



Inclusive Education for Refugee Children With Disabilities in Berlin—The Decisive Role of Parental Support

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OPEN ACCESS

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Specialty section:

This article was submitted to
Special Educational Needs,
a section of the journal
Frontiers in Education

Received: 25 January 2020

Accepted: 12 November 2020

Published: 04 December 2020

Citation:

Steigmann F (2020) Inclusive
Education for Refugee Children With
Disabilities in Berlin—The Decisive
Role of Parental Support.
Front. Educ. 5:529615.
doi: 10.3389/feduc.2020.529615

Inclusive education for persons with disabilities, although an internationally recognized human right, is far from being fully and adequately implemented. Since this crucial human right does not only apply to citizens, the lack of implementation holds true for refugees, too. Therefore, the present research elaborates on the extent to which the right to inclusive education is ensured for refugee children with disabilities in Berlin as well as on the obstacles and challenges with regard to access to this right. The theoretical basis of this research is formed by an outline and discussion of the manifold legal frameworks on different relevant levels of law and is contextualized by pertinent key concepts. Shedding light on the discrepancy between theory and practice, problem-centered expert interviews with six social workers in Berlin were conducted. These interviews were evaluated and analyzed according to the so-called Grounded Theory. It will be shown that apart from structural shortcomings and resource shortages, the parents' capacity is one of the decisive aspects on which the prospects of inclusive schooling depend on. Within this context, the research focuses on the parent's capacity in terms of, inter alia, knowledge about the education and support system and their personal conditions in either facilitating or constraining their children's access to inclusive education as well as on the importance of social worker's support and consultation measures which aim at strengthening the parent's capacity. Interestingly, this approach shifts away the focus from accusations on a structural level of policymaking to suggestions of improving low-threshold support systems.

Keywords: inclusive education, refugee children, disability, parents, United Nations Convention on the Rights of Persons with Disabilities, Berlin, social workers, support

INTRODUCTION

Although the inflationary use of homogenizing terms like “the refugees”¹ and ‘the wave of refugees’ suggest otherwise, people seeking asylum constitute a very heterogeneous group. Not only in terms of countries of origin, reasons of flight, nationalities, and religions, but also in terms of special reception needs². People with “special reception needs”³ are amongst others minors and persons with disabilities⁴. The exact number remains unknown, however, according to several studies, the estimated share of refugees with disabilities in Germany amounts to between 16 and 55% (Bozorgmehr et al., 2016, pp. 609–610). In this context it appears somehow symptomatic that as the German Institute for Human Rights’ annual Human Rights Report of 2017 has revealed, the needs as well as the rights of refugees with disabilities regarding adequate accommodation or access to social services were not sufficiently taken into account by the German government (Deutsches Institut für Menschenrechte, 2016, pp. 64–78).

At this point we are still not talking about aspects of effective participation in different realms of life like work or education. Nevertheless, in particular the latter—education, or in the case of persons with disabilities, inclusive education⁵—is of outmost importance. This holds especially true, since education is “integral to the full and effective realization of other rights” (United Nations, 2016, para. 44). Although the right to education for everyone is enshrined in several legal documents it is far from being fully realized in Germany: Despite Germany’s ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2009, the inclusion rate—indicating the share of pupils with special educational needs being educated at a regular school—still amounts nationwide to 37.7% (in Germany’s capital Berlin to 60.4%) (Lange, 2017,

p. 18). Therefore, it is not exclusively an issue affecting people with disabilities seeking asylum in Germany. In its Concluding Observations (CO)⁶ on the initial report of Germany from 2015, the Committee on the Rights of Persons with Disabilities (UNCRPD Comm.) expressed considerable concern about “an education system where the majority of students with disabilities attend segregated special-needs schools” (United Nations, 2015, para. 45).

The share of minors of the total amount of asylum seekers in 2017 (about 200,000 Germany-wide and about 9,300 in Berlin) amounted to 45% (Bundesamt für Migration und Flüchtlinge, 2018, pp. 18–23). Hence, minors seeking asylum in Germany make up a considerable group. Since there is a striking number of children with disabilities among those seeking asylum in Germany (Deutsches Institut für Menschenrechte, 2016, p. 67), the issue of inclusive education for refugee children with disabilities is of great relevance. As already mentioned, there is a quite comprehensive legal framework when it comes to inclusive education on the international, the European as well as on the German domestic level⁷. Still, not much is known about how access to inclusive education for refugee children with disabilities actually works in practice in Germany. Whereas, work and studies relating to inclusive schooling for children with disabilities and schooling for refugee children exists⁸, there is no particular information (especially for Berlin) when it comes to inclusive education and the access to it for refugee children with disabilities (Deutsches Institut für Menschenrechte, 2016, p. 78).

