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### **SOCIAL COUNSELLING AS POLICY INTERVENTION: MEDIATING WELFARE BENEFIT CLAIMS OF ROMANIANS IN BERLIN**

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## **Social counselling as policy intervention: Mediating Welfare Benefit Claims of Romanians in Berlin**

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### **Abstract**

This paper examines the role of non-profit organizations (NPOs) in supporting welfare benefit claims by Romanian immigrants in vulnerable situations in Berlin. The study utilizes in-depth qualitative interviews with social counsellors, language mediators, and project leads to explore the function of social counselling offices in assisting these individuals. Social counselling is analysed as both an institutionalized policy intervention and a communicative practice focused on problem-solving. The paper highlights the power asymmetry between counsellor and advice-seeker stemming from the counsellor's superior knowledge of the welfare system, and German society. Social counselling acts as a means of support for individuals to navigate complex institutional arrangements and manage risks in modern society. However, the counsellor's authoritative role in shaping communication constitutes another dimension of power asymmetry. Faced with challenges such as complex legal regulations and limited resources, social counsellors emphasize the need for advice-seekers to gradually take responsibility for their own lives and interact with welfare institutions. This encouragement of self-sufficiency (orig. Ger. *Selbstständigkeit*) aligns with the principles of German workfare policies. Non-cooperation from advice-seekers in the context of social counselling can be therefore seen as a form of resistance against disciplinary power within the welfare state. The paper raises concerns about the long-term effectiveness and impact of social counselling, noting also the potential for burnout among social counsellors.

Keywords: non-profit organisations; welfare mediators; Romanian workers; integration.

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## Introduction

A growing body of research has tracked the increasingly restricted access to social benefit schemes by mobile European Union citizens in Western Europe (Lafleur, & Vintila, 2020; Ferrera, & Pellegata, 2018; Schmidt, Blauburger, & Martinsen, 2018; Blauburger, & Schmidt, 2014) as well as their experiences of systemic discrimination (Brändle, 2020) and racism (Vrăbiescu, 2021; Fox, Moroşanu, & Szilassy, 2012) in their interactions with local public authorities.

Moreover, Heindlmaier and Blauburger (2017, 1213) have shown that insufficient economic resources of migrant EU citizens, and the concurrent closure of the welfare systems through restrictive legislative measures foster, in countries such as Germany, “a new underclass of mobile EU citizens who do not enjoy the status of workers (...) who are denied equal treatment with respect to social benefits but whose residence is de facto tolerated”. Needless to say, these developments have had a negative impact on the socio-economic status and life chances of mobile EU citizens, often leading to, or increasing the precarity of work relations and housing conditions available to them (Lafleur, & Mescoli, 2018).

Due to the large scale of Romanian labour emigration to Central and Western Europe after 1989 (Anghel *et al.*, 2016), with an estimated 3.6 million people living abroad (OECD, 7), Romanian emigrants to Germany have been the target of political debates surrounding ‘poverty migration’ (orig. Ger.: *Armutszuwanderung*) (Ulbricht, 2017). Despite an initial period (2007-2014) of restrictive access to its labour market, Germany has become a significant receiving country for mobile Romanian workers within the EU. The German labour market’s increased demand for workers with different levels of qualifications (OECD 2019) as well as the economic slumps in Italy and Spain in the wake of the 2008 Financial Crisis (Bertoli *et al.*, 2013) have contributed to the increasing importance of Romanian workers for the German economy. For example, the meat processing industry (Birke, 2021), agriculture (Biaback Anong, 2021) and constructions (Sperneac-Wolfer, 2023) rely to a large extent on both seasonal and medium-term migration of workers from Romania and other countries to stay afloat. As a result, in 2022 there were approximately 883.000 Romanians mentioned in the official statistics as living in the country, more than any other population group of EU nationals, and fourth largest population group in the overall ranking of foreign nationals behind Turkish, Ukrainians and Syrians (Statistisches Bundesamt 2023).

This paper examines the tensions and moral dilemmas faced by social counsellors working in non-profit organisations (NPOs) in Berlin to support welfare benefit claims made by Romanian citizens. Specifically, social counselling offices are sought out mainly by low-skilled or unskilled workers with little to no German language skills and, in some cases, limited writing and reading skills. Moreover, advice-seekers are frequently newly-arrived individuals or families with children, who find themselves in legally unclear living arrangements or are experiencing

homelessness. Because claims to welfare benefits for EU citizens in the first five years of lawful residence require the registration of an official residence as well as evidence of (past) employment, the frequent lack of rent and/or work contracts increases their vulnerability in the face of homelessness, exploitation and injury (Pfeffer-Hoffmann, 2019).

As Bruzelius, Ratzmann, and Reiss (2023, 5) point out, social counselling has the explicit aim to “enable access to benefits and services” and has established itself in the field of immigration in Germany. With their expertise of different law spheres (social law, labour law, immigration law) and their role of offering guidance to newcomers in the country, social counsellors are uniquely positioned to know the needs of their clients and also the administrative practices of local welfare institutions. But how has social counselling established itself as a social service for immigrants (and their families) in the German welfare state? And how do social counsellors themselves view their work in the context of restricted access to social benefits for their advice-seekers?

In the next section I discuss the relevant literature on NPOs offering social services in the German welfare state with a special attention to social counselling as a form of policy intervention aimed at immigrant workers. Afterwards, I describe the underlying research design, qualitative methods and challenges encountered during the empirical research. The main data analysis is organized into two sections. The first section examines social counselling as a policy instrument that has developed in Post-War Germany to address the issues faced by (im)migrant workers and their families in the host country. The second analytical section examines the practice of social counselling from the point of view of social counsellors: the challenges they encounter, their views on the advice-seekers as well as on the role they perform within the welfare state. In the final section of this paper, I summarize the main research findings and discuss their implications for the practice of social counselling.

## **Literature Review**

In this section, I discuss the concept of social counselling against the backdrop of institutional changes in the public-private social service provision of the German welfare system. On the one hand, I discuss social counselling as an institutionalised form of policy intervention, which aims to produce redistributive changes in the structure of social relations in the case of a specific population, in a specific territory (Kaufmann, 2002). On the other hand, social counselling is examined as a form of communicative practice focused on solving problems related to the way of living for persons in “critical life situations” (Sickendiek, & Nestmann 2018).

