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Education policy and refugees in England and Germany: racist nativism and the reproduction of white supremacy

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ABSTRACT

This paper argues that education policy in England and Germany racialises young refugees and asylum seekers and contributes to upholding white supremacy in the education system. Previous research in both countries has shown that education policy reproduces race inequality, and in England, it has been argued that education policy itself is an act of white supremacy. However, to date there has been little consideration of the specific role of refugee policies in maintaining race inequality in education. In this study we connect research on refugee education, the raced nature of the education systems in both countries and the racialised context and position of refugees in society. We draw on insights from Critical Race Theory and on the concept of racist nativism, ‘the link between race and immigration status’ to argue that refugees, already racialised in society, are also racialised by education policies and systems via the privileging of both nativist and white norms.

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Introduction

The United Nations High Commissioner for Refugees (UNHCR) estimates that there are more than 36.5 million displaced children globally (UNHCR 2022). These young refugees have an entitlement to an ‘inclusive and equitable quality education’ in their destination countries (United Nations 2022). In England and Germany, which host large numbers of refugees, young refugees and asylum seekers (ASRs) as a group do not have good compulsory educational outcomes. Getting accurate figures on this is difficult and research is patchy. In England, one recent study shows that only 3% of refugees access higher education (Viczo, Détourbe, and McKechnie 2021). Another shows that a year after arriving, over half of unaccompanied new arrivals are not yet in school (Ott and O’Higgins 2019). In Germany, the available data indicates that ASRs achieve less well than their peers (El-Mafaalani, Judith, and Mona 2022; Korntheuer 2016; Massumi 2019) and that it takes on average 7.1 months for them to start attending school (Hoeckel and Schilling 2022).

By refugees we refer to those seeking asylum, those with refugee status, and those in England or Germany illegally. Some come through formalised resettlement programmes

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but many do not. Some arrive alone in lorries or on boats, both with families or guardians, and without, as unaccompanied ASRs. Many have had little or no experience of formal education, but some have had several years of schooling. Some have a working knowledge of English or German, though most do not. Often, their formal education has been interrupted as a result of having to flee (El-Mafaalani and Massumi 2019; Hope 2011; McIntyre and Abrams 2020; Miralles-Lombardo, Miralles, and Golding 2008; Morrice 2011; Seukwa 2006; Verbert, Sharples, and Klobučar 2016).

This is the only comparative study to date which compares the English and German approaches to compulsory education for refugees (though see Détourbe and Goastellec 2018 for a focus on Higher Education). While previous research in both countries has shown that education policy reproduces race inequality, and in England, it has been argued that education policy itself is an act of white supremacy (Gillborn 2005), there has been little consideration of the specific role of refugee policies in maintaining race inequality. Equally while existing research has demonstrated that refugees are disadvantaged in education in both countries, there is currently little work specifically focusing on the links between refugee education, the raced nature of the education system and the racialised context and position of refugees in society.

This is a conceptual study in which we compare education policy for compulsory secondary education. We focus on three areas of policy: firstly, education policy for refugees, secondly, the broader neoliberal policy focus in education, and thirdly, refugee/immigration policies which impact on educational access and opportunity for young refugees. Our focus is both the policies themselves, and their impacts. We conduct a secondary analysis of policy and existing data and literature, using a critical race lens (Gillborn 2005; Parker 2003) to examine the racialising effects of policy. In order to focus on structural issues, we take a comparative approach which broadly combines a *parallel demonstration of theory* and *contrasting perspective of contexts* (Skocpol and Somers 1980). This enables a comparison of two countries that both host large numbers of young ASR's but have very different education systems. England has a centralised, mainly comprehensive education system which is neoliberal and focuses on individual choice and competition (Ball 2017), and Germany is federal, and mainly rigidly selective with elements of neoliberalism (Gericke 2022; Lohmann 2002). This cross-national comparison enables us to demonstrate that despite differences in national education systems and approaches to immigration and refugee policy, similar raced structures and mechanisms of exclusion and discrimination can be observed shaping education policy.

In order to understand these structures and mechanisms, we draw on both Critical Race Theory (CRT) and on the concept of racist nativism 'the link between race and immigration status' (Pérez Huber 2011). This allows us to demonstrate that in both countries, refugees are racialised via the privileging of both nativist and white norms, which serve to racialise non-natives. Refugees are disadvantaged, 'othered' and made invisible in both education systems, which in turn contributes to the maintenance of white supremacy in education.