Therefore, the research at hand has tried to elaborate on the following research question:

To what extent is the right to inclusive education for refugee children with disabilities ensured in Berlin, and what are the obstacles and challenges with regard to the access to this right?

After a brief contextualizing overview of key terms and concepts, the various legal frameworks will be presented, in order to contrast the intended situation with the actual state regarding inclusive schooling for refugee children with disabilities.

Access to inclusive education was chosen as the focal point because it constitutes one of, if not the very first, step toward inclusive schooling. Without ensuring all those aspects being decisive for guaranteeing inclusive education in general and the access to it in particular, even the most comprehensive and differentiated inclusive school system would remain without life and ineffective. In order to evaluate the way in which access to inclusive education works in practice, problem centered expert interviews with social workers/people working in the field of social services, were conducted.

¹To facilitate the reading, the term ‘refugee/s’ will be used regardless of the current status within asylum procedures or recognition as refugee under the Convention and Protocol relating to the Status of Refugees, referring to those individuals who left their home country and seeking/sought protection in Germany. Since compulsory education applies to children regardless of being already recognized as refugees, having been granted asylum or subsidiary protection as well as still being within the process of recognition [(Deutschland, 2004), para. 41 (2)], the term refugee will be used to refer to all these three groups.

²It has to be mentioned that the term ‘special (reception) needs’ has to be seen critically because it suggests a certain otherness and dependency of persons with disabilities. The same applies to the term ‘vulnerable’ which puts persons with disabilities in a passive, not self-reliant position instead of seeing them as self-determined persons. Keeping that in mind, yet, they will be used since legal documents refer to them.

³According to the European Union Directive 2013/33/EU, “applicant with special reception needs: means a vulnerable person, in accordance with Article 21, who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for” [European Union, 2013, art. 2 (k)].

⁴Persons with disabilities “include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others” (United Nations, 2006/08, art. 1)

⁵According to the UNCRPD Comm.’s General Comment No. 4 on the right to inclusive education, it can be understood as a “principle that values the well-being of all students, respects their inherent dignity and autonomy, and acknowledges individual’s requirements and their ability to effectively be included in and contribute to society” [United Nations, 2016, para. 10 (b)].

⁶COs are assessments of the implementation of human rights treaties by a state. They are issued by the respective treaty bodies after their examination of the State Reports.

⁷According to Article 30 of the German Constitution, education lies within the competences of each ‘Bundesland’ (Deutschland, 1949, art. 30)

⁸See for example, inter alia, Berthold (2014), Mißling and Ückert (2014), Lange (2017), and Autorengruppe Bildungsberichterstattung Bundesministerium für Bildung und Forschung (2018).

The interviews were evaluated and analyzed according to the so-called Grounded Theory (GT) and Strauss' and Corbin's paradigm model (Strauss and Corbin, 1991, pp. 99–112) (see Material and Methods). Resulting from the interviews, apart from a wide range of structural shortcomings the refugee children with disabilities parents' capacity, the perceptions of refugee children with disabilities as well as the conceptual understanding of impairment/disability among the social workers are important influencing aspects. Putting special emphasis on the parents' capacity, these do affect the strategies adopted by the social workers in order to support refugee children with disabilities and their parents regarding access to inclusive education. Consequently, the support and consultation services provided by the social workers do play a special role. Nevertheless, the need for structural improvements cannot be underestimated, since it can also influence the conceptual understanding of inclusive education at worst as a failed project (R.A., 2018).

One key concepts of the research is the so-called social model of disability. It was formulated and developed by disability studies' activists and writers in Great Britain in the 1980s and 1990s. Rejecting the notion that persons with disabilities "cannot engage in 'normal' activities because of their 'abnormal' bodily or intellectual 'deficit' or 'incapacity'" (Thomas, 2002, p. 38), the focus was put on the majority society, being predominantly comprised of persons without disabilities. This went hand in hand with the rejection of the so-called medical model perspective on disability which equates the impairment⁹ with disability¹⁰. The social model of disability unravels this equation, pointing to the many restrictions and disadvantages experienced by persons with disabilities "as a consequence of the social relationships between the impaired and the non-impaired, rather than as caused by impairment *per se*" (Thomas, 2002, p. 40).

This significance of the social model of disability is recognized by the UNCRPD, stating in its preamble that "disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others" [United Nations, 2006/08, Preamble (e)].

