swiss to be involved in management or academic work whereas immigrants from the Balkans, Turkey and Southern Europe were nearly twice as likely as native Swiss to be involved in manual labour[481].

In terms of education past secondary level I, nearly 20% of the university population has a nationality other than Swiss[482]. However, this is skewed by a large population of international students who come to Switzerland specifically to study as a relatively small amount of immigrant students who attend pre-tertiary education in Switzerland opt to go to schools ending with Matura instead going on to vocational training[483]. When looking at educational achievement among immigrants in Switzerland around 20% completed only compulsory education (13% in the general population[484]), 50% complete secondary level II (45% in the general population[485]), and around 30% complete tertiary (43% in the general population[486])[487]. These figures, particularly in relation to tertiary education, are however distorted by two factors:

1) the aforementioned large population of international students in tertiary education
2) the large percentage of young immigrants who have not yet reached their educational potential[488].

Among the population of students attending tertiary education in Switzerland 73% are Swiss without a migration background, 8% are second generation immigrants, 6% are first generation immigrants who completed pre-tertiary education in Switzerland, and 13% are international students who came to Switzerland specifically to attend higher education [489] the majority of whom (61%) come from neighbouring countries[490].

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[481] Ibid.
[482] Ibid.
[483] Ibid.
[484] Swiss Ministry of Statistics, 'Bildungsstand', 2018, https://www.bfs.admin.ch/bfs/de/home/statistiken/bildung-wissenschaft/bildungsindikatoren/bildungssystem-schweiz/themen/wirkung/bildungsstand.html, (accessed 10 July 2018).
[485] Ibid.
[486] Ibid.
[487] Swiss Ministry of Statistics, 2017.
[488] Ibid.
[489] Swiss Ministry of Statistics, 'Herkunft der Studierenden an Schweizer Hochschulen: Erste Ergebnisse der Erhebung 2013 zur sozialen wissenschaftlichen Lage der Studierenden', Neuchatel, BFS, 2014.

Of the three tertiary educational institution types recorded in a 2014 report by the Ministry of Statistics on the origin of students in tertiary education in Switzerland — Universities, Universities of Applied Sciences, and Teacher Training Colleges — international students were most widely represented in academic universities whereas first and second-generation immigrants were most widely represented at universities of applied sciences[491]. Teacher Training Colleges has student populations that were 84% composed of students without a migration background[492].

Despite the many who would disagree, President of the Swiss Conference of Cantonal Ministers of Education, Claudia Steiner, has gone on record saying that children of migrants are not fundamentally disadvantaged in schools in Switzerland[493]. Steiner places the responsibility for student success in the realm of the parents, stating that, '*from an education policy perspective, they should already be in school in Switzerland from childhood...the disadvantaged are those who arrive late*[494].'

Parents of children with a migration background in Switzerland face not only a responsibility, according to some education officials, for ensuring that their children arrive in Switzerland at an early enough age as to reach their full potential in the education system, but also have an influence via their own educational path on the path of their children. As in Austria and Germany, the educational attainment of parents shapes the path that their children take, although to a lesser extent possibly influenced by the later age of school division.

In examining individuals with a migration background who were educated in Switzerland and have gone on to tertiary education — particularly those from the top four immigrant countries which make up 55% of foreign nationals in tertiary education: Germany, Italy, Portugal, and France[495] — the findings show that while parental education does play a role in the educational attainment of offspring this is more so true for individuals from Northern and Western Europe (Germany and France) rather than for

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[490] Ibid.
[491] Swiss Ministry of Statistics, 2014.
[492] Ibid.
[493] SWI, 'Best to get migrant children in school early, argues education official', *SWI*, 24 June 2018, https://www.swissinfo.ch/eng/business/asap_best-to-get-migrant-children-in-school-early—argues-education-official/44213064 , (accessed 25 June 2018).
[494] Ibid.
[495] Swiss Ministry of Statistics, 2014.

Southern Europe (Portugal and Italy). 79% of parents of students with German nationality and 65% of parents of students with French nationality have higher education diplomas or degrees whereas 20% of parents of students from Italy and just 6% of parents of students from Portugal do[496]. Contrastingly, students with Italian and Portuguese nationality have large proportions of parents with only compulsory education, 33% and 65% respectively[497]. This indicates that while parental education may be an important factor in educational success as was demonstrated in the work of legal sociologist Tarek Naguib, it is not as much of a factor as it is among individuals with a migration background in Austria and Germany. This is potentially influenced by Switzerland's position as a bastion of wealth and business with a protective society and restrictive settlement laws that attracts slightly different types of immigrants or perhaps more diverse immigrants than its neighbours in the DACH region. These strict laws may also explain the lower success rate of second generation immigrants compared to their first-generation counterparts as first-generation immigrants are arriving under stricture laws and tend to be more qualified with a higher social status.

3.4 Comparison

The education systems of Austria, Germany and Switzerland exhibit many parallels. The structure of each system is similar across all basic characteristics:

- division into roughly five levels
- mandatory or widely attended kindergarten year prior to beginning school
- diversity of educational paths
- division of students onto separate educational paths
- requirement of school leaving exam to move on to tertiary education

The division of students mentioned above, however does not take place to an equal extent across the DACH region. Austria and Germany divide students at the end of primary school, whereas Switzerland features a 'soft division' at the end of primary school in which students are divided into different classes at the same school according to academic ability but does not separate students completely until the end of compulsory

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[496] Ibid.
[497] Ibid.

education. This later division of students makes a difference in the experience of students regardless of migration status as it has the benefit of putting individuals on more equal terms at the completion of compulsory education, in addition to providing students with a longer period in which to discern personal interests and career goals or, regarding immigrants, to allow them to master their host language.

This later partitioning of students may also be the reason that the role of family status (educational and socioeconomic) in Switzerland, while still important, has less influence on educational achievement than in Austria and Germany. Ethnic-origin however still has a great effect on academic and later career success with Europeans, chiefly those from Northern Europe, faring better in education and job success than non-European immigrants. It must be noted, however, that Austria, Germany, and Switzerland do not have identical configurations of immigrants neither in terms of amount nor countries of origin with Germany having the largest total amount of immigrants and Switzerland having the largest proportion of immigrants as a total percentage of the population, but the least linguistic and cultural diversity as the majority of immigrants come from neighbouring countries where an official language of Switzerland is also spoken. This has the ability to skew comparison.

In sum, these countries have made strides to try to equalize success for all students. However, there remains a need to address issues of intersectional stereotyping, prejudicing, and disadvantaging in relation to ethnicity, race, gender and socioeconomic status. While direct disadvantaging appears rare, indirect disadvantaging may well be more common than desired in all three countries as on average immigrants fair worse academically and therethrough socially and economically than their non-immigrant peers.

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Chapter 4 – PISA 2015 Analysis

The OECD PISA results, reported on a triennial basis, compile standardized test scores of 15-year-olds in 72 nations — 540,000 participants, representative of 29 million 15-year-olds in 2015[498]– in the subjects of Science, Mathematics, Reading, collaborative problem solving and financial literacy[499]. Additionally, optional questionnaires may be distributed to school staff members and parents[500]. After the scores are reported, the data is further analysed to collect information regarding gender equity, equity among socioeconomic backgrounds, and equity among students in terms of migration background[501].

In this chapter, first the PISA 2015 results for Austria, Germany, and Switzerland will be analysed, then the countries will be compared in relation to both their scores and the special data collected on students with migration backgrounds and finally there will be a summary of the findings for the region.