Race inequality in education and young refugees and education

In both national settings, existing research has tended to treat the subjects of race inequality in education, and young refugees and education, as (almost) two separate areas.

Previous work has demonstrated that education systems and policies in each country reproduce race inequalities, although there has been no focus on how this context specifically impacts refugees. In England, a wealth of research has demonstrated that racialised minorities are discriminated against, ‘othered’ and excluded in education: studies have shown, for example, that policy shifts have persistently ensured the under-attainment of minority ethnic groups (e.g. Gillborn et al. 2017); that specific policies racialise certain groups, such as the requirement to promote ‘Fundamental British Values’, introduced to identify individuals at risk of radicalisation but with a disproportionate focus on Muslims which homogenises and ‘others’ them (e.g. Farrell and Lander 2019); and that teacher education programmes often stereotype minority ethnic students and staff and do not prepare teachers for teaching culturally or ethnically diverse students (e.g. Smith and Lander 2012).

In Germany research in the field of education and race has mainly focussed on the selective school system which reproduces existing social inequalities and is therefore raced, as well as classed (e.g. Fernandez-Kelly and Fernández-Kelly 2012; Gomolla and Radtke 2009; Hormel 2020). The different types of secondary school each enable a different finishing qualification: The most academic is the Gymnasium, at which the Abitur examination is taken, the only qualification which enables access to Higher Education. Vocational schools lead to a vocational qualification, and special schools lead to a ‘special education certificate’, the lowest secondary qualification. The system is relatively inflexible, meaning it is difficult for individual pupils to move between school types once they have been allocated. Research has shown that white students are over-represented in Gymnasiums, and those from migrant backgrounds¹ are over-represented in vocational and special schools (Dworschak and Selmayr 2022). Research has also shown that the very notion of *Bildung*, the German concept of education, which refers to learning as well as self-cultivation and personal development, is raced and promotes an image of an educated individual as white (Wischmann 2018).

In both countries there has been a shift to understanding race inequality as structural and systemic, rather than stemming from individual behaviour or family and cultural attitudes. Theories such as CRT, institutional racism and postcolonialism have been employed to enable a better understanding of how this systemic racism operates through education policy. In England in particular there has also been a focus on white supremacy, understood as the dominance of those designated as white in all social, political and economic arenas (e.g. Gillborn 2005). Theories of whiteness and white supremacy have received less attention in German educational research to this point. Insights from this research on the structural nature of racism in education has, however, generally not been explicitly connected to analyses of education policies relating to refugees, or refugees’ educational outcomes.

Refugees in England and Germany, like all young people, have the legal right to an education. This is provided in England by the local education authorities under Section 14 of the Education Act 1996 (McIntyre and Abrams 2020) and the federal states in Germany (BGBl 2013; Weiser 2016, 8–10). Education is also provided by reception centres for those who are in accommodation. Due to Germany’s federal system, the exact arrangements vary according to federal state (Deutsches Institut fuer Menschenrechte 2019). However, in neither country does the government publish data on how many refugee children are in school, the quality of the

provision or their outcomes and attainment (McIntyre and Hall 2020; Mafaalani and; Massumi 2019; Emmerich et al. 2020; El-Mafaalani, Judith, and Mona 2022), although Germany now records numbers of Ukrainian refugees in schools (KMK 2023). Data systems do not capture children's refugee/asylum status, and obviously, there is no record of children who are in the country illegally. In England there are only mechanisms for checking whether young people have access to schools for unaccompanied migrants in the care of the state, and headteachers also don't know on an individual basis how many refugee children are in their schools (McIntyre and Hall 2020).

Research in England has highlighted the inadequacy of policies to support young refugees' learning (Madziva and Thondhlana 2017; Manyena and Brady 2006; McIntyre and Abrams 2020; McIntyre and Hall 2020; McIntyre and Neuhaus 2021; McIntyre, Neuhaus, and Blennow 2018; Pinson and Arnot 2007; Walker 2011), the inadequacy of provision for English language learning (Prentice and Ott 2021), and the relative lack of specialist provision and specialist teachers (Hek 2005). Research in Germany suggests that young refugees achieve less well than their peers due to the inadequacy of the different approaches to educating refugees, arguing that these approaches focus on assimilation rather than inclusion and apply a deficit approach to integration (El-Mafaalani and Massumi 2019, Jording 2022; Korntheuer 2016; Seukwa and Dauer 2018; Vogel and Stock 2017). Some research focuses instead on the (perceived) deficits of the refugees, highlighting a lack of good German language skills, late entry to the German system (Brücker, Rother, and Schupp 2016), and cultural differences (Ziese et al. 2016).