One highly influential way of analysing the processes of marginalisation and social exclusion of migrant workers revolves around the concept of “differential inclusion”: the practice of governments of including migrants as labour force in

processes of economic production, whilst restricting their participation in the sphere of political and social rights (Mezzadra, & Neilson 2011). According to this conceptual approach, nation-states develop legal frameworks of immigration which divide migrants into categories of ‘legal’ and ‘illegal’ in order to subjugate their labour power (De Genova, 2013). In practical terms, highly desirable immigrant workers i.e., with high-level qualifications may enjoy preferential status by state actors, while less skilled (and ethnically labelled) workers may become subject to deportation practices.

Despite the EU legal framework of Freedom of Movement, claims made by EU citizens on welfare benefits are often dismissed in political debates by right-wing political parties and media outlets as examples of ‘welfare tourism’ and ‘poverty migration’ (Mantu, & Minderhoud 2016). Recent studies have shown that case-workers in local welfare institutions may operate under the assumption that Romanians falsify work contracts or are pawns used by third parties to extort the limited resources of welfare services (Neuburger, & Hinrichs, 2021). Some scholars (Ratzmann, 2022; Gerull, 2018; Riedner, 2018) even point out how these blanket suspicions become institutionalised practices: case-workers use their discretionary power to ‘protect’ the taxpayers’ money and reject welfare applications by Romanians, which are viewed as additional ‘burdens’ on the finite resources of the state. In general, the analysis of political discourses with regards to Romanian migration to Germany reveals the strong economic valuation of the newcomers. Romanian immigrants may be perceived as potential contributors to the social budget of the welfare state as well as necessary workers on the labour market, although predominantly linked to the low-wage sector (Ulbricht, 2017). Alternatively, the media may label them collectively as ‘Roma’, which brings into focus the institutional discrimination owing to a centuries-old history of racism against this group in Germany (Matter, 2015; Lausberg, 2015).

In their comprehensive review of the international literature on civil society organisations working in the field of migration and asylum policy, Garkisch, Heidingsfelder, and Beckmann (2017, 1870) point out that the organisational challenges faced by NPOs as service providers as well as their overall role in policy delivery are still relatively unexplored. For its part, the German-language research literature on civil society organisations (Freise, & Zimmer, 2019; Zimmer, & Priller, 2005) has traditionally studied how specific organisational types (foundations, charities) function in the field, how market-based models establish themselves in non-profit organisations or on macro-level processes of institutional change. The lack of attention offered to non-governmental organisations involved in social service provision appears somewhat surprising, given that in Germany these actors have historically enjoyed state funding and a legally privileged position as “negotiating partners of politics and administration” (Backhaus-Maul, & Mutz 2005).

However, the role of NPOs in redistributive political conflicts has become a growing topic of research in recent years. Scholars including Nora Ratzmann,

Cecilia Bruzelius, and others (Bruzelius, Ratzmann, & Reiss, 2023; Ratzmann, & Heindlmaier, 2022; Ratzmann, & Sahraoui, 2021) have used the theoretical insights from the literature on “street-level bureaucracy” (Lipsky, 2010), to discuss the role that underlie the “institutional arrangement of welfare production” (Kaufmann, 2003). For example, Bruzelius suggests that in the German federal state NPOs enjoy a “greater scope for discretion and independent action” (2020, 616) to support EU migrants’ claims for welfare benefits. As the author further explains, this intermediary position occupied by NPOs in the broad field of ‘integration policies’ brings them into contact with the contradictions of state administrative practices of differential inclusion: their public mandate to support the integration of immigrants in the host country runs afoul of legal measures and administrative practices which aim to filter out EU migrants with limited economic resources (Bruzelius, 2020). These findings correspond with research by Rogozen-Soltar (2012), in which the author suggests that NPOs who provide social services tend to develop their own social logic according to which they evaluate their clients and their entitlements to social benefits. This allows them to play an ambivalent “gatekeeper role” (Rogozen-Soltar, 2012) by enabling access to social benefits for certain groups of people or, conversely, reproducing their social exclusion in the welfare state. Additionally, Ratzmann and Sahraoui (2021, 438) have shown how the involvement of third parties (NPOs, “cultural brokers”) can be instrumental in successful claim-making of social benefits by EU citizens in vulnerable life situations.

Social counselling as a method of social work differs from other types of social assistance, firstly, by the traditionally high degree of participation of the person concerned in finding solutions to their problem situation and, secondly, by the focus on external factors influencing their life situation (Scherr, 2004). Ideally, the end goal of social counselling should be that the advice-seeker develops personal responsibility for his or her life, to correct a lifestyle that has been described as ‘failed’ (Scherr, 2004). Although various authors have put forward different models to analyse the structure of the counselling interview, they tend to focus on the role of the social counsellor who navigates the distinction between “assistance” (orig. Ger. *Betreuung*)<sup>2</sup> and “instruction” (orig. Ger. *Belehrung*) in the practice of counselling. The choice between these two poles of action have become a matter of professional standards and self-reflective understanding of the counsellor’s own role (Scherr, 2004).

Following Kaufmann (2002, 109), I introduce the concept of “intervention” to theoretically reunite these two dimensions of social counselling: as problem- and behaviour-centred practice of social work, and as a form of policy aimed at ‘integrating’ vulnerable social groups in the institutions of the welfare state. Under this processual approach, welfare state development and institutional change comprises the “multiplication, intensification and expansion of social policy interventions, the consequences of which are only partially predictable” (Kaufmann, 2002). The unexpected consequences of primary interventions on

social relations feed back into the structures of the welfare state and present them with further challenges in terms of their steering capacities and effectiveness. On the one hand, Kaufmann (2002, 139) distinguishes between “first-order social policy interventions”, which seek to remedy negative consequences of capitalist economic processes (e.g. universal health insurance). On the other hand, there are “second-order policy interventions” (2002, 131), which refer to the institutions resulting from first-order interventions (state health insurers, hospitals, clearing offices etc.) that have become independent and, as a result of growing bureaucratic (and social) complexity, have developed a vested interest in state involvement in the original field of intervention. Gradually, the landscape of social service providers that resulted from the primary interventions itself becomes the object of state action due to increasing control and financing problems, conflicts of interest between the actors involved (social authorities, social agencies, target group) and growing complexity of the social problem situations whose solution was the original goal of the social policy interventions (Kaufmann, 2002).