4.1 Analysis for Each DACH Region Country

i. Austria

Austria's Science, Mathematics, and Reading scores are all currently on a downward trend. Science scores have declined since 2006— dropping five points between 2012 and 2015 [502]—. However, Austria remains within the average range at 495 (two points higher than the OECD average of 493 points[503])[504][505]. Mathematics scores are better than the OECD average and have remained relatively stable[506] dropping just

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498 OECD, 'Country Note: Programme for International Student Assessment (PISA) – Results from PISA 2015 – Germany', 2016, https://www.oecd.org/pisa/PISA-2015-Germany.pdf, (accessed 16 July 2018). (a)

499 OECD, Programme for International Student Assessment, [website], 2018, http://www.oecd.org/pisa/aboutpisa/, (accessed 15 April 2018).

500 Ibid.

501 OECD (b), 2018.

502 OECD (d), 2018.

503 OECD, *Education GPS: Austria – Student Performance (PISA 2015),* 2018, http://gpseducation.oecd.org/CountryProfile?primaryCountry=AUT&treshold=10&topic=PI, (accessed 22 July 2018). (e)

504 OECD (c), 2018.

505 OECD (d), 2018.

506 OECD (c), 2018.

two points between PISA 2012 and PISA 2015 to 497[507] — seven points higher than the OECD average[508]. Reading, however, is an area of concern as although it has remained stable, but continually below OECD average (493 points[509])[510] with a lower than average number of top performers in this area and a score of 485 – a drop of five points since 2012 –[511].

In terms of the performance gap between boys and girls, Austria continually underperforms[512]. Across all participating countries boys scored 3.5 points higher in Science and 8 points higher in Mathematics[513]. In Austria, boys scored 19 points higher in Science and 27 points higher in Mathematics making the gender gap in Austria in these subjects one of the highest in all PISA participating nations[514]. In Reading, girls outperformed boys by 20 points[515]. While still indicating a large gender performance gap in this subject, this is a smaller gap than the OECD average of 27 points[516]. As well, boys and girls in Austria express a large difference in their overall life satisfaction[517].

The social equity in Austria as per the recorded PISA scores appears quite unpromising as in this area once again Austria has maintained a below average ranking since 2006 and the impact of social background on performance has remained steadily high[518][519]. While a large share of both socioeconomically advantaged and disadvantaged students are in vocational schooling that number is higher among socioeconomically disadvantaged students (84.9%) than for socioeconomically advantaged students (46.1%)[520].

Turning to immigrants, in Science Austria exhibited one of the largest performance gaps in the world between individuals without a migration background who speak the language of testing at home and individuals with a migration background who

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507 Ibid.
508 OECD (e), 2018.
509 Ibid.
510 OECD (c), 2018.
511 OECD (d), 2018.
512 OECD (c), 2018.
513 OECD (e), 2018.
514 Ibid.
515 Ibid.
516 Ibid.
517 Ibid.
518 OECD, (c), 2018.
519 OECD (e), 2018.
520 Ibid.

do not[521]. As well, immigrant generation also affected science scores with ~16% of non-immigrant being low-performers in Science, followed by ~35% of second generation immigrants, and ~48% of first generation immigrants[522]. As well students with a migration background were less likely to report feeling a sense of belonging at school[523] and well as to report that they expected to one day have a career in Science[524]. Resilience of students —the ability to reach high academic achievement despite one or more disadvantages — is also an area in which Austria falls behind. On average 24% of students with a migration background and 35% of students without a migration background in the OECD are resilient. In Austria, just 17% of students with a migration background and 31% of those without a migration background were resilient indicating a strong link between social disadvantages and lack of success in Austria[525].

ii. Germany

Germany's overall academic performance on PISA since 2006 has remained relatively stable and continually better than the OECD average since 2006[526][527]. Reading Comprehension is Germany's strong point, increasing six points between 2012 and 2015 and is among the highest in the OECD [528][529]. Germany's PISA 2015 score was 509, 16 points higher than the OECD average, 493[530]. Science on the other hand is a somewhat weak point for Germany in which it has seen minor drops in recent years; however, this loss of points in Science has not been enough to majorly affect Germany's score in this area – on average 509 points (OECD average: 493[531]) – and 11% of German students exceed in this subject[532][533]. Mathematics meanwhile has shown little

[521] Ibid.
[522] OECD (b), 2016.
[523] OECD (e), 2018.
[524] OECD (b), 2016.
[525] Ibid.
[526] OECD (c), 2018.
[527] OECD (a), 2016.
[528] OECD (f), 2018.
[529] OECD (c), 2018.
[530] OECD (f), 2018.
[531] Ibid.
[532] OECD(a), 2016.
[533] OECD (b), 2016.

change since it was first recorded in 2003 and while it remains high (506 in 2015) (OECD average: 490[534]) this score also does not show improvement in this area[535].

In relation to the social categories extrapolated by the OECD from the PISA data, Germany shows a moderately large gender gap with boys outscoring girls in Science and Mathematics by 10 and 17 points (OECD average: boys score 3.5 and 8 points higher) respectively which girls outscore boys by 21 points in Reading Comprehension (OECD average: girls score 27 points higher)[536]. The gender gap between boys and girls in Science and Mathematics is among the largest in OECD countries — this is reflected as well in the category of life satisfaction in which the gender gap is again one of the largest[537]. Additionally, in Science this gap is particularly prominent and even top-performing girls rarely report aspiring to work in STEM related fields[538].

In Social Equity, Germany has continually fallen below the OECD average although some improvement has been seen since 2006[539]. The impact of social background has decreased by four percent since 2006[540], the performance gap has also decreased since 2006 and most promisingly the resilience of students, that is the ability of students to perform well despite coming from disadvantaged backgrounds has steadily increased since 2006[541]. Despite these promising changes, those students with a high socioeconomic status remain more successful on the PISA test, scoring on average 30 points higher in Science and 144 points higher overall than students from disadvantaged backgrounds (including immigrants) – this is the equivalent to one year of schooling[542]. In addition, students from lower socioeconomic circumstances experience the lowest expectation to pursue a career in Science in the OECD, higher chances of attending disadvantaged schools, and higher chances of experiencing bullying at these schools[543]. Among these disadvantaged students 34% are resilient – able to achieve top scores de-

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534 OECD (f), 2018.
535 OECD (b), 2016.
536 OECD (f), 2018.
537 Ibid.
538 OECD (a), 2016.
539 OECD (c), 2018.
540 OECD (a), 2016.
541 OECD (c), 2018.
542 OECD (a), 2016.
543 OECD (f), 2018.

spite one or more disadvantages – which accounts for 9% of the total student body[544]. With regards to resilience among immigrant students, this number lowers to ~27%[545]. Germany's system of early tracking also plays into performance gaps as there was greater than average variation in performance among students at different schools[546].

In looking specifically at immigrant students, it is difficult to ascertain conclusive information as to Germany's progress in this area as large amounts of data are missing in relation to immigration background and daily language[547]. It can however be determined that Germany has shown little improvement in closing the performance gap between students with a migration background and those without[548]. On average, students with a migration background score 72 lower than those without a migration background; although, this lessens to 28 points when socioeconomic and linguistic factors are accounted for[549]. In Science, immigrant generation played a role in success with ~43% of first generation migrants being low performers, ~32% of second generation migrants, and just ~13% of non-migrants[550]. As well, immigrant students are less likely to aspire to careers in Science than their non-migrant peers[551]. On a positive note, migration status did not appear to influence the likelihood of a student being required to repeat a grade level[552].

iii. Switzerland

Switzerland, like Austria, has experienced small scale decline across the board between 2012 and 2015. That a being said, Switzerland does maintain high number of top performers in two thirds of subjects tested (Science and Mathematics) and an average number of top performers in the third (Reading Comprehension)[553]. In Science,

[544] OECD (a), 2016.
[545] OECD (b), 2016.
[546] OECD (a), 2016.
[547] Ibid.
[548] Ibid.
[549] Ibid.
[550] OECD (b), 2016.
[551] Ibid.
[552] OECD (a), 2016.
[553] OECD, *PISA 2015: PISA Results in Focus*, 2018, https://www.oecd.org/pisa/pisa-2015-results-in-focus.pdf, (accessed 19 July 2018).