According to Degener's understanding of the UNCRPD, it "goes beyond the social model of disability and codifies the human rights model of disability" (Degener, 2016, p. 3). Degener (former chairperson of the UNCRPD Comm.) emphasizes that "the human rights model of disability defies the presumption that impairment may hinder human rights capacity" (Degener, 2016, p. 4). This is of special importance here, since the impairment is being used as an excuse supposedly impeding the capacity of enjoying the right to inclusive education. Worth mentioning, Degener points to the fact that the convention "is meant to protect all disabled persons not only those who are 'fit' for mainstreaming" (Degener, 2016, p.

7). Giving due regard to this, the right to inclusive education has to be ensured for all persons with disabilities and not only for those who might be able to cope with a regular school system.

Additionally, as put by Thomas, disability is interwoven with cultural ideas and discursive practices (Thomas, 2002, p. 49). This holds true for education and schooling, too. Generally speaking, there are certain notions of expectations toward certain achievements and issues of performance pressure when it comes to schooling. Already in their early years in school, children start to face competition if only projected by them on their parents. Without disputing that their offspring's success (however it is supposed to look like) can be of legitimate interest for the parents, this can lead to generating images of those who might be a hindrance on that path to success, such as for example, young pupils with disabilities. In addition, concepts and understandings of disability can—but do not have to—vary according to specific cultural backgrounds.

Beside the social model of disability, the concept of inclusive education constitutes the other main corner stone of the research. In this context, the UNCRPD Comm.'s General Comment (GC) No. 4 on the right to inclusive education from 2016 is the key document of reference¹¹. According to the UNCRPD Comm. inclusive education is to be understood as:

- (a) A fundamental human right of all learners. Notably, education is the right of the individual learner and not, in the case of children, the right of a parent or caregiver. Parental responsibilities in this regard are subordinate to the rights of the child;
- (b) A principle that values the well-being of all students, respects their inherent dignity and autonomy, and acknowledges individuals' requirements and their ability to effectively be included in and contribute to society;
- (c) A means of realizing other human rights. It is the primary means by which persons with disabilities can lift themselves out of poverty, obtain the means to participate fully in their communities and be safeguarded from exploitation. It is also the primary means of achieving inclusive societies;
- (d) The result of a process of continuing and proactive commitment to eliminating barriers impeding the right to education, together with changes to culture, policy, and practice of regular schools to accommodate and effectively include all students [United Nations, 2016, para. 10 (a)–(d)].

This definition displays several important aspects. Inclusive education is a right to all learners irrespective of status, resources, or social background. It goes beyond sole education, providing for the possibility of an effective participation with and contribution to society, as it is a "means of realizing other human rights" [United Nations, 2016, para. 10 (c)].

An inclusive education system should be directed to the "full development of human potential and sense of dignity

⁹Impairment "as the medically defined condition of a person's body/mind" (Wendell, 2017, p. 164).

¹⁰Disability as "the socially constructed disadvantage based upon impairment" (Wendell, 2017, p. 164)

¹¹GCs are a treaty body's interpretation of the rights and regulations of the respective human rights treaty (Office of the High Commissioner for Human Rights, 2018)

and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity” [United Nations, 2006/08, art. 24, 1 (a)]. According to the UNCRPD Comm.’s GC No. 4, four interrelated features—availability, accessibility, acceptability, and adaptability—are crucial for such a school system. Availability implies that educational institutions and programs, being either public or private, “must be available in sufficient quantity and quality” (United Nations, 2016, para. 21). Accessibility means that the “entire education system must be accessible, including buildings, information and communications tools [...], the curriculum, educational materials, teaching methods, assessments, and language and support services” (United Nations, 2016, para. 22). “Acceptability is the obligation to design and implement all education-related facilities, goods and services taking fully into account and respecting the requirements, cultures, views, and languages of persons with disabilities” (United Nations, 2016, para. 25). This holds especially true for refugee children with disabilities since aspects like culture (different to majority society) and flight have to be considered alongside with disability-related requirements. Worth mentioning is also that, as the UNCRPD Comm. has stated, “Inclusion and quality are reciprocal: an inclusive approach can make a significant contribution to the quality of education” (United Nations, 2016, para. 25).