In both England and Germany there has been little analysis of the implications of the *raced* nature of the education system for refugees within it or trying to access it, nor of the racialised context of refugees for educational policy and provision. It is to this racialised context that we now turn.

The racialised context of refugees

The racialised context of refugees is often overlooked in research, or is only briefly mentioned rather than fully theorised (Chadderton and Edmonds 2015; Wischmann 2022). Equally some might argue race is not an especially relevant factor when studying refugees, because they are not all people of colour, nor do they perhaps clearly appear to form a racialised group. However, in both countries there has in fact been a long trend of racialisation of refugees. Racialisation occurs when certain trends are present, including a systematic othering or disadvantaging of a population group, or the representation of a group as separate, homogenous, and/or threatening (Breen 2018).

There is a long history of racialising nominally white groups in both Britain: Jewish people (Kushner 2005), the Irish (Garner 2003) and Eastern Europeans (Dawney 2008; Tereshchenko, Bradbury, and Archer 2019), and Germany: the Sorbs (Elle 2004), Poles (Hund 2017; Loew 2014) the 'Vertriebenen' (displaced people from former German territory in Poland and Russia) (Ackermann 2004) and Jews (Bernstein, Grimm, and Müller 2022). These groups experience both disadvantage and exclusion, as well as variously retaining some of the privileges of whiteness, albeit precariously.

Scholars have demonstrated that asylum seekers and refugees are actually constructed as non-white, whether or not they are white by skin tone (Garner 2013; Wischmann 2022), and should therefore be considered a racialised group.

Racialisation must be understood not exclusively in terms of categorising according to appearance and culture, but also as a more abstract process of attributing innate characteristics to all members of a given group. In the case of asylum-seekers in England, it is the group's social status, rather than shared physical characteristics, that serves as the basis for racialisation. (Garner 2013, 504)

In Britain refugees are represented as a threat to the native population: as a security problem or as a drain on resources which they are portrayed as not deserving, as a threat to jobs for natives or as taking advantage of British generosity (e.g. UK Government 2021). Recent Conservative home secretaries have drawn on long standing stereotypical images of threat and vulnerability to reduce the numbers of asylum seekers reaching UK shores (Dearden 2022). Politicians have used the words 'invasion' (Braverman) and 'swarm' (Cameron) to describe refugees arriving in Britain.

In Germany the racialising rhetoric in politics is similar. The dominant political discourse is heavily influenced by right-wing parties such as the Alternative fuer Deutschland, whose manifesto alleges a perceived threat to European culture if what they refer to as a misplaced humanitarianism towards refugees continues (AfD 2016 2016, 59). In education, politicians across the spectrum blame Germany's poor performance in international comparisons such as PISA (Gogolin, Sarah, and Tanja 2019; OECD 2015) on the numbers of pupils from migrant backgrounds in classes, to which recently arrived refugees are considered to contribute significantly, arguing that they threaten the country's international standing (Haverkamp 2016).

In order to understand the education policy drivers and refugees' comparatively low attainment in education, we argue it is necessary not only to connect the two previously separate areas of racism in education, and refugees and education, but also to theorise refugees' racialised social position and racialised context of policy-making.

Critical race theory and racist nativism

A main contribution of CRT in education has been to enable a better understanding of how policy functions to maintain racial inequality (e.g. Chadderton 2013; Gillborn 2005; Gillborn et al. 2017; Ladson-Billings 2004; Parker 2003). In this paper we draw on three tenets of CRT in particular to analyse education policy and its racialising implications for refugees. Firstly, that policies and systems which tend to be considered meritocratic or 'colour blind', such as education, are in fact not only racially stratified, but they actually reproduce race inequality and emerge from a racialised context that aims to produce particular outcomes. Secondly, a key way white supremacy is maintained is via the fuelling of oft unremarked and unremarkable white norms. Scholars have demonstrated that the normativity of whiteness is so deeply engrained and its maintenance is so much part of the education system, that white dominance and racism are unexceptional and often difficult to identify (Sleeter 2017). Thirdly, the tenet of interest convergence: the notion that inequality is addressed because it benefits the interests of the dominant group as well as a disadvantaged group, rather than because of concerns about social justice and equity (Bell 1992).