Swiss students averaged a 506, down two points from 2012 (OECD average: 493[554])[555]. In Mathematics, they averaged 521, down one point from 2012 (OECD average: 490[556])[557][558]. Lastly, in Reading Switzerland averaged a 492, a drop of four points since 2012 (OECD average: 493[559])[560].

In examining the performance gap between genders, Switzerland exceeds OECD average in both Science and Mathematics with a six-point gap in Science and a twelve-point gap in Mathematics, both in favour of boys[561]. OECD average for these categories was 3.5 points (Science) and 8 points (Mathematics)[562]. In Reading, Switzerland was close to OECD average (27 points, in favour of girls) at 21 points; however, this still indicates a significant gap between male and female students[563]. Overall, the gender gap in Switzerland continues to be around OECD average[564] indicating room for improvement, but no drastic deficit.

The Impact of Social Background remains high, but it is decreasing while the Resilience of students from disadvantaged backgrounds has increased in recent years[565]. The difference in advantaged schools and disadvantaged schools has an effect on both student academics and student life. Students at advantaged schools perform better in Science and within those schools those with a higher socioeconomic status tend to perform better than their peers[566].

Turning attention to immigrants, Switzerland has one of the highest percentages of students with a migration background of any PISA participating country; however, Switzerland also has one of the widest Science performance gaps between students without a migration background who speak the language of testing at home and students

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[554] OECD, Education GPS: Switzerland – Student Performance (PISA 2015), 2018, http://gpseducation.oecd.org/CountryProfile?primaryCountry=CHE&treshold=10&topic=PI, (accessed 22 July 2018).
[555] OECD (b), 2018.
[556] OECD (g), 2018.
[557] Ibid.
[558] OECD (b), 2018.
[559] OECD (g), 2018.
[560] OECD b
[561] OECD (g), 2018.
[562] Ibid.
[563] Ibid.
[564] OECD (b), 2018.
[565] OECD (b), 2018.
[566] OECD(g), 2018.

with a migration background who do not[567]. Low performers in science were much more likely to be from an immigrant family than not, with ~35% of first generation migrants and ~32% of second generation migrants being low performers in Science on PISA 2015 (just ~12% of students without a migration background were low performers)[568]. These differences likely stem from the fact that the language of daily use for students with a migration background is often not the language of instruction or the language in which they took the PISA 2015 test. Switzerland exhibits a strong 'language penalty' in that students who spoke a language other than the one they took the test in at home scored 40 to 55 points lower overall than students who spoke the language of instruction at home[569]. Interestingly, Switzerland is the only DACH country in which immigrants were more likely to aspire to one day work in Science than their peers without a migration background. As well, although students in Switzerland reported one of the highest amounts for 'sense of belonging' of any OECD country, the difference in 'sense of belonging' between immigrants and non-immigrants remains stark[570].

4.2 Country Comparisons for PISA 2015

i. Austria and Germany

While it was not always the case, in recent years Germany has outperformed Austria in all three academic subjects tested on the PISA exam[571]. In Science, German students scored on average 509 points on PISA 2015 while Austrian students scored on average 495[572]. As well in both countries there is a correlation between socioeconomic status — and thereby often immigrant status — and academic success as the majority of students in these two countries who reported not regularly participating in science lessons attended socioeconomically disadvantaged schools[573]. On PISA 2015, Austria scored 497 points in Mathematics and Germany scored 506[574]. Reading is a particularly rough point for Austria, with Austria having a below average number of top performers

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567 Ibid.
568 OECD (b), 2016.
569 Ibid.
570 OECD (g), 2018.
571 OECD (d), 2018.
572 Ibid.
573 Ibid.
574 OECD (c), 2018.

in this subject (PISA 2015 score: 485)[575]. Germany on the other hand has a higher number of top performers and scored 509 in this area on PISA 2015[576].

Austria and Germany both have pronounced gender gaps. All three subjects exhibit noticeable differences in the scores of boys and girls with boys in both countries scoring favourably in Science — point difference in Austria: 19 points; Germany: 10 points ; OECD average: 3.5 points — and Mathematics — point difference in Austria: 27 points; Germany: 17 points; OECD average: 8 points— and girls scoring more favourably in Reading — point difference in Austria: 20 points; Germany: 21 points ; OECD average: 27 points[577]. Reading is notable as both countries still have a gender gap in this area; however, both countries are also exceeding OECD norms[578][579]. In both countries as well, there is a significant difference in the life satisfaction of boys and that of girls[580].

Both countries as well socioeconomic status plays a noticeable role in the outcome of students during PISA testing. In Germany, students from high socioeconomic backgrounds score on average 144 points higher than those from low socioeconomic backgrounds[581]. Resilience, that is the ability to achieve well academically despite disadvantages, is higher in Germany that in Austria, particularly among immigrants[582]. In Germany, 35% of non-immigrants and ~27% of immigrants are resilient whereas in Austria this is ~31% of non-immigrants and just 17% of immigrants[583]. Immigrants are also heavily represented among low performers in Science for both Austria and Germany with a larger percentage of Austrian students in general being low performers.

ii. Austria and Switzerland

Just as with Germany, Switzerland has also outperformed Austria on PISA 2015. In Science, scores are barely divergent with just an 11-point difference – 506 for Swit-

[575] OECD (d), 2018.
[576] Ibid.
[577] OECD (e), 2018.
[578] OECD (f), 2018.
[579] OECD (e), 2018.
[580] Ibid.
[581] OECD (a), 2016
[582] OECD (b), 2016.
[583] Ibid.

zerland and 495 for Austria[584]—[585]. In Mathematics, the gap between the two countries is wider here than in either of the other two subjects. Switzerland scored 24 points higher than Austria at 521 points – Austria scored 495 points[586]. In Reading, Switzerland hits the target with an average number of top performers in this subject and a score of 492[587]. As mentioned above, Reading is a weak point for Austria, with a score of 485 in 2015[588].

With regards to a gender gap, both countries have an above average one. Boys outscored girls in both Science and Mathematics with point differences in both countries above average. The OECD average performance gap in Science was 3.5 points; Austria's performance gap was 19 points and Switzerland's was a much closer 6 points[589][590]. The OECD average performance gap in Mathematics was 8 points; Austria's performance gap was 27 points and Switzerland's was 12 points[591][592]. In Reading, both countries scored below the OECD average (27 points) with girls outperforming boys – Austria's performance gap was 20 points and Switzerland's was 21 points[593][594]; however, they both have a larger that ideal performance gap. These scores indicate that while both countries exhibit a gender gap the gender gap in Austria is more pronounced than in Switzerland.