The last feature of inclusive education is adaptability. Accordingly, persons with disabilities should be provided with the opportunity to go to an inclusive school-setting in or close to the community they are living in United Nations (2016, para. 27). To enable students with disabilities to access these school-settings on an equal basis with others, the respective state parties have to provide them with reasonable accommodation; importantly, unlike resource reservations, “Disproportionality or undue burden cannot be claimed to defend the failure to provide accessibility” (United Nations, 2016, para. 29). Among accommodation in schooling there are various options such as providing pupils with interpreters of various kinds, assistive services or suitably located classrooms (United Nations, 2016, para. 30). Similarly significant are also the employment and the continuing training and awareness-raising of administration staff outside and inside schools, of teachers, and other people involved in the process of accessing and implementing inclusive education (United Nations, 2016, para. 36).

The UNCRPD is the core document of the legal framework with regard to the access to inclusive education for refugee children with disabilities. It entered into force on 3 May 2008 and was ratified by Germany on 24 February 2009. Article 24 Education is the main article regarding inclusive education. Recognizing the “interrelatedness of all human rights and fundamental freedoms” [United Nations, 2006/08, Preamble (c)], there are several articles relating indirectly to the right to inclusive education. According to Article 3 General principles, the principles of the UNCRPD are:

(a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;

- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility; [...]
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities [United Nations, 2006/08, art. 3 (a)–(f), (h)].

These principles contribute to an understanding of inclusive education in line with UNCRPD Comm.’s GC No. 4; in turn, inclusive education has the power to reinforce and strengthen those principles. Related to this is Article 4 General obligations, of which paragraph 1 (c) is particularly important for the issue under discussion because it expands the scope of protection and promotion of the rights of persons with disabilities to all policy areas, hence also to refugee and migration policies [United Nations, 2006/08 art. 4, 1 (c)]. Consequently, the right to inclusive education applies to refugee children with disabilities, too.

Article 5 Equality and non-discrimination demands the prohibition of discrimination on the basis of disability and equal and effective legal protection against it (United Nations, 2006/08, art. 5, 2). In addition, in “order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided” (United Nations, 2006/08, art. 5, 3). Especially reasonable accommodation is necessary since it contributes to accessibility in terms of access to inclusive education for individuals, even if the state “has fulfilled its accessibility duty” (United Nations, 2016, para. 29).

Another very important aspect is the one of awareness-raising. It aims “to foster the rights and dignity of persons with disabilities; [...] combat stereotypes, prejudices and harmful practices [...] [and to] promote awareness of the capabilities and contributions of persons with disabilities” (United Nations, 2006/08, art. 8). Awareness-raising does not only apply to teachers and other pedagogical staff, but also to the respective parents. The UNCRPD Comm. has noted that there is a “practice of some parents removing their children with disabilities from inclusive schools, on the basis of a lack of awareness and understanding of the nature of disability” (United Nations, 2016, para. 48). Without rejecting the Committee’s observation, other aspects will be addressed—like lack of resources (Thomas, 2002, p. 49)—which might impact the parents’ decisions.

According to the UNCRPD’s Article 9 Accessibility, measures should be taken by the state in order to ensure to persons with disabilities access to all facilities and services which are open or generally provided to the public (United Nations, 2006/08, art. 9, 1). “These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia: (a) [...] schools” (United Nations, 2006/08, art. 9, 1). Yet, in order to identify those obstacles and barriers hampering access, a certain degree of awareness is indispensable.

Inclusive education is also closely linked to Article 19 Living independently and being included in society, “the equal right of all persons with disabilities to live in the community, with choices equal to others [...] and their full inclusion and participation in the community” (United Nations, 2006/08, art. 19). Keeping in mind that about 70% of pupils attending special schools leave these schools without having at least a general school-leaving qualification¹², inclusive education can contribute to the improvement of future prospects. In turn, an inclusive school setting also facilitates the development of awareness among pupils without disabilities toward their classmates with disabilities, hence laying the foundation for a respectful and dignified life together.

These aspects are also mirrored in article 24 Education [United Nations, 2006/08, art. 1 (a)–(c)]. Furthermore, according to article 24, state parties should ensure that persons with disabilities are not excluded from the educational system, but “can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live” [United Nations, 2006/08, art. 24, 2 (b)]. In this context, article 24 emphasizes the importance of support measures being ensured by the respective state party in order to facilitate effective education [United Nations, 2006/08, art. 24, 2 (c)–(e)]. Importantly, article 24 also stipulates that states should “enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community” (United Nations, 2006/08, art. 24, 3). At the same time, it is equally important that measures are taken to employ trained and qualified teachers, including teachers with disabilities, and other relevant educational staff and to train these professionals (United Nations, 2006/08, art. 24, 4). “Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities” (United Nations, 2006/08, art. 24).