CRT has, in general, however, paid little attention specifically to refugees. In order to understand the specific position of refugees within a raced and racialising system and how this racialises them in turn, we therefore also employ the concept of racist nativism (Lippard 2011; Smith 2016, 2021), which denotes the link between race and immigration status and the interaction between racism and nativism (Lippard 2011). While racism and nativism are different, ‘the goal of nativism is to justify and reward the superiority of the “native” and racism’s goal is to reinforce “White” superiority’ (Lippard 2011, 595), and nativism requires assimilation ‘through the elimination of undesirable cultural, linguistic and religious or political traits’ whereas racism demands ‘exclusion from the dominant culture’ (Galindo and Vigil 2006, 425), they often occur together. It describes the positioning of the native as white, and the non-native as raced, as well as white people as native and racialised minorities as non-native. As Smith (2021) argues

[r]acist nativism further helps us to understand the relationship between racism and nativism, useful in applying racist nativism to the UK context, because it recognises the simultaneous racialisation of immigrants (where one’s immigration status is ascribed a place in a racial hierarchy based on assumed biological or cultural differences and evaluated against the presumed superiority of whiteness) and nativist assumptions of race/ethnicity (where non-whites are designated as non-natives). (3)

Characteristics of racist nativism includes the othering of languages and cultures other than the dominant ones, assimilationist policies which aim to eliminate non-native linguistic and cultural traits, being portrayed as a threat to the nation, and being excluded from understandings of the nation and associated privileges. Racist nativism functions to uphold white supremacy.

Although the concept has been little used outside the US, Smith (2021, 2016) has explored the manifestation of racist nativism in English education policy, showing how certain ethnic and religious groups in Britain are cast as non-native in policy. We suggest that racist nativism serves as a useful concept upon which to draw specifically to theorise the distinct position of refugees in England and Germany, in particular enabling an understanding of how they are racialised due to their immigration status, regardless of skin colour, which also provides a useful extension to CRT.

A relatively unexplored area of research is the connection between the maintenance of oft unproblematised norms of whiteness, and the discourses and practices of racist nativism. In this paper we combine insights from CRT with the concept of racist nativism, to explore how racist nativism maintains white norms in the form of non-refugeeness, and how the normativity of the privileging of nativeness disadvantages and excludes refugees.

Racist nativism and education policy

England’s absence of education policy for refugees

In England, although the 1996 Education Act stipulates that all children have access to education, there is in fact an absence of education policy targeted specifically at refugees (Lambrechts 2020; McIntyre and Neuhaus 2021). As others have argued, this may be due to the government’s ‘unwillingness to be seen as being supportive of refugees’ (Rutter 2006). This absence of specific policy to support refugees suggests that both nativism (i.e.

non-refugeeness) and the racialised context of policy-making dominates policy, rendering refugees virtually invisible and 'not a legitimate focus of national educational policy' (McIntyre, Neuhaus, and Blennow 2018), and further fuelling nativism as a dominant norm.

Refugees do often fall into three other groups, where specific policies and funding do apply. However, these are not targeted to their situation as ASRs, and in two areas are inadequate, and are therefore likely to further marginalise them and compound educational disadvantage. Firstly, refugee children may qualify for extra support provided for children who have English as an Additional Language (EAL). However funding is not available automatically and schools have to apply for it, leading to patchy provision (Madziva and Thondhlana 2017, 943). If children arrive after the age of 14, the school will not receive the full entitlement (McIntyre and Neuhaus 2021). In fact, there is no national English as a Second Language (ESOL) strategy in England and no joined up, coherent approach to provision (Morrice et al. 2021). The Initial Teacher Training Core Content Framework makes no mention of EAL. As others have argued, language proficiency is vital to refugee inclusion, and thus this inadequate EAL support could be seen to be discriminatory and will affect learning (Rutter 2006, 153; Taylor and Ravinder Kaur 2012, 43).

Secondly, under the Children Act 1989, unaccompanied children must be looked after by their local authority and are entitled to the same support as any other looked-after child (McIntyre and Abrams 2020), including the tracking of educational progress. The Department for Education's (DfE) statutory guidance on educating looked-after children briefly mentions unaccompanied ASR children (Department for Education 2018) but is vague. For new arrivals over 16, the Vulnerable Student Bursary is available to ASR's in local authority care (McIntyre and Neuhaus 2021). This provides a small amount of funding to support with access to education (UK Government 2022), although as will be discussed below, access is not automatic.