Social equity is another area in gaps of performance are more pronounced for Austria. In both countries lower socioeconomic status and immigrant status are often linked leading to a double disadvantage for immigrant students in these education systems[595][596]. Immigrants in both countries form a large percentage of low performers in Science and in both countries first generation immigrants fair the worst in this regard[597]. Many of these low performers likely speak at home a language other than the one in

584 OECD (d), 2018.
585 Ibid.
586 OECD (b), 2018.
587 Ibid.
588 Ibid.
589 OECD (e), 2018.
590 OECD (g), 2018.
591 OECD (e), 2018.
592 OECD (g), 2018.
593 OECD (e), 2018.
594 OECD (g), 2018.
595 OECD (e), 2018.
596 OECD (c), 2018.
597 OECD (b), 2016.

which they took the PISA 2015 test as both Switzerland and Austria exhibit large 'language penalties' wherein student who spoke a different language at home score 40 to 55 points less than their peers who spoke the language of instruction at home[598]. In Austria ~48% of first generation immigrants are low performers in Science along with ~35% of second generation immigrants and ~16% of non-immigrants whereas in Switzerland these figures are ~ 35% of first generation immigrants, ~32% of second generation immigrants, and ~12% of non-immigrants[599]. What is interesting here is the small gap between Switzerland's first and second-generation immigrants compared to Austria's much larger gap. Something that is also notable is that in Austria individuals without a migration background are more likely that those with one to aspire to careers in Science, whereas in Switzerland, despite a large proportion of low performing immigrants in Science, this is not the case[600]. As well, the resiliency of students in higher in Switzerland than in Austria with ~35% of non-immigrant students and ~24% of immigrant students being resilient compared to Austria's ~31% for non-immigrants and ~17% for immigrants[601].

iii. Germany and Switzerland

In the areas of Mathematics and Science, Germany and Switzerland are growing nearer to each other[602]. Science is the one academic area in which Germany has continually achieved higher scores than Switzerland, although the scores have grown closer in recent years with a Science score of 509 for Germany and 506 for Switzerland on PISA 2015 [603]. Both countries surpassed the OECD average, 493[604]. Mathematics is an area where Switzerland excels above Germany; scoring 521 points to Germany's 506 points in this area on PISA 2015; again, both achieving above the OECD average, 490[605]. Reading presents an area in which Germany has shown great improvement since

[598] Ibid.
[599] Ibid.
[600] Ibid.
[601] Ibid.
[602] OECD (d), 2018.
[603] Ibid.
[604] Ibid.
[605] OECD (b), 2018.

2000[606][607]. Both countries tend to perform well in this area and 2015 was no exception. However, Switzerland's 2015 score of 492 was four points lower than in 2012[608]. Germany on the other hand with a score of 509 showed a growth of six points since 2012 and was sixteen points above OECD average, 493. [609][610].

Gender equity continues to be an area in which both Germany and Switzerland fall behind, but to different degrees. On PISA 2015, Germany and Switzerland both exceeded OECD average in Science and Mathematics with boys outperforming girls in Germany by 10 points in Science and 17 points in Mathematics — this is one of the largest performance gaps in these subjects among PISA participants — [611] and boys outperforming girls in Switzerland by 6 points in Science and 12 points in Mathematics, a smaller gap than in Germany[612]. OECD average for these subjects was 3.5 points in Science and 8 points in Mathematics, both in favour of boys[613]. Reading Comprehension is across the board a domain in which girls succeed over boys and in Switzerland and Germany that is no different. Both countries surpassed the OECD average performance gap of 27 points with a 21-point gap in Germany and a point gap in Switzerland. However, it should be noted that while these scores are better than OECD average they do still indicate inequity that should be addressed.

Social equity is as well an area in which Switzerland and Germany both need some improvement, Germany to a much larger extent than Switzerland; however, Germany is slowly improving with the impact of social background having decreased by 4% since 2006[614]. Despite that improvement, high socioeconomic status yielded on average 30 points higher in Science – equal to one year of schooling – and 144 points higher overall than low socioeconomic status.[615] In both countries low economic status and immigrant status are often linked leaving many students with migration back-

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[606] OECD (c), 2018.
[607] OECD (d), 2018.
[608] Ibid.
[609] OECD (c), 2018.
[610] OECD (d), 2018.
[611] OECD (f), 2018.
[612] OECD (g), 2018.
[613] OECD (f), 2018.
[614] OECD (b), 2016.
[615] Ibid.

grounds disadvantaged in two ways[616]. This can be seen in resiliency scores as well as the percentage of low performers in Science by immigration generation in the two countries. In both countries ~34% of non-immigrant student were noted to be resilient (able to achieve top academic success despite disadvantages), whereas ~27% of immigrant students in Germany and ~24% of immigrant students in Switzerland were resilient[617]. With regards to the percentage of low performers in Science, ~45% of first generation immigrants in Germany and ~35% of first generation immigrants in Switzerland were low performers; ~32% of second generation immigrants in both Germany and Switzerland were low performers; and ~13% of non-immigrants in Germany and ~12% of non-immigrants in Switzerland were low performers[618]. In all areas, student with an immigration background in Germany scored 72 points less than non-immigrants whereas scores were more equalized in Switzerland[619][620]. However, despite more resilient students than Germany, Switzerland showed one of the largest performance gaps between non-immigrant students and students with a migration background who do not speak the language of testing at home of any OECD country; which was not reported for Germany[621]. Interestingly though immigrant student in Switzerland were more likely to aspire to a career in a science field than their non-immigrant peers, which was the opposite for Germany[622][623]. Germany as well shows a performance gap between schools than is seen on a smaller scale in Switzerland likely due to early tracking[624][625].

4.3 DACH Region Summary

The three countries of the DACH region are not particularly divergent in terms of their overall PISA scores, gender performance gap, and social equity when examined at a global level. However, in comparing just these three countries it is clear that Austria stands out as the '*underachiever*' among the three countries exhibiting lower overall

[616] Ibid.
[617] Ibid.
[618] OECD (b), 2016.
[619] OECD (f), 2018.
[620] OECD (g), 2018.
[621] Ibid.
[622] Ibid.
[623] OECD (f), 2018.
[624] OECD (a), 2016.
[625] OECD (b), 2016.

PISA scores, a wider gender gap – with the exception of Reading Comprehension –[626], nominal social equity, a strong *'language penalty'*, a higher percentage of low performers in Science irrespective of migration or non-migration background, and lower levels of resiliency for both immigrants and non-immigrants than both Germany and Switzerland[627].

DACH Region Scores on PISA 2015 including OECD Average Score for Comparison				
	Austria	*Germany*	*Switzerland*	*OECD Average*
Science	495	509	506	493
Mathematics	497	506	521	490
Reading	485	509	492	493

Figure 7 – DACH Region Score on PISA 2015 including OECD Average Score for Comparison[628][629][630]

On all subjects Austria falls behind its neighbours, while Germany surpasses its neighbours in Science by a small margin of three points and Switzerland does the same in math with a margin of fifteen points.

Gender Performance Gap among DACH Region Countries expressed in Point Difference with OECD Average for Comparison				
	Austria	*Germany*	*Switzerland*	*OECD Average*
Science	19 points	10 points	6 points	3.5 points
Mathematics	27 points	17 points	12 points	8 points
Reading	20 points	21 points	21 points	27 points

Figure 8 – Gender Performance Gap among DACH Region Countries expressed in Point Difference with OECD Average for Comparison[631][632][633]

[626] OECD (e), 2018.
[627] OECD (b), 2016.
[628] OECD (e), 2018.
[629] OECD (f), 2018.
[630] OECD (g), 2018.
[631] OECD (e), 2018.
[632] OECD (f), 2018.
[633] OECD (g), 2018.

With regards to gender performance, Switzerland has the smallest gender gap within the DACH region therefore indicating more equity between the sexes in education[634]. Germany occupies a mid-point between Austria and Switzerland, while Austria brings up the rear with a gender gap in Science and Mathematics that is 13 points and 15 points higher than Switzerland's respectively.