With regard to the legal effects of the UNCRPD’s article on education in Germany, it should be briefly noted that there are three justiciable claims in connection with the right to inclusive education: Firstly, the individual entitlement to a minimum of educational institutions and secondly the consideration of the principle of inclusion in regard to already existing national regulations providing for margins of evaluation and action. Thirdly, there is a justiciable claim to non-discrimination when it comes to access to the general school system, subject to provision of reasonable accommodation (Dörschner, 2014, p. 135)¹³.

Beside the UNCRPD the United Nations Convention on the Rights of the Child (UNCRC), is of relevance, too. It was ratified by Germany on 6 March 1992. Generally, it defines a child as “every human being below the age of 18 years” (United Nations, 1989/90, art. 1). Regarding the rights set forth in this convention

the state shall respect and ensure them “to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s [...] disability [...] or other status” (United Nations, 1989/90, art. 2, para. 1).

Two articles within the UNCRC relate explicitly to education, but contain aspects which can be read in the sense of inclusive education, too. For example, article 28 paragraph (a) mentions the free availability of primary education for all children, paragraphs (b) and (c) the availability and accessibility of secondary and higher education, albeit without more specification) [United Nations, 1989/90, art. 28, para. 1 (a)–(c)]. Paragraph (d) goes further, referring to content-related accessibility, being of great importance in order to enable children to gain information on which they can base their will and decisions [United Nations, 1989/90, art. 28, para. 1 (d)].

According to article 29 of the UNCRC, education aims at the development of “the child’s personality, talents, and mental and physical abilities to their fullest potential; (a) The development of respect for human rights [...] [and] (b) The development of respect for the child’s parents, his or her own cultural identity, language and values” [United Nations, 1989/90, art. 29, 1 (a)–(c)].

Again, aspects of inclusive education as well as of the social model/human rights model of disability are discernible. At this point it is not my aim to find a solution to the heated discussion whether or not inclusive education or special education is best in order to achieve the best development of the child. Nevertheless, article 29 strongly suggests that an inclusive school setting provides for the best circumstances in which respect for the human rights of the respective classmates and hence for the development of a positively perceived personality can flourish.

On European Union (EU) level three legal documents are of interest. The Charter of Fundamental Rights of the European Union (CFR) applies to EU countries when they apply EU directives, stipulating amongst others the right to education and the prohibition of discrimination on the ground of disability¹⁴.

The Qualification Directive determines certain standards for the qualification for and content of international protection. According to article 20, 3, member states “shall take into account the specific situation of vulnerable persons such as [...] disabled people” (European Union, 2011, art. 20, 3). Worth mentioning, it “shall apply only to persons found to have special needs after an individual evaluation of their situation” (European Union, 2011, art. 20, 4). Without getting deeper into this it has to be noted that there is no standardized identification procedure for refugees with disabilities in Germany (Deutsches Institut für Menschenrechte, 2016, p. 67). Article 27 Access to education stipulates that member states “shall grant full access to the education system to all minors granted international protection, under the same conditions as nationals” (European Union, 2011, art. 27, 1).

The Reception Directive lays down standards of the reception for applicants for international protection. According to article 14 Schooling and education of minors, minor children of applicants and applicants who are minors themselves should

¹²The share of those pupils attending special schools and leaving them without having at least a general school-leaving qualification amounts to 71.2% Germany-wide and to 70.3% in Berlin (Lange, 2017, p. 13).

¹³For a more detailed discussion see Dörschner (2014), p. 135–194; Valta and Opel (2017), p. 152

¹⁴For a more detailed account on the structural shortcomings see Steigmann (2018), II.1.1.

be granted “access to the education system under similar conditions” (European Union, 2013, art. 14, 1) as the own nationals of the respective state.

In contrast to the Qualification Directive, the Reception Directive stipulates that access to education should be granted under similar and not under the same conditions as to nationals. Additionally, there is a possibility for schooling in accommodation centers (European Union, 2013, art. 14, 1). Quite apart from the consequent spatial segregation, most of the centers in Germany do not provide for accessibility for persons with disabilities (Deutsches Institut für Menschenrechte, 2016, pp. 69–71). On a positive note, article 14 paragraph 2 mentions preparatory and language classes if necessary (European Union, 2013, art. 14, 2), yet they should be provided on a mandatory basis as especially the latter can be considered key in facilitating access to and participation in the educational system.