Social policy interventions operate within these four coordinates of social participation: society-specific resources (money), knowledge and skills (education), opportunities (environment) and instruments (rights) (Kaufmann, 2002). A specific form of intervention, “pedagogical intervention”, supports the acquisition of certain skills by members of the target group, for them to overcome challenging life situations with the help of counselling services (Kaufmann, 2002). During the counselling process, some behaviours are encouraged to the detriment of others, depending on whether they are seen as relevant for achieving the goal. As we shall see below, the theoretical development of social counselling for immigrants in post-war (West) Germany, as a form of social work, unfolded along the degree of agency afforded to advice-seekers in the counselling process (Mecheril, 2004).

## **Research Design and Data**

The present paper draws from an ongoing doctoral research at the Institute for East European Studies at the Freie Universität Berlin and at the Evangelische Hochschule Berlin. The research examines the role of NPOs offering social counselling to Romanian immigrants in the field of integration policies in Berlin. The primary research question is “How do non-governmental migration counselling projects fulfil the policy goal of integrating precarious immigrated Romanians in Berlin whose access to social benefits is restricted by exclusionary regulations and bureaucratic practices?”.

A total of 20 in-depth interviews (19 individual interviews and one group interview) with nine Romanian-speaking social counsellors, two language mediators and six project leads were carried out. The main part of the empirical data collection took place between June 2021 and March 2022. The contact restrictions during the COVID-19 pandemic also required that roughly half of

the interviews take place online through video-chat software or via telephone. All interviews were fully transcribed in the software MAXQDA and analysed using a qualitative content analysis procedure based on Mayring (2022). Due to the diversity of social counselling projects working with Romanian immigrants, the research design was exploratory. Based on their organisational traits, three initial counselling offices were selected: a small cultural association, a migrant organisation with anti-racist activist projects, and a migration counselling centre under the trusteeship of a Christian charity organisation. Based on recommendations from the interview partners themselves, this initial sampling was extended to two further counselling offices: a trade-union affiliated counselling office for labour law and a day centre for people experiencing homelessness, which offers Romanian-language counselling.

In the following figures I provide an overview on the distribution of age groups (figure 1), gender (figure 2), migration experience (figure 3) and educational background (figure 4) of the interview partners.

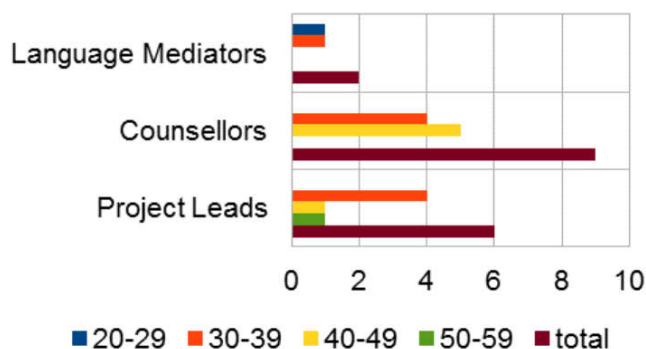


Figure 1. Age Groups of Interview Partners (N=17)

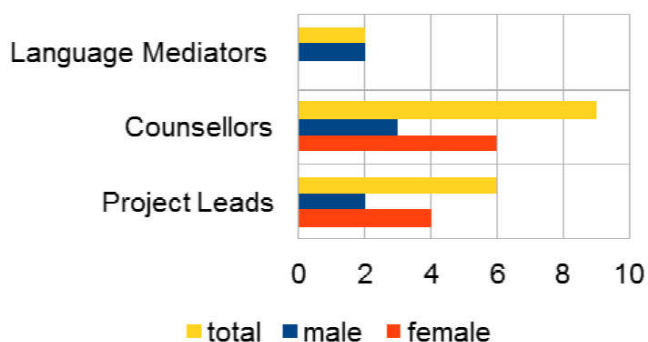


Figure 2. Gender of Interview Partners (N=17)



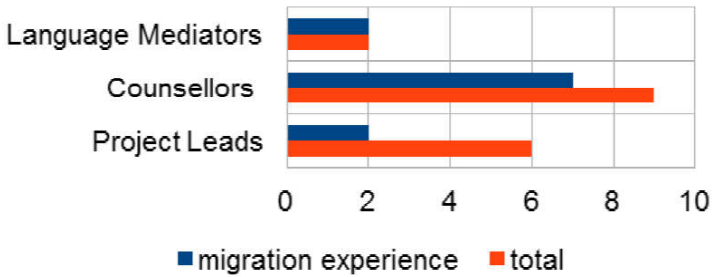


Figure 3. Migration Experience of Interview Partners (N=17)

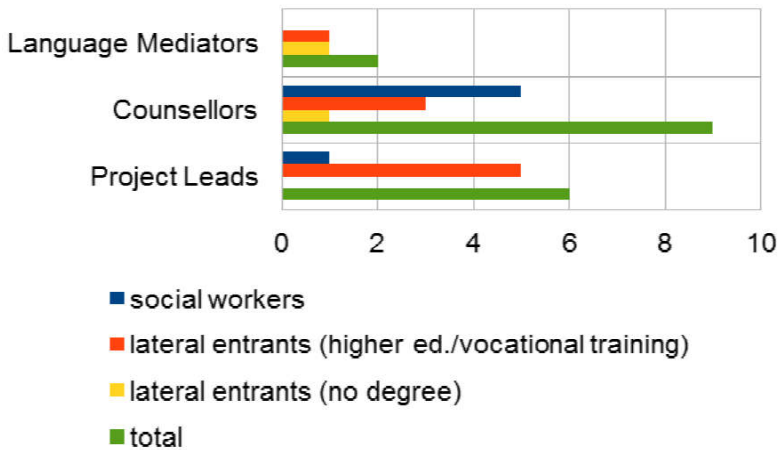


Figure 4. Educational Background of Interview Partners (N=17)

The collected data show an overrepresentation of women in the position of counsellor, the predominance of lateral entrants in the organisations as well as the high number (11 persons) with a migration experience across all job groups. It is worth noting that out of the five counsellors with a social work degree, two began their long-distance study during their employment in their respective organisations. The rest of the interview partners (12 persons) are lateral entrants with higher education or vocational training degrees in fields as diverse as cultural studies, language studies, child pedagogy, theology, graphic design, international relations and law. Moreover, persons with migration experience are concentrated at the practice level (language mediation and social counselling) and less at the management level. On the whole, these data correspond with the historical professional structure of counselling services for immigrants (more below).