Thirdly, schools also receive resources if the refugee child meets the criteria for pupil premium funding for disadvantaged pupils. This is aimed at improving academic outcomes; again, it is part of the whole school budget (McIntyre and Neuhaus 2021) and does not involve any provision for refugees specifically.

In addition to the absence of formal education policy to support refugees, there is no national integration programme (excluding programmes for resettled refugees mentioned below). There is no formal advisory service targeted to refugee young people. In the main, refugees are directed towards local statutory agencies and voluntary organisations (Gateley 2015, 42). Spending cuts over the last 12 years mean that many local authority teams no longer exist. Some of their work has been taken on by voluntary-sector organisations, however, austerity has affected these as well and although some survive, many have closed or reduced services (Gateley 2015). There has been a loss of specialised knowledge of the unique situation of refugees (Gateley 2014) and research shows that without bespoke support, they struggle to make informed and strategic decisions about education (Gateley 2015).

Resettlement programmes such as the Syrian Vulnerable Persons Resettlement Programme (2014), introduced to resettle up to 20,000 Syrian refugees and the Vulnerable Children's Resettlement scheme which committed to resettle up to 3,000 children and their families from Egypt, Iraq, Jordan, Lebanon and Turkey, on the

other hand, involve a package of support. For local authorities who take children on these schemes, there is funding for facilitating educational access and broad educational data is acquired on entry (Hough 2018). Children on these schemes are more likely to be in full time education than other ASR young people (Madziva and Thondhlana 2017; McIntyre, Neuhaus, and Blennow 2018). In fact though, these schemes include a small minority of the ASRs in the UK, and although scholars argue these programmes have created a two-tier system (Haycox 2022), they have not successfully addressed many barriers to education. For example, ESOL classes are available for adults only and issues with access to education remain (Haycox 2022), as discussed below.

Not only does this systematic exclusion from targeted and adequate educational support, opportunity and the privileges afforded to natives, fuel existing nativism in England then, it also functions as a form of racism (Galindo and Vigil 2006), in effect creating a group which is not entitled to adequate educational provision.

Germany's refugee welcome classes as marginalising

In contrast with England, Germany does make specific educational provision for refugees. Since education is the responsibility of the federal states, the policy in each state differs (see Mediendienst Integration 2023). Two broad models tend to be used, the parallel and integrative (Hoeckel and Schilling 2022). The parallel model involves separate 'welcome' or 'preparatory classes' which run either prior to, or alongside normal lessons, and the integrative model involves immediate integration into normal lessons with extra German lessons alongside. Research suggests, however, that provision varies enormously, even within individual states, and the specific ways these classes operate disadvantages these students (Karakayalı et al. 2017; Panagiotopoulou and Lisa 2021). This can be viewed as a nativist approach: disadvantage for the non-native is embedded in the system.

Firstly, the preparatory classes focus mostly exclusively on German language and culture. While it might be argued that this is important, in some states there is no requirement for the students to study a normal range of school subjects alongside these German classes, leading to them falling behind in their general education (Emmerich, Hormel, and Jording 2017; Hoeckel and Schilling 2022). Research shows that subject-specific language is often not taught as part of these lessons, suggesting that when the students do join normal lessons, they are still at a disadvantage (El-Mafaalani, Judith, and Mona 2022; Kuhn 2023). In addition, the German as a second language teachers are often not qualified, not on permanent contracts and are paid less than qualified teachers (Karakayalı et al. 2017).

Secondly, this is compounded by reports that in some states there is no time limit to the preparatory classes and students can end up attending for years, rather than entering normal classes, again leading to a lack of access to a range of subjects (Züchner 2017). This is despite some states having policies which aim to limit the time spent to a year (Für Kultus, Ministerium, and Jugend und Sport Baden-Württemberg 2017) or two (Ministerium und Bildung 2018). There are also reports of some schools only providing a couple of hours of lessons per day, rather than a full day of formal learning (El-Mafaalani, Judith, and Mona 2022).

There is some evidence to suggest that students attain better in the integrative model, although they may struggle with the language initially. However, the available data suggests that that parallel model remains more common (Hoeckel and Schilling 2022).