Although the provisions of the Reception Directive are legally binding they have not yet been implemented in Germany. Instead, the federal government refers the responsibility of implementation to the ‘Bundesländer,’ Germany’s federal states (Deutscher Bundestag, 2017, p. 2, 11). Still, already existing national regulations have to be interpreted in line with the Directive (Pelzer and Pichl, 2015, pp. 331–332).

Besides regulating the general mission of the school, the Berlin Education Law (SchulG) stipulates, among other things, the domestic understanding of the right to education and the educational objectives. It takes a more integrational than an inclusive approach to education. Although the so-called ‘Nachteilsausgleich’¹⁵ goes slightly into the direction of the principle of reasonable accommodation (for which there is no explicit legal entitlement in the SchulG), it cannot provide for meeting the feature of accessibility. Similarly, the (mere) possibility of joint learning [Deutschland, 2004, para. 4 (2)] does not meet the principle of the priority of joint learning in the UNCRPD’s sense. Therefore, availability of inclusive education is not sufficiently ensured in Berlin’s educational context. As a side-note, compulsory education applies to everybody having his or her accommodation or habitual residence in Berlin [Deutschland, 2004, para. 41 (1)]. This includes also those foreign children residing lawfully in Berlin due to an asylum application or being tolerated within the context of subsidiary protection [Deutschland, 2004, para. 41 (2)], hence to refugee children.

Certain aspects which are brought up by the SchulG get specified further in the regulation about the special educational support (‘Verordnung über die sonderpädagogische Förderung’) (SopädVO). Amongst others, it stipulates that in accordance with its paragraph 33 (1), the decision whether or not to enroll the child with special educational needs in a regular or in a special school is taken by the parents, respectively, the legal guardians [Deutschland, 2005, para. 33 (1)]. Since the school administration can claim personnel, material, or organizational reservations (Deutschland, 2005, para. 33 (1)), the features of availability and accessibility lack substance. This holds true in terms of transport

to schools, too, because the SopädVO does not allow for a legal entitlement in this regard [Deutschland, 2005, para. 36 (1)].

In summary, there are several aspects relevant to the issue of inclusive education for refugee children with disabilities in Berlin. In addition, different legal documents refer to each other. Still, it is crucial to note that the right to education is not tantamount to the right to inclusive education. However, willingness and commitment is required for such an endeavor, as it is with the implementation of this complex and comprehensive legal framework.

MATERIALS AND METHODS

Research Design

In order to answer the research question, the description and evaluation of the manifold legal framework (see Introduction) was contrasted with the actual state regarding inclusive schooling for refugee children with disabilities in Berlin. Therefore, an empirical research design was deployed. In order to collect the data, problem-centered expert interviews with six social workers, respectively, people working in the field of social services in Berlin were conducted. In accordance with Witzel, these semi-structured interviews were structured by an interview guideline to provide a controlled and comparable approach to the research topic (Witzel, 1989, p. 236). With the theoretical and legal framework in mind, brainstorming was the first step in developing such a guideline. By conducting additional literature research, relevant aspects were filtered, linked to each other and compressed into theoretical concepts (Lamnek, 2005, p. 364). In the guideline, the subject of interest was divided into three thematic blocks, namely questions regarding the person and his or her affiliated institution/organization, questions about the person’s understanding of inclusion (in the broad sense of the term) as well as questions about the process of consultations and the procedures with regard to access to (inclusive) education. Under each of these blocks relevant questions were subsumed. This substantive part of the guideline was framed by a short briefing and debriefing providing for an introduction and opportunities for unanswered questions and comments (for the detailed guideline see **Annex**). Although uncontrollable influences in interviews are a much-discussed issue, within the problem-centered interview they are supposed to be positive preconditions for the exploration of subjective and individual perspectives of the interviewees (Witzel, 1989, p. 235). By focusing the communication on the reconstruction of the respective personal stance as well as on respective actions in a sensible manner, trust was established, providing for the possibility of uncovering new aspects as well as inconsistencies concerning the issue at stake (Witzel, 2010, pp. 2–3). This is of special interest and importance when it comes to such polarizing topics as inclusive education.