Access to interview partners was facilitated by my previous work experience as a social counsellor working with Romanian immigrants in one of the migrant

counselling projects included in this research. During a two-year period (2017-2019) I had counselled Romanian-speaking families on topics related to social law - in total, around 100 Romanian-speaking adults (with a slight bias towards men), and around 200 children<sup>2</sup>. The formal focus on families as the unit of counselling for the project was done in accordance with the EU funding track at the time, which placed an emphasis on supporting children under the age of seven (and their families) to access early education schemes i.e., kindergarten in Berlin. The main topics of counselling revolved instead around the access to unemployment benefits (orig. Ger.: *Arbeitslosengeld II* or ALG II), child allowance (orig. Ger.: *Kindergeld*), and securing emergency housing. I was originally a lateral entrant into the field of social counselling with work experience in several subfields of the German welfare system (disabilities, youth work, job coaching), and educational background in sociology and social anthropology. My own experience as a former unemployment benefit recipient gave me familiarity with both the legal framework and the systemic discrimination faced by applicants.

This ‘insider’ perspective offered both advantages and disadvantages. On the one hand, I benefitted from easier access to interview partners as well as the support of the project leads, which meant that the interviews could be conducted often during working hours, and not during the private time of the interlocutors. On the other hand, interview partners often presupposed my knowledge of concrete counselling topics and working relations within teams. These topics required therefore special attention from my side as the interviewer and additional questions to make the interlocutors reflect on them. For example, if a question dealt with the main challenges in counselling from the point of view of the counsellors, a follow-up question would ask the interviewee to consider the role of the advice-seeker in solving these challenges, thereby investigating how counsellors view their clients within the problem-solving context of counselling.

In the next section I briefly outline the history of social counselling offices for immigrants in order to emphasize the continuities and discontinuities of this form of social policy intervention. Afterwards I analyse the perspective of social counsellors on their role within the wider field of integration policies for EU citizens in Berlin.

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<sup>2</sup> Due to the procedure of project reporting, which centralizes the statistics of counselling cases, these numbers are estimations after the fact based on my surviving counselling notes.

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*Data Analysis**Genealogy of Migration Counselling Services in Post-War Germany*

Various political decision-makers in West Germany have proposed social counselling for certain migrant groups as a ‘solution’ to the complex problems of these groups in the past decades. At least in the current public sphere, the state (at both federal and municipal levels) presents its efforts to formulate counselling services as part of the response to the social policy or distributional issues of increasing immigration. The historical development phases of institutionalised social counselling itself, however, have depended on the respective official immigration policy of the time. From the 1950s onwards, three large welfare organisations (Caritas, Diakonie, & Arbeiterwohlfahrt) in the Federal Republic of Germany were commissioned to provide counselling to three different groups from among the so-called ‘guest workers’ (Italians and Spaniards, and, respectively, Greeks, and Turkish nationals). When the Oil Crisis triggered the so-called ‘recruitment freeze’ (orig. Ger. *Anwerbestopp*) in the early 1970s, it became increasingly clear that social counselling would retain its relevance in social policy considerations, thanks to the now-permanent stays and family reunions of the former ‘guest workers’ (Cyrus, & Treichler 2004). Until the 1980s, the nationwide system of “counselling for foreigners” (orig. Ger. *Ausländerberatung*) would seek to establish itself in the field of support services for immigrants by developing a set of professional standards and lobbying policy-makers for long-term funding. This decades-long process resulted during the 1980s in the establishment of a regional networks of “Migrant Social Services” (orig. Ger. *Migrationssozialdienst - MSD*), social counselling offices for the former ‘guest-workers’ and their descendants and, after the collapse of the Eastern Block in 1989, refugees from South-eastern and Eastern Europe.

It was only with the international self-help movement in the 1960s that demands for individualised assistance and more self-determination for recipients began to gain political weight (Süß, 2012). In the context of narrowed budgetary margins and a reorientation of the state towards minimal redistributive interventions, (continued) access to welfare state benefits gradually became the individual responsibility. With the adoption of the so-called “Agenda 2010” in the early 2000s, the German unemployment insurance system was restructured according to the principles of “Support and Demand” (orig. Ger. *Fördern und Fordern*), and the low-wage sector was expanded until it became the largest in the EU (Grabka, & Schröder, 2019), while the access to welfare benefits by EU citizens was tightened (Mau, 2013). In the process, what some authors call “social person-centred service organisations” (Klatetzki, 2010) became increasingly established: organisations whose aim is to achieve behavioural changes with regard to a certain group of people along abstractly defined goals. The ways and means to these goals are largely based on value-laden assumptions about causal relationships that appear

to be relevant to the behaviour of the group of people. At the same time, financing for these projects is time-limited and the object of changing political constellations and budgetary constraints.

The reform of the welfare state as an “activating welfare state” (Bommes, 2007), in which integration becomes the responsibility of the individual, together with renewed immigration movements, both outside and within the European continent, have only made social counselling for migrants on labour, residence and social law problems more attractive as a relatively cheaper form of second-order intervention. Parallel to the controversial Immigration Act of 2005 developed by the SPD-Greens coalition government, the “Migration Counselling Offices for Adult Immigrants” (orig. Ger. *Migrationsberatungsstellen für erwachsene Zuwanderer* - MBE) for foreigners and repatriates (orig. Ger. *Spätaussiedler*) were founded (Brandt, Risch, & Lochner, 2015). As in the case of the MSD social counselling offices, which continue to operate in parallel, the MBEs were set up in member organisations of the five largest non-governmental social partner institutions<sup>2</sup>. As opposed to the MSDs, who are funded by regional governments, MBEs are funded directly by the federal government. With the experiences of the social counselling of the previous decades in mind, a number of innovations were made in terms of the content of their mandate. The MBEs should mainly address the newly immigrated and have their integration into the regular services of the welfare state as their primary goal. To this end, the “promotion of independence” (orig. Ger. *Förderung der Selbstständigkeit*) became the guiding principle and the duration of counselling was limited to a maximum of three years. At the time of writing (early 2023) there were 1460 MBE offices working across Germany (Bundesministerium des Innern und für Heimat, 2023).