Social equity is an area in which all three countries stand to improve as in the equity categories – gender equity, socioeconomic equity, immigrant equity—, all three nations scored consistently below OECD average[635]. However, comparing just the countries of the DACH region this is an area in which Switzerland does better than its neighbours. Both Austria and Germany have social equity ratings below OECD average indicating a strong correlation between socioeconomic status, PISA 2015 scores, and educational success[636][637]. Socioeconomically disadvantaged youth are more likely to attend vocational schools (particularly in Austria[638]) – be it noted that vocational school attendance in DACH countries is high for all student groups –, attend disadvantaged schools, experience more bullying due to attending disadvantaged schools and express less sense of belonging in their schools than their peers without an immigration background[639][640].

Instances of inequity based on socioeconomic status also often effect immigrant students as well. Since most immigrant families resettle in their host countries to improve their quality of life, these families tend to be of a lower socioeconomic status than their peers and are therefore often doubly disadvantaged[641]. According to the OECD there is an indication 'that in most cases, socio-economic disadvantage cannot fully account for immigrant students' poorer performance[642]' in situations where even after adjusting for socioeconomic disadvantage immigrant students still underperform their

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634 Ibid.
635 OECD (b), 2018.
636 OECD (a), 2018.
637 OECD (c), 2018.
638 Ibid.
639 OECD (e), 2018.
640 OECD (f), 2018.
641 OECD (b), 2016.
642 Ibid.

non-immigrant counterparts — as is the case in the DACH countries[643]. While the figures presented in Figure 9 have not been adjusted to account for socioeconomics, these figures still show the over representation of individuals with a migration background in academic underperformance. Of interest with these figures is that first and second-generation immigrants in Switzerland exhibit very small change in the percentage of low performers in Science whereas Germany and Austria present difference of 11% or more[644].

Low Performers in Science in the DACH Region Expressed as Percentage and Divided by Migration History			
	Austria	*Germany*	*Switzerland*
1st generation	~48%	~43%	~35%
2nd generation	~35%	~32%	~32%
Non-Immigrants	~16%	~13%	~12%

Figure 9 – Low Performers in Science in the DACH Region Expressed as Percentage and Divided by Migration History[645]

High resiliency within a student population, as addressed in figure 10, is indicative of skill development within the student population which allows students to succeed despite social disadvantages – such as low socioeconomic status, immigrant status, language barriers, and stratification practices –. Among the DACH countries, Germany has the highest overall resiliency for both immigrant and non-immigrant students while Austria has the least resiliency[646]. Switzerland is directly on par with OECD average[647].

While Austria and Switzerland have a 7% difference in resiliency for immigrant students, they also both have large 'language penalties' meaning that those with a migration background who spoke a language other than the test language were particularly disadvantaged and scored far below their non-immigrant peers[648].

[643] Ibid.
[644] Ibid.
[645] Ibid.
[646] Ibid.
[647] Ibid.
[648] Ibid.

Resiliency Among Immigrant and Non-Immigrant Students in the DACH Region with OECD Average for Comparison				
	Austria	*Germany*	*Switzerland*	*OECD Average*
Immigrants	~17%	~27%	~24%	24%
Non-Immigrants	~31%	~35%	~35%	35%

Figure 10 – Resiliency Among Immigrant and Non-Immigrant Students in the DACH Region with OECD Average for Comparison[649]

Overall, there is a definite relationship between lack of social equity – gender, socioeconomic differences, migration status – and divergent scores among sub-groups within each countries cohort of PISA 2015 test takers; the strongest correlation being between low scores and socioeconomic status[650]. Socioeconomic status also explains many of the disadvantages associated with immigrants[651].

[649] Ibid.
[650] Ibid.
[651] Ibid.

Chapter 5 – Through the Human Rights Lens: Human Rights Analysis

The Right to Education and the Right to Non-discrimination, as with all Human Rights, find their roots in the Universal Declaration of Human Rights (UDHR). Article 2 of the UDHR lays clear that

> *Everyone is entitled to all rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status…*[652]

While not expressly using the terms 'anti-discrimination' or 'Non-discrimination' this can be recognized to be the precursor thereto. Furthermore, Article 28 of the UDHR builds upon Article 2 in stating that '*everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realized.*[653]' Again, this is a statement within the realm of anti-discrimination and Non-discrimination while not specifically calling it such. Lastly, with regards to the Right to Education, Article 26 states clearly that '*everyone has the right to education*[654].'
For the purposes of analysing the Human Rights at play in the education systems of the DACH region, these three articles form the backbone of all further Human Rights declarations, conventions and protocols regarding the intersection of these two rights.

Whether the situation of immigrants in education in the DACH region is deemed to be discriminatory or not, it must be looked at from a Human-Rights based approach (HRBA). The HRBA was created to look at events through a 'human rights lens', meaning with a reference to international human rights standards and the promotions of the universal rights endowed therein; however, with special regard to equality and Non-discrimination particularly in regard to '*the most discriminated, disadvantaged and vulnerable groups in [a] respective [society]*[655]'[656].

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[652] Universal Declaration of Human Rights (1948)
[653] Ibid.
[654] Ibid.
[655]M. Nowak, 'Introduction to Human Rights Theory', in M.Novak and K. Januszewski and T. Hofstaetter (eds.), *All Human Rights for All: Vienna Manual on Human Rights*, Graz, NMV, 2012, p. 277.
[656] United Nations Population Fund, 'Human Rights Based Approach', 2014, https://www.unfpa.org/human-rights-based-approach, (accessed 25 July 2018).

Such is how this chapter will aim to examine this situation; first by giving background of the Right to Education and the Right to Non-discrimination, then by applying these two Rights to the situation of immigrants in the DACH region, and finally by positing some conclusions about the interlinking of these rights, the lives of immigrants, and socioeconomics.

5.1 Right to Education

The Right to Education in an 'empowerment right'. This means that, as Beatrix Ferenci puts it in her section 'Right to Education' from the book *All Human Rights for All: Vienna Manual on Human Rights*, *'[it is] one of the most essential vehicles to the full and effective exercise of many, if not all, other human rights…'*[657]. This right is not only laid out in the UDHR, but is also addressed in the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966) – Art. 13 and 14 –, the Convention on All Forms of Racial Discrimination (CERD) (1966) – Art. 5 – , the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979) – Art. 10 –, the Convention on the Rights of the Child (CRC) (1989) – Art. 28 and 29 –, and the Convention on the Rights of Persons with Disabilities (CRPD) – Art. 24 – to all of which the countries of the DACH region are party, as well as, in Article 30 of the Convention on the Protection of the Rights of All Migrant Workers to which the majority of the States Parties lie in the global south and to which the DACH countries are not party[658][659].

This Right is a multi-part Right entailing five criteria:

1. *The provision of primary education that is free and compulsory*
2. *The progressive introduction of free secondary, higher and fundamental education*
3. *Access to public educational institutions and programmes on a non-discriminatory basis*

[657] B. Ferenci, 'Right to Education', in M.Novak and K. Januszewski and T. Hofstaetter (eds.), *All Human Rights for All: Vienna Manual on Human Rights*, Graz, NMV, 2012, p. 328.
[658] Ibid.
[659] Office of the High Commissioner of Human Rights, 'Status of Ratification Interactive Dashboard',2014,http://indicators.ohchr.org/, (accessed 25 July 2018).