Sample and Access to the Field

Selecting the sample was determined by the research subject. Although the initial idea was to interview refugee children with disabilities themselves, the focus has been changed for two main reasons: firstly, since the target group would have consisted

¹⁵The German term ‘Nachteilsausgleich’ means measures of support for the compensation of disadvantages due to disability [Deutschland, 2016, para. 209 (1)].

of minors, parental consent would have been a prerequisite for conducting interviews. Still more decisive were possible barriers in terms of language and the individual impairment. Conducting an interview with a deaf-blind refugee child, for example, would have required a sign language interpreter for the respective language plus an interpreter for translating the respective language into German. This would have exceeded the resources of the research. Secondly, social workers, respectively, people working in the field of social services were chosen as they are in close contact with the families and children, but in a low-threshold and therefore more trusted way than social welfare office staff for instance. In addition, data generated by interviewing social workers allows for a decent insight into the actual state of the implementation of the access to inclusive education for refugee children with disabilities. Aware of the non-representative sample of six interview partners, social workers reach out to several children in their work as well as to the respective parents. Hence, interviewing them still provides for a contextualized understanding of the situation of refugee children with disabilities in Berlin when it comes to access to inclusive education.

The geographical area was limited to the city of Berlin, since interning at the UNCRPD Monitoring Mechanism of Germany's NHRI facilitated the access to the field. Working there gave me the opportunity to exchange with experienced colleagues who also provided me with advice on whom to get in contact with for potential interviews. In addition, research about the landscape of social services in the context of inclusive education for refugee children with disabilities was conducted. Reaching out to a broad range of social workers from large as well as from small scale organizations via email, interviews with six social workers were finally set up. Two interviews were held in pairs of two social workers because they were working together. The other two social workers were interviewed alone. The interviews which were held in German language¹⁶ took place in the middle of April 2018 in Berlin, were audio recorded and lasted between 1 and 2 h. As one interviewee has demanded anonymization, all interviewees and their respective institutions were anonymized for the sake of consistency. Yet, it can be mentioned that the sample consisted of three male and three female social workers working for big social partner organizations as well as for smaller local self-help organizations.

Data Analysis

The data being collected through the interviews was analyzed and evaluated with the GT. GT, initially developed by Glaser and Strauss (Strauss and Corbin, 1991, p. 31), is a qualitative research method, using "a systematic set of procedures to develop an inductively derived grounded theory about a phenomenon" (Strauss and Corbin, 1991, p. 24). Within this theoretical approach "[t]he research findings constitute a theoretical formulation of the reality under investigation, rather than consisting of a set of numbers, or a group of loosely related themes" (Strauss and Corbin, 1991, p. 24). The heart of GT is

¹⁶All direct quotes from the interviewees within this research article were translated by the author.

TABLE 1 | Example of open coding.

Content of support	Aspects relating to parents capacity	Categories
Educational system	Support system	Terminology
		Codes
<p>"Where do I start... with telling them how the educational system in Germany looks like, how is the support system functioning, do they know it.? How does school work, what does it mean...care, support?" (R.A., 2018).</p>		
		Transcript

TABLE 2 | Example of axial coding.

Aspects relating to parents' capacity	Category
Personal conditions	Subcategories
Properties	
Trauma	
Self-sufficiency	
Commitment	
Dimension	
Traumatized—not traumatized	
Self-sufficient—in need of support	
Proactive—passive	
Knowledge about educational system	

the procedure of coding the transcribed interviews, representing "the operations by which data are broken down, conceptualized, and put back together in new ways. It is the central process by which theories are built from data" (Strauss and Corbin, 1991, p. 57). Starting with the open coding, the interview transcripts were read line by line and codes were given to sentences or single words representing a phenomenon (Strauss and Corbin, 1991, p. 63). Following, codes pertaining to the same phenomenon were grouped together into inductively derived categories, which were already labeled in a more abstract manner than the initial codes (Strauss and Corbin, 1991, p. 65) (**Table 1**).

While coding, the coded text passages were compared to the previously coded passages in the same as well as in the different groups of codes in the same category. By doing so, the respective category's properties and subsequently its dimensions were generated (Glaser and Strauss, 2008, p. 106). These ongoing comparisons also lead to the development of subcategories.

In the subsequent process of axial coding data was put "back together in new ways by making connections between a category and its subcategories" (Glaser and Strauss, 2008, p. 97) (**Table 2**).

During the whole coding procedure memos were made to collect own thoughts and to reflect on upcoming ideas. These memos provided "the content behind the categories" (Glaser and Strauss, 2008, p. 113). In order to achieve a dense and precise theory, subcategories were linked to categories by the so-called paradigm model (**Table 3**).

The final step of the coding process was the selective coding, in which one core category, being abstract enough to encompass all other categories and subcategories, was selected (Strauss and Corbin, 1991, pp. 120–121). The integration of the so far worked out results into a theory is quite similar to the axial coding, although done on a higher level of abstraction (Strauss and

TABLE 3 | Simplified schematic diagram of the paradigm-model.