In the period leading to the complete opening of the German labour market to Romanian workers in 2014, several high-level political actors in Germany promoted an alarmist discourse based on the slogan of “poverty migration” (orig. Ger.: *Armutszuwanderung*). In particular, the German Association of Cities and Towns (orig. Ger.: *Deutscher Städtetag*), the nationwide political body representing local public administrations published a controversial “Position paper on the Questions of Migration from Romania and Bulgaria” (Deutscher Städtetag, 2013) warning federal policy-makers (as well as admonishing their perceived inaction) of an imminent massive immigration of low-skilled, non-German speaking, “poor” workers from Romania. According to this scenario, the EU citizens were primarily interested in claiming social benefits to ‘live off of the state’ and would therefore require more integration-specific policy measures as well as financial resources in order to “preserve the organisation and maintenance of social peace in urban society”<sup>3</sup> (Deutscher Städtetag, 2013). Inner-city conflicts over housing between “old-established” and “new immigrants” in cities such as Duisburg, Dortmund and Berlin (Böckler, Gestmann, & Handke, 2018; Geiges *et al.*, 2017), which were showcased by national media outlets, seemed at the time to support this labelling practice.

However, instead of extending the mandate of MSDs or MBEs to include Romanian-language counselling, the task of counselling the newcomers fell to counselling offices financed by the “Fund for European Aid to the Most Deprived” (FEAD), which in Berlin started their activity in 2016 (Institut für Sozialökonomische Strukturanalysen (SÖSTRA GmbH) and IAW - Institut für Angewandte Wirtschaftsforschung 2020, 1). In contrast to MSDs and MBEs, these new counselling services would operate on time-limited funding as projects for an initial duration of three years. Their explicit goal was to perform a “bridging function [*Brückenfunktion*, orig. Ger., C.B.] between the target groups and existing welfare services so that persons who “suffer from poverty [...] have access to society” (Bundesministerium für Arbeit und Soziales (BMAS) 2018)<sup>4</sup>. At first glance, this objective seems rather modest: the counselling projects were to intermediate the access to social services (child allowance, children’s day care centre, schooling, healthcare services etc.) by offering relevant information in their native tongues and, in some cases, accompanying the advice-seekers (whether families or individuals) to the respective offices of the local public authorities.

But a closer look at the existing networks of social counselling reveals that EU citizens are subject to different residence and social law regulations compared to people from outside the EU; EU citizens enjoy more freedoms and, correspondingly, more attempts on the part of the welfare institutions to control their access to welfare benefits (Voigt, 2021). The resulting complexity of challenges faced by EU applicants as well as the overlapping of multiple domains of law (social law, labour law) require additional resources (training, personnel, time) which are unavailable for counselling offices embedded in existing funding schemes at the national and regional level.

How these challenges translate to the practice of social counselling will be discussed in the next section from the point of view of the counsellors themselves. For now, we can summarise the basic organisational characteristics of counselling services for immigrants in post-war Germany as follows:

- the tendency to specialise counselling services according to the nationality and/or spoken language of those seeking advice,
- the use of persons with own migratory experience as social counsellors,
- the vague professional image of the “social counsellor” including the repeated attempts to establish binding quality standards for counselling (keyword: professionalisation),
- the financial and professional subordination of counsellors with other degrees to state-recognised social workers,
- the dilemma between taking sides with those seeking counselling and the “impartial” provision of services in accordance with the state mandate,
- the uncertain or time-limited funding schemes (Puskeppeleit, & Thränhardt, 1990). As we will see, all these characteristics have carried over to the current counselling offices for EU citizens.

*Power Asymmetries in Social Counselling*

Under the guise of diagnosing problems and finding solutions, the relationship between counsellor and advice-seeker is predicated on a multidimensional power asymmetry (Scheer, 2004, 101). The first dimension of this power asymmetry relates to knowledge: both specific knowledge of the welfare system, and more general knowledge of German society and language. The method of social counselling presupposes that the advice-seeker acknowledges the superior “expert” knowledge of the counsellor and in turn recognize their lack of knowledge. On this basis the advice-seeker invests a minimum of trust in the counsellor’s ability to guide them through the process of problem solving. In this case, problem-solving involves 1) defining the ‘problem’ or “need” (orig. Ger. *Bedarf*) for counselling, 2) formulating courses of action that address the specific needs of the advice-seeker, 3) promoting the sense of empowerment to make decisions as a desirable goal in itself and 4) the advice-seeker themselves deciding which course of action to pursue (Brüsemeyer, 2004). As one counsellor explains:

*“I try to help groups of people who are not able to defend their rights themselves and who do not know their rights, first of all, because at least in the field of migration (...) the social system is more complex in Germany. That’s why you need someone to guide you (...). Because every situation is different, we can’t give a generalized answer to everything (...) For example, (...) is it better to apply for Kinderzuschlag [supplementary child allowance, C.B.] and Wohngeld [rent support, C.B.] or is it better to apply for [unemployment benefits, C.B.], if there is a financial need? (...) You can try to find the answers to these questions yourself on the Internet, but it is quite complicated. I mean, it’s easier when someone in the field comes and helps you to see which help in the given field would suit you better.” (Counsellor\_01\_02July21, Pos. 3)*

Social counselling appears both as a method to reduce the complexity of institutional arrangements of the welfare system to their most concrete bureaucratic routines, and as an accessible form of guidance for the advice-seeker. In modern society where the unpredictability of everyday life and a highly technological, complex division of labour create additional uncertainty for individuals, counselling serves the advice-seeker as knowledge-based support in decision-making and management of risks (Thiersch, 2007).

However, this analytical view still favours the position of the counsellor as authoritative in shaping the communication between the two parties. This directive position of the counsellor in the decision-making process is the second dimension of the power asymmetry in the counselling relationship. As previously noted, the professional social counsellor is expected to be aware and reflect on their influence over the decision taken by the advice-seeker. Because the offer of social counselling is not a compulsory part of accessing welfare benefits, trust in the ability of a particular counsellor to provide viable solutions to vulnerabilities becomes the basis of the relationship. Otherwise, the advice-seeker will actively seek out other social counsellors or informal acquaintances with practical experience in the

welfare system as “mediators” for their benefit claims (Ratzmann, & Heindlmaier, 2022). In this sense, it is expected that the professional counsellor imposes limits on the extent of their intervention in the behaviour of the advice-seeker (Scherr, 2004) and maintains a trust-based relationship at the same time. One counsellor describes this aspect of the counselling relationship in terms of “asking questions”:

*“Social counselling means: I have a position, I sit on the other side of the table and that means I have power. I am the powerful one. (...) [the advice-seeker, C.B.] starts to tell me about his problems, asks X number of questions, how he could do, what he should do, etc. Let’s consider the banal topic of health insurance: I ask questions, and people themselves ask questions about their rights, and gradually a confidence in the process is formed. I can’t say friendship because it’s not professional, but trust.”*  
(Counsellor\_10\_24Jan22, Pos. 31)

Following this premise social counsellors face a series of moral dilemmas in their everyday work. In the following subsections I outline two main dilemmas: 1) the sustainability of results in the context of circular problem-solving processes, and 2) the difficult choice between enabling the perceived dependency of advice-seekers on their services and actively promoting their self-sufficiency.