4. *Educational quality that conforms to the internationally recognised objectives*
5. *Guarantee of parental choice in the education of their children without interference from the State or third parties, subject to conformity with 'minimum educational standards'* [660]

The Right to Education also carries with it four features: Availability, Accessibility, Acceptability, and Adaptability[661]. The four features help to flesh out some of the subjectivity of the criteria essentially explaining that education must not merely be provided, but that the education must also be of appropriate quality and context. Building thereupon, the responsibility of the State is also laid clear with the following obligations:

1. Obligation to Respect – '*refrain from all measures that interfere, hinder or prevent the full enjoyment of the Right to Education*'[662]
2. Obligation to Protect – *'take measures through legislation or by other means to protect and prohibit the violation of the Right to Education by third parties'*[663]
3. Obligation to Fulfil – *'ensure through positive measures the full realisation of the Right to Education*'[664]

These obligations are key to establishing the role of the state not only as stakeholder, but also as guardian of their educational system and the individuals within in.

5.2 Right to Non-discrimination

The Right to Non-discrimination is, while on the surface a simple concept, a more complex Right both in ideology as in enforcement. The groundwork for this Right is laid out in the CERD, the CEDAW, the CRPD, the European Convention on Human Rights (ECHR), and the Charter of the Fundamental Rights of the EU (EU-FRC)[665]. Non-discrimination is complicated as a concept because of three reasons: there are many types of discrimination, unequal treatment is not necessarily discrimination, and some

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[660] Ferenci, p. 329.
[661] Ibid.
[662] Ferenci, p. 330.
[663] Ibid.
[664] Ibid.
[665] K. Wladasch, 'Right to Equality and Non-discrimination', in M.Novak and K. Januszewski and T. Hofstaetter (eds.), *All Human Rights for All: Vienna Manual on Human Rights*, Graz, NMV, 2012, p. 308.

forms of discrimination constitute justifiable discrimination[666]. A claim would justifiable if, for example, a job posting for a truck driver requires that those applying for it have a driver's license. This is justifiable because it is an integral part of the job. The job posting could not, for example, stipulate that the person applying must be under age 40. As well, discrimination can only apply in the legal sense to members of protected groups identified in Article 21 of the EU-FRC as:

> *sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of national minority, birth, disability, age, sexual orientation, or nationality* [667][668].

There are two types of discrimination and two types of quasi-discrimination; that is discrimination by proximity to discrimination. The most widely known type of discrimination is direct discrimination. Direct discrimination occurs when individuals are put at a disadvantage or treated differently in a straightforward way due to their characteristics or belonging to a certain group[669]. Direct discrimination can be recognized in historical systems such as Jim Crow Laws in the United States, Apartheid in South Africa, or the caste system in India. The second type is less widely known, but more common, indirect discrimination[670]. This occurs when regulations or norms that are designed to be neutral discriminate in practice against a protected group and for which there is no arguable justification. An example of this was taken before the European Court of Human Rights in 1986 regarding the less favourable treatment of part-time employees compared to full-time employees[671]. While on the surface this could be argued to be justifiable for business means, due to gender norms most part-time workers are women, therefore women were being unfairly targeted by a seemingly neutral practice[672]. The third aspect of discrimination is victimisation[673]. Victimisation occurs when someone is 'punished' or victimised 0for speaking out in a situation of discrimina-

[666] Wladasch, p. 307-308.
[667] M. Mayhofer, 'The EU Anti-Discrimination Law', in M.Novak and K. Januszewski and T. Hofstaetter (eds.), *All Human Rights for All: Vienna Manual on Human Rights*, Graz, NMV, 2012, p. 194.
[668] European Union Charter of Fundamental Rights (2000).
[669] Wladasch, p. 307.
[670] Ibid.
[671] Mayhofer, p. 195.
[672] Ibid.
[673] Wladasch, p. 308.

tion[674]. The last aspect of discrimination is discrimination by association. This occurs when someone is discriminated for the protected characteristic or identity of someone who they know rather than for the characteristics and identities that they themselves have[675].

5.3 Applying these Rights to Immigrant Education in the DACH Region

When it comes to meeting the criteria for the Right to Education within the DACH region, there can be few complaints. Primary school in the DACH region is compulsory and education through the tertiary level is either free or reasonably affordable. As well, Austria, Germany, and Switzerland all prohibit discrimination in education on the grounds of sex, age, ethnic background, religion or ideology, political conviction (Switzerland), sexual orientation (Austria and Germany)/way of life (Switzerland), disability – specifically '*physical, mental or psychological disability* [676]' in Switzerland –, and race (Germany)[677][678][679] within their own national legislation — The Austrian Equal Treatment Act (Gleichbehandlungsgesetz)[680], the German General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz)[681][682], The Swiss Federal Law on the Equal Treatment of Men and Women (Bundesgesetz über die Gleichstellung von Frau und Mann)[683], The Swiss Federal Law on Equal Rights for the Disabled (Bundesgesetz über

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674 Ibid.
675 Ibid.
676 Humanrights.ch International Platform, 'Discrimination', 2011, https://www.humanrights.ch/en/standards/legal-sources/discrimination, (accessed 26 July 2018).
677 Antidiskriminierung des Bundes, 'Themen und Forschung: Thema Recht und Gesetz', 2017, http://www.antidiskriminierungsstelle.de/DE/ThemenUndForschung/Recht_und_gesetz/recht_und_gesetz_node.html, (accessed 26 July 2018).
678 Humanrights.ch International Platform, 2011.
679 Bundesministerium Digitalisierung und Wirtschaftsstandort, 'Gleichbehandlung ohne Unterschied der ethnischen Zugehörigkeit in sonstigen Bereichen, 2018,https://www.help.gv.at/Portal.Node/hlpd/public/content/186/Seite.1860300.html, (accessed 26 July 2018).
680 Ibid.
681 Antidiskriminierung des Bundes, 2017.
682 Bundesanzeiger Verlag, 'Bundesgesetzblatt Online Burgerzugang', 2018, https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&jumpTo=bgbl106s1897.pdf#__bgbl__%2F%2F*%5B%40attr_id%3D%27bgbl106s1897.pdf%27%5D__1532822791519, (accessed 26 July 2018).
683 Der Bundesrat, 'SR 151.1 Bundesgesetz über die Gleichstellung von Frau und Mann', 2017, https://www.admin.ch/opc/de/classified-compilation/19950082/index.html, (accessed 26 July 2018).

die Beseitigung von Benachteiligungen von Menschen mit Behinderungen)[684], and Article 261 of the Swiss Penal Code (Schweizerisches Strafgesetzbuch)[685] – which addresses discrimination on race and ethnic origin –. There are as well clauses in the constitutions of all three countries espousing either the equality of all people, denouncing discrimination, or both – Article 7 of the Austrian Constitution[686], Article 3 of the Basic Law for the Federal Republic of Germany[687], Article 8 of the Federal Constitution of the Swiss Confederation[688].

Yet, immigrants are still overrepresented in certain educational paths and careers stemming therefrom. As discussed in previous chapters the circumstances that lead to this unequal representation of individuals with a migration background particularly among those who complete only compulsory education, those who attend (often lower tier) vocational training, and those who are more likely to be unemployed is multifaceted, serving as an intersection for issues of equality, stereotyping, gender, ethnicity, language, politics, the law and socio-economics.