Arrangements for these classes reflect on the one hand a nativist agenda which prioritises assimilation with its focus on German language and culture, and yet at the same time, a racist agenda which ensures that non-natives are excluded from the educational privilege enjoyed by native Germans (Smith 2016).

Germany's selective system as raced

The German refugee classes rarely take place at Gymnasiums, meaning refugees are placed in lower status schools, replicating the existing raced structure of the selective system. In addition, while most pupils stay at the school where they did their preparatory classes, some are dispersed to different schools, ostensibly to ease the pressure on resources. This appears to be partially a result of the lack of any policy on the transition between the preparatory classes and entry to normal schooling (El-Mafaalani, Judith, and Mona 2022; Panagiotopoulou and Lisa 2021). In effect, this unsettles these students once again and risks compounding the experience of migration and uprooting. Moreover, this process of redistribution does not lead to a more equitable distribution in the system, with the majority of ASR's still ending up in vocational schools. One study from North Rhein-Westphalia showed that only 8.4% of young refugees were sent to Gymnasiums (Emmerich et al. 2020).

Refugees are therefore racialised in the selective system. Their educational disadvantage is embedded within policy and practice, as they tend to be blocked from attending Gymnasiums, which would enable university entry. The policy reproduces non-native disadvantage, and native privilege as part of its existing racialised system, thus linking racism and nativism and effectively racialising non-natives and further reproducing the whiteness of nativeness, and existing white norms in the German education system.

Language policy

With regard to language strategies in the secondary systems, as mentioned above, England provides inadequate language support with little investment made, and Germany focusses on German language at the expense of the wider curriculum. In both countries, subject learning is likely to be affected. In neither setting is there a formal system of tweaking the language used in tests to enable students to display their subject knowledge without needing to have native level language competences (e.g. El-Mafaalani, Judith, and Mona 2022). These language strategies, whether formalised or not, in both countries firstly privilege monolingual norms and de-value multilingualism (Hawlik and Dirim 2022; McIntyre, Neuhaus, and Blennow 2018, 26; Siegling 2019). In addition, they privilege native norms, both by not investing in adequate language support to enable full participation in England, or by focusing on assimilation and by implication, elimination of linguistic difference in Germany.

This is a common feature of racist nativism which not only privileges the majoritarian language, but also, de-values and 'others' the speaking of other languages (e.g. Rühlmann

and McMonagle 2019; Smith 2021). The link between language and national identity and belonging means that speakers of other languages are both racialised as ‘other’, and positioned as non-native.

One exception to this monolingualism is the case of recent Ukrainian refugees in Germany (Caldéron 2022; Klinger 2022). Some qualified Ukrainian teachers have been employed to teach in Ukrainian, thus providing subject specialist lessons in the refugees’ first language (Kuhn 2022; Landesportal 2023). Latest figures show 2,700 Ukrainian teachers teaching in Ukrainian in German schools. While on the one hand this is likely to be beneficial for recent arrivals and should ensure that they retain contact with their first language and continue to study a range of school subjects in a language they know well, on the other hand, this policy has not been introduced primarily to support refugees. Rather, the main purpose is to provide more teachers in the system at short notice due to the high numbers of Ukrainians arriving at once (Caddle 2022; KMK 2022). It can therefore be viewed through a CRT lens as an example of interest convergence. Moreover, this has not occurred with other groups of refugees, such as Syrians, suggesting that white privilege is playing a role as well. Ukrainian refugees, while oppressed by structures of whiteness in Germany, also benefit from some privileges of whiteness due to their phenotype and the perception that Ukrainian culture is closer to German culture than other refugees such as Syrian.

The exclusionary impact of the wider neoliberal education policy climate

In both countries, wider neoliberal policies create further disadvantage for refugee young people. While these policies seem not to specifically target refugees, in fact, the neoliberal policy context, far from producing the meritocratic system which it is often claimed to do, when viewed through a CRT lens marginalises refugees and privileges nativeness as the norm. For the purposes of this analysis, by neoliberalism, we mean the introduction of market principles into non-economic spheres, such as education. This plays out differently in the two countries.