### *Circular Patterns of Problem-Solving*

As a cooperative form of problem-solving, social counselling takes place along a linear timeline of events. As noted in the previous section, the idealized procedure can be broken down in key phases: after the initial encounter between the advice-seeker and the counsellor, the main issues or needs of the person are ascertained and possible courses of action are presented by the counsellor. In the final phase, the advice-seekers themselves must decide which course of action (e.g. application for social benefits, emergency accommodation, etc.) they want to pursue in order to solve their issues. In this sense, one of the defining characteristics of social counselling is that it locates the need for counselling primarily in the external circumstances of the counselee and not in their personality structures.

Consequently, the notion that advice-seekers are individuals with agency, who require additional specialized knowledge of courses of action within the framework of the welfare system forms the basis for social counselling. In contrast, more prescriptive forms of social assistance i.e. “instruction” presuppose that the persons in need are unwilling or unable to solve everyday problems or conflicts with others by themselves (Scherr, 2004). Indeed, most social counsellors describe their occupation in terms of transmitting knowledge of social rights and guidance to navigate the complex sets of rules and organisations of the German welfare state.

However, far from being a time-limited process of problem-solving, the processing of the most complex cases extends into an indefinite future, in which the sustainability of results becomes difficult to ascertain for the social counsellor. Contributing factors to this situation range from the restrictive legal access to

welfare benefits, reinforced by the discriminatory administrative practices of local welfare institutions, to the general lack of German language skills and knowledge of how institutions work on the side of the advice-seekers. Moreover, the interwoven character of social benefits in the German welfare state means that access to one type of social assistance i.e., emergency housing, is predicated on existing claims to unemployment benefits (ALG II):

*“People often just run into walls for legal reasons. So, I’m homeless, I want accommodation. [The emergency housing authorities, C.B.] say, but it has to be an application for benefits from the Jobcenter, because they want to have [financing, C.B.] in place. The Jobcenters refuse. Some Jobcenters don’t, but some refuse. The interpretation [of legal grounds for welfare benefit claims, C.B.] is quite different. «OK, when do I go to court?». So, what would actually have a winning prospect? Of all my clients, at least a third have already been to court just with the Jobcenter stuff. It’s like this. Right now, it’s eased up a bit, but sometimes it’s like we file a case a week with different people.” (Counsellor\_18\_30May22, Pos. 39)*

Each of the 12 districts of Berlin is to an extent self-governing and has its own emergency housing authority. Furthermore, there is a seemingly arbitrary accommodation policy at the municipal level (Gerull 2018). According to the General Security and Public Order Act (ASOG)<sup>5</sup>, municipal authorities are obliged to provide accommodation to people who do not want to sleep rough (so-called “involuntary homelessness”), regardless of their nationality or entitlement to social benefits.

Contrary to ASOG, the emergency accommodation of EU citizens in Berlin is administratively and politically linked to claims on ALG II. As Haj Ahmad (2022, 70-71) points out, case-workers appear not only to be overwhelmed by the complicated case law for EU citizens’ access to ALG II. But they also invoke the issue of costs to justify this form of conditioned access to emergency housing, because accommodation costs for ALG II recipients are usually taken over by the responsible Jobcenter. During my work as a social counsellor, I had accompanied persons experiencing homelessness to emergency housing authorities in various Berlin districts multiple times, only to be turned away without any written decision - which in itself is a violation of the legally regulated administrative practice. Often the reason given was that the persons did not receive ALG II and therefore emergency housing for the advice-seekers could not be financed (Buzoianu, 2022). The same social counsellor goes on to explain this differential treatment by local public authorities of Romanian advice-seekers as follows:

*“That has to do with a lot of things. (...) at the beginning of 2018 a lot of my clients had received rejection notices from the Jobcenter. The case-worker then said to me: “You know, there are many Romanians in [the district, C.B.]. You know that many of them receive benefits from us. My management said it shouldn’t be like that anymore.” And then there is the matter of social law. There is discrimination and, perhaps also for fiscal reasons, people are discriminated against where possible.*



*Thus, the people who are worse off by law anyway are the first to get the tougher measures, the tougher exams. Simply because [local public authorities, C.B.] can do it. (Counsellor\_18\_30May22, Pos. 39)*

Taking into account this discriminatory treatment of Romanian citizens by case-workers in local welfare institutions, social counselling has not only to deal with the interconnectedness of various forms of social assistance, but also with concurrent registers of law. In Figure 5, these two dimensions are summarised in the ideal-typical case of the “Popescu Family”<sup>6</sup>, a family of four that is newly-arrived in Berlin and is sleeping rough, despite Mr. Popescu being employed.

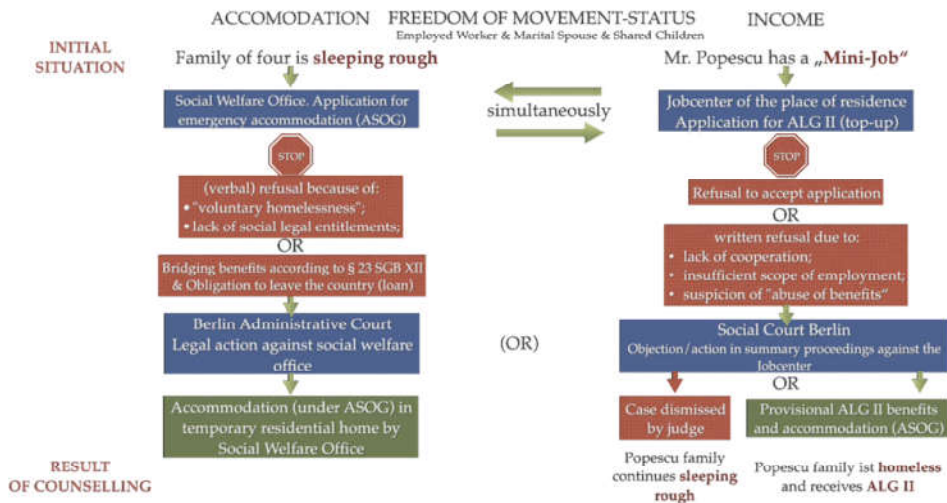


Figure 5. Example of Counselling Process – “Popescu Family”. (Red denotes barriers to social assistance.)