The answer to the question of whether or not treatment of immigrants in the educational systems of the DACH region is discriminatory brings forth what in informal German speech would be expressed as 'jein' — yes and no. There is no doubt that the Right to Education of immigrants, in their many different forms and statuses, is being respected in so far as it is laid out under Human Rights Law. As well, the Right to Non-discrimination is also, in most cases, not being violated in Austria, Germany, and Switzerland; at least not in widespread, structural ways. As each case of discrimination is unique and must be addressed as such there are certainly many cases of indirect discrimination, such as was outlined in the examples given by legal sociologist, Tarek Naguib,

[684] Der Bundesrat, 'SR 151.3 Bundesgesetz über die Beseitigung von Benachteiligungen von Menschen mit Behinderungen', 2017, https://www.admin.ch/opc/de/classified-compilation/20002658/index.html#id-1, (accessed 26 July 2018).
[685] Der Bundesrat, 'SR 311.0 Schweizerisches Strafgesetzbuch', 2018, https://www.admin.ch/opc/de/classified-compilation/19370083/index.html#a261bis, (accessed 26 July 2018).
[686] Austrian Federal Ministry of Europe, Integration and Foreign Affairs, 'Fight Against Racism', 2018, https://www.bmeia.gv.at/en/european-foreign-policy/human-rights/priorities-of-austrian-human-rights-policy/fight-against-racism/, (accessed 25 July 2018).
[687] Bundesministerium der Justiz und für Verbraucherschutz, 'Grundgesetz für die Bundesrepublik Deutschland, Art 3', 2018, https://www.gesetze-im-internet.de/gg/art_3.html, (accessed 25 July 2018).
[688] Humanrights.ch International Platform, 2011.

in chapter 3[689]; as well as, unfortunately, direct discrimination. Yet, despite the assertion that the Right to Non-discrimination is not being violated, discrimination is occurring.

Language barriers, lack of social mobility, concentration in disadvantaged schools and lack of integration are all areas which negatively affect the ability of individuals with migration backgrounds to achieve their highest academic success[690]. Language, in particular the level of accuracy in the language of instruction, is the area where students are most discriminated against in the school system. This can be seen in the high percentages of individuals with a foreign mother tongue in special needs schools, lower tier Secondary I education, and lower tier vocational education, as well as the high number of first generation immigrants — those who often have the hardest time with a new language — who complete only compulsory education[691]. German language skill — also French or Italian language skill in parts of Switzerland — is a key factor in the educational path that a student chooses, and more academic options will not be open to him or her should they not master this skill. This is nearly a clear case of indirect discrimination; nevertheless, it is not legally classifiable as such. As was discussed in section II of this chapter, indirect discrimination legally occurs only in cases where the discrimination is not justifiable. Unfortunately, lacking in auxiliary foreign language-based education systems, the countries of the DACH region have little choice, but to use language skill as a criterium in selection for academic educational paths. While it is discriminatory to limit an individual's educational attainment based on their lack of sufficient language acquisition when in general they would be capable of doing the tasks required should it be presented in a language they have mastery of, it is also logical and justifiable to hold a student back or to track them onto a less academic path when their lack of language knowledge would likely hinder their success in the system. Therefore, as this is justifiable there is no discrimination before the law.

Yet this 'logical and justifiable' choice encourages the cyclical nature seen among many immigrant groups around the world in which lack of language, and occasionally lack of cultural understanding on the part of parents in choosing schools for the

689 Naguib, 2015.
690 OECD (b), 2016.
691 See chapter 3 for more details

children and on the part of teachers in appropriately understanding cultural qualities from the children's birth cultures, such as was seen in Tayek Naguib's story of the boy from former Yugoslavia from chapter 3[692], leads to the perpetuation of tracking onto less academic paths which consequently leads to fewer options both academically and later economically and therefore more insulation within their immigrant community. This quasi-confinement within the immigrant community can continue to prevent proper language learning even in the second generation and beyond as was exhibited among percentage of low performers on the science section of PISA 2015 with a second-generation migration background[693]. The countries of the DACH region do not have a legally defined discrimination problem in their educational systems. What they do have is an integration problem informed by a socioeconomic equity problem.

5.4 <u>Socioeconomic discrimination</u>

While protected grounds as laid out in Human Rights documents and national laws include 'social origin' and 'birth', there is little consensus on the exact meaning of these terms in regard to cases of discrimination, therefore socioeconomic discrimination is not as of yet an official form of discrimination insofar as the legal codes of most countries and the human rights documents are concerned[694]. It has begun to be discussed at the governmental and intergovernmental level only fairly recently, spurred by the Sustainable Development Goals (SDG) which call upon countries to '*mobilize efforts to end all forms of poverty, fight inequalities and tackle climate change, while ensuring that no one is left behind*'[695][696]. In particular, SDG one – which aims to eliminate all poverty and recognizes that social discrimination and exclusion are symptoms of poverty – and ten – which aims to limit inequality and bolster social, economic and political inclusion of all people – can be understood to acknowledge discrimination on the

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[692] Naguib, 2015.
[693] OECD (b), 2016.
[694] T. Kadar, 'An analysis of the introduction of socio-economic status as a discrimination ground', Equality Rights Alliance, 2016, http://www.eracampaign.org/uploads/Analysis%20of%20socio-economic%20status%20as%20discrimination%20final.pdf (accessed 10 July 2018).
[695] Ibid.
[696] United Nations, 'Sustainable Development Goals', Academic Impact, 2018, https://academicimpact.un.org/content/sustainable-development-goals, (accessed 31 July 2018).

grounds of socioeconomic status[697]. As well, commentary from the EU on the Europe 2020 initiative recognizes that discrimination on protected grounds further influences poverty and social exclusion[698] and that addressing these issues must begin at the national level by saying in 2010 that '*combating poverty and social exclusion is primarily a responsibility for Member States.*[699]'. Human Rights organizations have also passed judgements and issued statements acknowledging the existence of discrimination on socioeconomic grounds with the European Court of Human Rights including consideration of socioeconomic status in their judgements on discrimination[700] and Human Rights Watch acknowledging that discrimination can both cause and be caused by low socioeconomic status[701].

Achieving socio-economic equity is a complicated task and regardless of whether full equity is achieved or not, it is important to make efforts to bridge the gap between economic classes both in education and society at large in order to limit disadvantages also on those without a migration background, but especially those with a migration background who experience disadvantages on many different levels. As Tamas Kadar puts it in writing for the Equality and Rights Alliance puts it, '*social exclusion is not just a temporary phase, it is systemic and often passed on from one generation to the other.*[702]' The time to act is now. The link between wealth and education is strong, but it is not infrangible[703] and while this link does not explain the entirety of the education gap between immigrants and their non-immigrant peers[704], alleviating even a bit the socioeconomic inequity between students and their families in the realm of education would lead to improved integration and to a degree the gradual breakdown of the strata on which society divides itself and of the disadvantages and discriminations linked thereto.

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[697] Ibid.
[698] Ibid.
[699] European Commission, 'Poverty and Social Exclusion in the EU: state of play and next steps', 2010, http://europa.eu/rapid/press-release_MEMO-10-687_en.htm?locale=en, (accessed 27 July 2018).
[700] Kadar, 2016.
[701] Human Rights Watch, 'Discrimination, Inequality, and Poverty - A Human Rights Perspective ', 2012, https://www.hrw.org/news/2013/01/11/discrimination-inequality-and-poverty-human-rights-perspective, (accessed 15 July 2018).
[702] Kadar, 2016.
[703] OECD (b), 2016.
[704] Ibid.

Chapter 6: Conclusory Remarks

Socioeconomics, discrimination and integration are linked and inform one another in a way that is key to the experience of many immigrants in the DACH region. While all three countries are doing their utmost to respect the Right to Education and the Right to Non-discrimination in their educational systems, there is indirect discrimination against individuals with a migration background, not in their capacity as immigrants, but rather in relation to their being native speakers of other languages rather than the language of instruction. However, since speaking the language of instruction to a sufficient degree is necessary to comprehend and excel in coursework, this indirect discrimination, while clearly occurring, is justifiable and not legally definable as discrimination[705].