In England, education policy has focussed on increased competition and school autonomy from local authority influence, whose responsibility they had previously been, which the government claimed would improve outcomes (UK Government 2011). Under previous policy frameworks, schools were, to some extent, able to compensate for gaps in national provision for refugees at a local level (McIntyre and Hall 2020). Now, while local authorities still have responsibility for finding educational places for children, they play a reduced role otherwise. Schools are ranked in league tables according to performance indicators, with particular emphasis on high stakes examinations. Exams are centralised and outcomes standardised. Trusts, academy chains and individual schools compete for league table status and pupils, often at the expense of collaboration. These changes have a range of implications for refugees. These include delays for young people in gaining access to schools (McIntyre and Abrams 2020) and evidence that some schools are avoiding taking refugee pupils because they are over-subscribed, meaning that less well-subscribed schools are taking several, which is stretching their resources (McIntyre and Hall 2020). The limited availability of school places for refugees impacts as well on those on the resettlement programmes (Haycox 2022). In addition, local authorities no

longer provide support and development for schools and teachers, meaning CPD training for teachers in working with refugees has become very ad-hoc (Prentice and Ott 2021).

Neoliberal policy reform has also occurred in the German system (Lohmann 2002, 2014; Walgenbach 2019). In part at least, this was a response to Germany's poor result in the PISA international comparative education exercise in 2000. This was seen to be a result of a lack of monitoring and the federal system (rather than, for example, the selective system), and reforms were introduced to increase testing, monitoring and centralisation on a scale previously unimaginable in federal Germany- although not on the same scale as in England (KMK 2002). In practice, this has involved the introduction of competition between schools and states and the definition of schools as autonomous actors that compete for students, with pupils and families positioned as customers. To stimulate competition, states have introduced education quality institutes to create centralised – by state – German language and Maths tests and competitions between schools with extra funding for a range of varied criteria. This has led to the development of unique school profiles and specialisms to increase customer choice, attract middle class families to the local area, and thus increase local tax revenues (Kunert and Manuel 2022). This context of school autonomy and competition is on the one hand causing some schools to advertise their provision for refugees as a selling point to attract parents, resulting in the commodification and stereotyping of refugees as a group (Gomolla, Schwendowius, and Kollender 2016), and other schools, which do not regard refugees as suitable for their 'brand', to reject them (Kollender 2022).

These neoliberal reforms, introduced in both countries ostensibly to improve educational outcomes, and which often appear to be race neutral, in fact operate to exclude refugees from educational opportunity and particularly in Germany, to 'other' them. As others have argued, the introduction of this level of competition between schools and parents mainly benefits those familiar with the system and those with existing privilege- the white middle classes (e.g. Clarke 2020).

The interplay with other immigration and refugee policies affecting education

Finally, the wider context of immigration and refugee policies is disrupting young people's access to education and compounding their disadvantage. In both countries, refugees as a group are subject to different rules from natives, which 'other' them as a group, underlining their position as a racialised group. These refugee policies clash with their right to attend school, which should be equal to natives', creating barriers to access and provision and operating as racist nativism by racialising non-nativeness.

In England, unaccompanied children claiming asylum are subject to age assessments to be able to access education. As McIntyre and Abrams (2020) argue, '[a]s many of these children are without papers, cannot prove their age and may not even know their date of birth, the process is a complex one. There are no fixed rules, but there is guidance from the courts'. Their research suggests that in some areas, young people are barred from going to school until the assessments are complete, even if they claim to be under 16. Even if they are finally assessed as having been under 16 on arrival, the assessments can take so long that they miss the opportunity to go to school because they are over 16 by the time the process is complete (McIntyre and Abrams 2020).

A further example is the UK government's policy of 'dispersing' refugees across the country, rather than rehoming them in cities of sanctuary- places with a history of established practices and commitment to welcoming displaced people (McIntyre and Hall 2020). Scholars have shown that educators without relevant experience or training will increasingly encounter refugee pupils in their classrooms (Prentice and Ott 2021, 278).

In Germany, access to education is organised by the individual states. While in some states young refugees have the right to attend school immediately, in others, they can only access schools once they have a residence permit. This process can take months. Some classes are provided in reception centres, but these tend to be ad hoc, do not link into the curriculum, and vary enormously. Evidence suggests that the process of legalising their status can take so long that some young people can end up missing out on schooling altogether, or at least missing several months (El-Mafaalani, Judith, and Mona 2022).