In this case the social counsellor needs to address the two challenges of securing emergency housing (marked as “accomodation”) and supplemental ALG II to supplement Mr. Popescu’s wages in the low-wage sector (marked as “income”) at the same time, due to the previously discussed interconnection. Challenges to social counselling range from refusal to accept the applications for ALG II due to lack of official residency documents to lack of funds for emergency housing, as already discussed. If refusal persists along both pillars of problem solving, social counsellors will resort to court actions against both authorities in cooperation with a specialized lawyer. Because even in the ‘best-case scenario’, in which the Popescu family gain access to emergency accommodation and supplementary income benefits, they continue to be dependent on local authorities. One social counsellor sums up the challenges in working with Romanian advice-seekers in this situation as follows:

*“We have, I don’t know, such a mountain [of issues, C.B.]: let’s say we’ve dealt with the Jobcenter, the Child Allowance Authority, Parental Benefits Authority. Everything is fine, and then suddenly a letter comes from the Jobcenter with some, I don’t know, additional requirement or something, about which they certainly distrust the clients. And then the benefits are frozen. And then you have to complain. And then [the advice-seekers, C.B.] lose their job. And then they lose [emergency, C.B.] housing. And then they no longer have health insurance. And then they have no more money. And then they have debts with the [Public Transit Authority, C.B.]. Hence, all these problems reproduce themselves permanently, only in a different form.” (Counsellor\_13\_16Feb22, Pos. 43)*

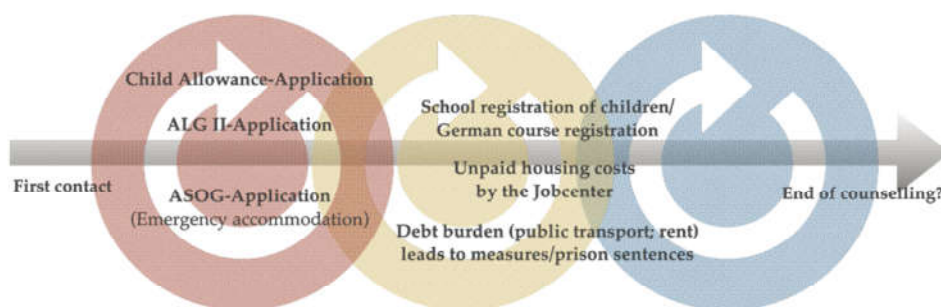


Figure 6. Circular Pattern of Problem-Solving in Long-Term Social Counselling

As a direct consequence of this development the notions of “sustainable results” and “success” of counselling become elusive. Once the long-term positive effect of social counselling on the lives of advice-seekers comes into question in this manner, social counsellors find themselves struggling with their performance and the overall impact of their work. As one counsellor points out, the psychological toll entailed by this struggle can lead to burnout:

*“So it’s easy to get frustrated (...) I try very hard, also inwardly, to leave the responsibility with the advice-seekers themselves, [to not, C.B.] somehow blame myself for not having done something right or for not having said emphatically enough that this is important (...) because it is a certain kind of mental hygiene. Otherwise, you perish from it but it’s a bit hard (laughs). Burnout is not far away, I think, if you let it all get to you. I think it’s very, very important to separate yourself from it, to recognise the seriousness of the situation, but also to separate yourself from it. Otherwise, you will soon no longer have the strength to continue working. And nobody benefits from that.” (Beratung\_14\_23Feb22, Pos. 69)*

However, as we shall see in the next subsection, another reaction to this challenge is to question the terms on which the counselling relationship functions.

### *Enabling Dependency or Promoting Self-Sufficiency?*

The reverse side of trust as the basis of the counselling relationship is dependency, which is viewed by social counsellors to be a permanent risk to achieving sustainable results. In this case, ‘dependency’ has two meanings: 1) a passive attitude among the advice-seekers with regard to finding solutions for their own problem situation and 2) a time-intensive claim on the services provided by the counsellor, which is directed on all issues related to the individual or family lifestyle. In contrast to social counsellors born and socialized in Germany, social counsellors with a foreign background view these additional expectations placed on their work from the point of view of their own migration experience:

*“I could have put it this way: that people who come don’t want to listen or understand. (...) That there is no respect (...) there is no seriousness, no punctuality (...) I mean I don’t ask much of them, but let there be [mutual, C.B.] respect. But for lack of good upbringing, you know what we say, «lack of seven years at home». If you don’t have seven years at home, you don’t behave well. And a lot of people need to understand that I don’t need something from them, they need something from us. That we have knowledge that we could pass on to them and solve their problem. (...) But many [advice-seekers, C.B.] come and try to set the conditions [in social counselling, C.B.]. Because [they think that, C.B.] someone in this country owes them something, because in Germany they are needed.” (Beratung\_12\_27Jan22, Pos. 64-65)*

Furthermore, social counsellors with a migration experience tend to place moral expectations on the degree of self-sufficiency among advice-seekers. In extreme cases, counsellors can judge the perceived (in)ability to act of their advice seekers as a kind of lack of integration-compliant personal performance.

At the same time, attempts by advice-seekers to gain access to welfare benefits and housing without the support of the social counsellor are often seen as an additional challenge for problem solving rather than celebrated as a success of independent decision-making.

*“For example, there are cases (...) where I told the [advice-seeker, C.B.], «Look, you have to do this, this, this». They didn’t come for a while, someone maybe helped her to translate, to go to the Jobcenter or whatever, but that [helper, C.B.] because she is not a professional or she doesn’t know all the details of how to solve certain things [and therefore, C.B.] the client still comes back to me because, in the end, I am the person who gets them out of the (laughs) situation. (...) They try to find another solution or appeal to other people to «help» them (...), but in the end they are confronted with reality and see that things don’t really work that way.” (Counsellor\_01\_02July21, Pos. 7)*

A refusal to implement one of the formulated solution proposals (or “non-choice”) is often interpreted in the professional literature on counselling as an expression of the newly gained decision-making power, even if without application, the new knowledge about one’s own problem situation can under

normal circumstances be “burdensome” for the advice-seeker (Brüsemeister, 2004). Because the advice-seeker has the de facto possibility of breaking off the counselling process at any time, as it is not a formal requirement for accessing welfare benefits, this knowledge-based power asymmetry between the two parties remains a prerequisite only for the problem-solving nature of counselling. Here comes into effect the pedagogical dimension of the counselling relationship.