Yet, immigration status, proficiency of language skills, and socioeconomics do often go hand in hand in a disadvantageous way. The OECD reported, derivative of information from the PISA test scores, that Austria, Germany, and Switzerland are countries in which the social background of an individual has some of the highest impact on their education[706]. As the majority of immigrants move to the DACH region to improve their quality of life they often experience the double disadvantage of being an immigrant, in addition to having lower socio-economic status[707]; a triple disadvantage if the immigrant happens to also be female. Socio-economic status influences nearly every aspect of an individual's life from where they live, to where they go to school to, how much free time they have and what they do with it. Immigrants who are of lower socio-economic status may not have the funds to pay for afterschool care for their children to lengthen daily interactions with native-born peers and thus improve their language skills, have the resources to invest into extra language lessons or extracurricular activities and they may not have the time, resources, or incite to study the inner workings of the notoriously complicated DACH region school systems or advocate for a coveted spot in a popular academic program for their child. Even the OECD reports in regards to early childhood education that despite everyone technically having the opportunity to apply for a place in an early childhood education facility, *'People who are financially*

[705] See Chapter 5
[706] OECD (c), 2016.
[707]OECD (b), 2016.

better off have better access and are more incentivised, through the tax system, to make use of the limited number of childcare places.[708]' What attending a more advantaged school, spending time with a private tutor, or, later, working with colleagues from outside of one's insular community can do for language learning, integration, overall education and cultural and structural understanding cannot be understated. However, as clarified previously these are often closely tied to economic opportunity. Being an immigrant is just one of many struggles faced by students with a migration background, but a fairly shallow one in many regards. The real difficulty lies where immigration and integration intersect with socioeconomics[709].

This can be seen most acutely in the case of Switzerland. The immigrant population of Switzerland exhibits several characteristics that allow for better integration into the educational system and therethrough more advanced academic and subsequently economic success. Firstly, Switzerland is a very economically advantaged country with a gross national income per capita nearly double that of Austria or Germany[710]. Secondly, influenced therefrom many immigrants to Switzerland are more socioeconomically advantaged than their counterparts in Austria and Germany[711]. Thirdly, a large proportion of immigrants coming to Switzerland already speak one of its national languages thereby avoiding the aforementioned discrimination issues related thereto[712]. Fourthly, Switzerland's school system separates students onto different academic paths five years later than in Austria and Germany[713].

This last characteristic is of particular importance as a remedy for socioeconomic and immigrant disadvantage. Despite the fact that immigrants who do not speak a national language of Switzerland at home do notably worse than non-immigrants on PISA tests, a smaller percentage of immigrants in Switzerland are permanently in remedial education than in Austria and Germany – language education classes excluded –, are more likely to go on to tertiary education, and there is much less relationship be-

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[708] OECD (a), 2014.
[709] Ibid.
[710] The World Bank, World Bank Open Data, [website], 2018, https://data.worldbank.org/, (accessed 31 July 2018).
[711] D'Amato, 2008
[712] Swiss Ministry of Statistics, 2014.
[713] Swiss Confederation, 2018.

tween the educational achievement of the parents and the educational achievement of the child. This extra time provides students in Switzerland with the time necessary to more accurately decided where they want to go academically aside from the wishes and achievements of their parents, while also allowing them to better develop their language skills, discover the workings of the academic system, and integrate with the dominant culture.

The associations made in this finding were further validated – however not influenced – by the OECD in Volume II of their PISA 2015 Results with the following statement:

> *The later students are first selected into different schools or education programmes and the less prevalent the incidence of grade repetition, the more equitable the school system or the weaker the association between students' socioeconomic status and their performance...*[714]

[714] OECD (c), 2016.

Chapter 7: Recommendations

Despite socioeconomic status' unofficial placement on the list of protected characteristics, it would still serve the countries of the DACH region well to work on improving the educational outcomes for immigrant students also affected by socioeconomic disadvantage in the following ways that are informed by the research in the previous chapters:

1) All day schooling
2) Later educational tracking of students – move tracking to age 15, as in Switzerland
3) Work to prevent clustering of lower socioeconomic student in disadvantaged schools – to do this Migration and education researcher Barbara Herzog-Punzenberger suggests encouraging middle class parents to work together to send their children to their local schools instead of taking their students outside of their own neighbourhoods[715]
4) Raising the length of compulsory education until the end of secondary II
5) Provide free afterschool tutoring to low-income and immigrant students
6) Raise teacher salaries to bring fresh ideas into the profession[716]
7) Allow schools more leeway on how they spend their budget[717]

All of these suggestions have the aim of extending the amount of exposure between immigrant student and non-immigrant students to promote language acquisition and integration, as well as promoting more of a '*ground up'* approach, wherein those most in contact with disadvantaged students inform the way programs gear towards them are run.

It would also be of interest to keep an eye on the developments of socioeconomic discrimination within the human rights landscape. Additionally, monitoring the indirect discrimination against speakers of non-instruction languages if the gross national income continues to trend down as it has in recent years could reveal more about the interplay of migration and socioeconomic status within the realm of education.

[715] Beer, 2017.
[716] OECD (a), 2014
[717] Ibid.

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Abstract

The difference in educational outcomes for students with a migration background and those without a migration background are noticeably different in Austria, Germany, and Switzerland even to the untrained eye. While it may seem that this difference is greatly influenced by the implications of migration status and language acquisition, which are indeed to a lesser degree influential, these only compound the major issue at play, socioeconomics. In this thesis, a human rights based approach has been used to bring any discrimination present in the educational systems of Austria, Germany and Switzerland into focus under the human rights lens. Conclusions were drawn by combining human rights based analysis with data gathered from national statistics, PISA 2015 scores, and literature from the fields of education, immigration history, and national and international law.

Keywords: Education, Human Rights, Austria, Germany, Switzerland, Immigration, Refugees, Asylum Seekers, Socio-economic discrimination, Right to Education, Right to Non-discrimination, Indirect Discrimination

Abstrakt

Die Unterschiede typischer Bildungsverläufe von Menschen mit Migrationshintergrund zu Menschen ohne Migrationshintergrund in Österreich, Deutschland und der Schweiz sind selbst für den Laien einfach zu erkennen. Wenn man auch annehmen könnte jene Ungleichheit ist vor allem auf Migrationsstatus und Spracherwerb zurueck zu fuehren, Faktoren die im geringeren Masse zwar eine Rolle spielen, können diese Kriterien doch nur im Kontext des entscheidenden Sachverhalts, dem sozioökonomischen Hintergrund, betrachtet werden. Ziel dieser Masterarbeit ist die Betrachtung von Diskriminierungsfaktoren der Bildungssysteme Österreichs, Deutschlands und der Schweiz im Bezug zu den Menschenrechten. Die Konklusionen der Arbeit wurden durch die Kombination einer auf Menschenrechten basierenden Analyse mit Daten aus nationalen Statistiken, PISA 2015 Ergebnissen, sowie Literatur aus den Feldern der Bildungswissenschaften, Immigrationsgeschichte, sowie nationalen und internationalen Rechts geschlossen.

Schlagwörter: Bildung, Menschenrechte, Österreich, Deutschland, Schweiz, Zuwanderung, Asylwerber, Sozioökonomische Diskriminierung, Das Recht auf Bildung, Das Recht auf Nichtdiskriminierung, Indirekte Diskriminierung