A legal 'denunciation requirement' (Denunziationspflicht, § 87f. AufenthG im ZuwG) exists in Germany, requiring teachers and social workers to report individuals with an irregular asylum status or breach of residency rules to the authorities. This can result in young refugees being removed from education and creates a conflict between the educational mandate of schools and teachers or the impartiality requirement of social workers, and their role as immigration police as allocated by the state (Schroeder 2018).

Discussion and conclusion

Employing a CRT lens which demonstrates that education policy, often assumed to be equitable and to promote meritocracy, actually reproduces racial disadvantage and white supremacy, we have shown that education policies and immigration policies disadvantage refugees in very specific ways. Our analysis suggests that elements of racist nativism both fuel the policies discussed in the paper, and are in turn reproduced by these policies. Taking a comparative approach enables an understanding of how this plays out differently in the two national education systems, and yet the actual outcomes are ultimately very similar. In both national settings, policy emerges from a racialised policy-making context, and both nativist and white norms (sometimes both, sometimes separately) fuel policy, rendering refugees 'othered', invisible, disadvantaged, and racialised in their positioning as non-white in the education system. In its turn, this reproduces existing native privilege and white norms and ultimately fuels white supremacy in education. While critical race theorists had already documented white supremacy in existing research, this analysis of the implications of policy for refugees demonstrates the additional role of nativism in upholding existing racist structures and privileging whiteness.

In particular in Germany, the strategy of allocating refugees to vocational education and therefore lower status jobs in the labour market is very clear. In England, although less explicit within the non-selective system, it is likely to have a similar effect- indeed only 3% of refugees access HE. This process exposes the mismatch between the discourse common in Germany that refugees provide human capital to address the shortage of skilled workers (Maas 2022), and actual education policy, which ensures that these jobs mostly remain the preserve of white natives. Similar racialised stratifications and exclusions in education and the labour market prevail elsewhere as well such as the USA and Australia (e.g. Roediger 1991).

The privileged treatment of Ukrainian teachers and language demonstrates the flexible boundaries of whiteness, perhaps especially in cases of interest convergence. While on the one hand disadvantaged as non-natives, on the other, sometimes white refugees are allocated some of the privileges of whiteness. Again, this reflects policies in other mainly white, western countries, such as Australia, where Bosnians were Australia's preferred humanitarian immigrants during the 1990s because of their European background based on social-cohesion and 'resettlement-potential' arguments (Colic-Peisker 2005, 615).

Equally, scholars elsewhere have also shown how neoliberal policies including welfare cuts and the privileging of capital over the wellbeing of citizens intersect with education policies to affect refugees specifically. For example, Bonet (2022) shows how paradoxically, individuals seeking sanctuary, freedom from displacement and threat in the US, end up becoming 'laboring subjects in service of capitalism' rather than achieving full and equal rights as citizens.

Critical race theorists would argue that an exploitation of the possibilities of interest convergence would likely be the most effective way to affect wider structural change for refugees in education. For example, both England and Germany have labour shortages and aging societies, and it would perhaps be in their interests economically to invest in the education of young refugees. Our analysis suggests that there are good practices which could be built upon. These include in particular, the UK's resettlement programmes which involve a package of educational support and targeted funding for facilitating educational access and the collection of educational data; Germany's integrative model of provision for refugees, extended with support for transitional routes into Gymnasiums as well as other types of school; coherent, well-funded language provision, well-aligned with subject knowledge and taught by specialist teachers; and an extension of Germany's Ukrainian teachers policy to other linguistic minorities, enabling multi-lingual learning spaces where possible.

However, current policy in both countries is to bring in selective highly skilled migrants instead rather than investing in the education of refugees, and of course these changes would not address many, deeper, structural mechanisms of racialised reproduction in education.

Current approaches instead fit in with wider government policy agendas of white supremacy and nativism which excludes and disadvantages refugees in both countries, and it seems unlikely that educational approaches will change without wider political change. As Gillborn (2005) argued about England, although race inequity may not be a planned and deliberate goal of education policy neither is it accidental. The patterning of racial advantage and inequity is structured in domination and its continuation represents a form of tacit intentionality on the part of white powerholders and policy-makers (485). The racialisation of refugees via education fits this pattern.

Note

1. 'A person has a migration background if s/he or at least one parent was not born with German citizenship. This definition includes immigrant and non-immigrant foreigners, immigrant and non-immigrant naturalised citizens, (late) repatriates and the descendants of these groups born as Germans'. <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bevoelkerung/Migration-Integration/Glossar/migrationshintergrund.html>

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