According to this view, advice-seekers in vulnerable life situations must learn over time to take responsibility over their own lives and manage their affairs as claimants towards the welfare institutions. Ultimately, these patterns of behaviour and communication reproduce the dominant logic of German workfare-policies: self-sufficiency (orig. Ger. *Selbstständigkeit*) from welfare benefits, competitiveness in the labour market, and, in the case of migrants, the “willingness to integrate” (orig. Ger. *Integrationswille*) (Bommes 2011). As Duttweiler suggests, in this indirect, non-violent form of intervention, counselling establishes itself as a “technology of freedom that evokes individual freedom, enables it and makes it socially applicable” (2007, 273). Alternatively, by promoting personal responsibility and performance-based behaviour in advice-seekers, social counselling can be described as an “activating social policy” (Freier, 2016). Under these conditions, the non-cooperation of those seeking advice takes on a different meaning: as a form of resistance against a certain form of disciplinary power according to the prevailing logic of the welfare state (Lemke, Bröckling, & Krasmann, 2000).

## Conclusions

The paper seeks to contribute to the growing literature on the role of NPOs in supporting welfare benefit claims by EU citizens confronted with restrictive legislation and discriminatory administrative practices on the part of local welfare institutions. Specifically, based on qualitative, in-depth interviews with social counsellors, language mediators and project leads, I analysed the role of social counselling offices in supporting welfare benefit claims made by Romanian immigrants in vulnerable life situations in Berlin.

Furthermore, the perception of EU citizens claiming welfare benefits as “welfare tourists” in political debates is highlighted, as well as how this perception leads to dismissals of their claims by case-workers in welfare institutions. In this context, the lack of attention to NPOs as social service providers in the literature is remarkable, despite their historical state funding and privileged position in the German welfare state. Social counselling is examined as both an institutionalized form of policy intervention aimed at redistributive changes in social relations and a communicative practice focused on problem-solving in critical life situations. It, moreover, distinguishes itself from other forms of social assistance by its emphasis on the individual’s active participation in finding solutions and addressing external factors influencing their life situation. Following Kaufmann (2002), the concept

of intervention is introduced to bridge the dimensions of social counselling as a problem-centred practice and a policy aiming to integrate vulnerable social groups into the welfare state institutions.

One of the main findings of this research is to highlight how the history and development of social counselling services for migrant groups in Post-War Germany has been influenced by immigration policies and social policy considerations. Over time, different organizations were commissioned to provide counselling to specific migrant groups, such as ‘guest workers’ and refugees. More recent legislative developments have entailed the establishment of social counselling offices for highly-skilled migrants and the tightening of welfare benefits for EU citizens with limited financial resources. The historical characteristics of counselling services for immigrants in Germany include specialization based on nationality or language, the use of counsellors with migration experience, and time-limited funding sources. The article further explores the challenges faced by counselling services in assisting EU citizens due to complex regulations and limited resources.

The relationship between counsellor and advice-seeker is characterized by a power asymmetry based on multiple dimensions. Firstly, there is a knowledge asymmetry where the counsellor possesses specific knowledge of the welfare system and German society, while the advice-seeker acknowledges their lack of knowledge and relies on the counsellor’s expertise. The process of social counselling involves defining the problem, formulating courses of action, empowering the advice-seeker, and allowing them to make decisions. Social counselling serves as accessible guidance for individuals in navigating complex institutional arrangements and managing risks in modern society.

However, the counsellor’s authoritative position in shaping communication is another dimension of power asymmetry. In professional social counselling the counsellor’s influence over the advice-seeker’s decisions must be acknowledged and balanced with trust-building. In this sense, social counselling is a cooperative problem-solving approach that follows a linear timeline. It involves identifying the needs of the advice-seeker, presenting possible courses of action, and ultimately allowing the advice-seeker to decide on the best solution. Unlike prescriptive forms of assistance, social counselling recognizes the agency of individuals and focuses on providing specialized knowledge within the welfare system.

At the same time, the processing of complex cases can extend indefinitely, posing challenges for social counsellors in ensuring sustainable results. Counsellors face moral dilemmas related to the sustainability of results in circular problem-solving processes and the challenge of enabling self-sufficiency while avoiding perpetuating dependency. Factors such as restrictive access to benefits, discriminatory practices by local public authorities, language barriers, and interconnections between different forms of assistance complicate the process. This overall situation can hinder the long-term effectiveness of counselling, leading to burnout for social counsellors and questioning the overall impact of their work.

The pedagogical dimension of the counselling relationship comes into play when emphasizing the need for advice-seekers to gradually take responsibility for their own lives and navigate their interactions with welfare institutions. This aligns with the underlying principles of German workfare policies, emphasizing self-sufficiency, labor market competitiveness, and migrant integration. In this way social counselling risks becoming a “technology of freedom” (Duttweiler, 2007) that promotes individual freedom and enables its practical application, serving as an activating social policy that promotes personal responsibility and performance-based behaviour. In this context, non-cooperation from advice-seekers can be interpreted as a form of resistance against a specific form of disciplinary power within the welfare state.

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### *Notes*

<sup>1</sup> For social work understandings of the concept of “assistance” in German-language space see Sahle (1987) (in German). For a more general cultural-historical analysis of the concept of charity, see Starobinski (1997).

<sup>2</sup> In Berlin these are Arbeiterwohlfahrt Landesverband Berlin e.V. (social-democracy), Caritasverband für das Erzbistum Berlin e.V. (Catholic Church); Deutscher Paritätischer Wohlfahrtsverband Landesverband Berlin e.V. (christian-democracy); Deutsches Rotes Kreuz Landesverband Berliner Rotes Kreuz e.V. (Red Cross); Diakonisches Werk Berlin-Brandenburg-schlesische Oberlausitz e.V. (Christian Lutheran Church).

<sup>3</sup> Original German: “die Organisation und der Erhalt des sozialen Friedens in der Stadtgesellschaft” (Deutscher Städtetag, 2013, 4).

<sup>4</sup> During the first financing period of FEAD (2015-2017) there were 87 counselling offices funded across Germany (BMAS 2018).

<sup>5</sup> Original German: “Allgemeinen Sicherheits- und Ordnungsgesetz”.

<sup>6</sup> Name bears no relation to actual advice-seekers.

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