(A) Causal Conditions → (B) Phenomenon →
 (C) Context → (D) Intervening conditions →
 (E) Action/Interaction Strategies →
 (F) Consequences

Corbin, 1991, pp. 117). In order to achieve such an integration, a storyline was identified which then served as guiding narrative (Strauss and Corbin, 1991, p. 119). To subsequently relate the categories and subcategories to the core category by means of the paradigm-model, it has to be identified “which category denotes what part of the paradigm. This identification essentially orders them into subcategories in paradigmatic relationship” (Strauss and Corbin, 1991, p. 124). Finally, according to Strauss and Corbin, the grounding is completed by validating the theory against the data, in which “one is looking to see if they fit in a general sense and in most cases, not necessarily in every single case exactly” (Strauss and Corbin, 1991, p. 139).

RESULTS

The presentation of the results will follow the paradigm model, taking the phenomenon—impeded access to inclusive education for refugee children with disabilities—as the intellectual starting point. Importantly, the model does not constitute linear causal relationships and demarcations between the different parts are not purely impermeable, but to facilitate the theoretical understanding. Actually, they do also overlap each other.

Causal Conditions: Structural Shortcomings and Lacking Resources

Generally, those conditions impeding access to inclusive education for refugee children with disabilities can be identified on a structural level. Although these are not explicitly related to inclusive education, they are relevant for two main reasons: Firstly, a generally burdened school system has to struggle with an additional resource-consuming task like inclusive education (L.S., 2018). Secondly, structural deficits regarding schools’ intercultural equipment do have an effect on refugee children with disabilities, too.

A major problem which has been raised is the lack of teachers in general as well as a lack of teachers with an immigration background in particular: Teachers with an immigration background can provide for refugee children a smoother arrival in school (R.A., 2018). Depending on the respective language, they might also be able to facilitate the communication with the parents and the child. In any case, they can understand better what it means to be somewhere remote from the country of origin and what challenges they might face. Additionally, they might be more sensitive to culturally specific approaches toward disability, having a better understanding for possible concerns parents and families might have when it comes to (inclusive) schooling.

Lacking resources with regard to inclusive education have to be considered, too (A.T., 2018). Personal resources can be

differentiated in terms of teachers and other relevant staff. With regard to the teachers, insufficient qualifications and knowledge regarding inclusive education were mentioned by the interviewees: Concerning non-teaching staff, regular schools are not sufficiently equipped with experts in special needs education (D.J., 2018) or other important professionals (L.S., 2018) like physiotherapists or speech therapists for instance, as special schools are (D.J., 2018; L.S., 2018). This shortage of on-site support can influence the refugee parents’ decision where to enroll their child, favoring special schools, hence impeding their children’s access to inclusive education. In interviews it became apparent that resources are also lacking in terms of the schools’ accessibility (A.T., 2018; D.J., 2018; L.S., 2018; T.E., 2018; V.F., 2018), and the content-related access to adequate teaching materials.

Phenomenon: Impeded Access to Inclusive Education for Refugee Children With Disabilities

Elaborating on the impeded access to inclusive education for refugee children with disabilities, the four features of inclusive education (see Introduction) serve as a benchmark. Regarding the feature of availability, the interviewees’ experiences have shown that quantity and quality are mutually dependent. Due to a high occupancy rate of schools and large class sizes in Berlin, the quality of teaching decreases as the overload cannot be absorbed by additional teachers; since they are lacking themselves, also in terms of inclusion-competences. Consequently, not only the educational needs of (refugee) children with disabilities, but also of their classmates without disabilities, cannot be met. This leads to frustration on all sides: teachers get overburdened (R.A., 2018), pupils struggle (D.J., 2018), schools tend to refuse refugee children with disabilities due to resource constraints and parents’ willingness to enroll their children in inclusive schools declines piece by piece (R.A., 2018; T.E., 2018). Such a situation—apart from improvable educational quality for all learners—is critical since it suggests that inclusion in school is doomed to fail by its nature, although the problems are not that different from the general problems of the school system.

In terms of accessibility, physical barriers to the school buildings are central obstacles. Apart from that, quality and quantity of content-related accessibility is very capable of development (L.S., 2018; T.E., 2018). Closely related is the feature of acceptability, according to which all education-related facilities, goods and services should respect and take into account “the requirements, cultures, views, and languages of persons with disabilities” (United Nations, 2016, para. 25). Aside from teaching materials which are not continuously adjusted to the requirements of children with disabilities, teachers without adequate intercultural skills and competences make it more difficult for refugee children with disabilities to cope with a new (educational) environment. Additionally, the lack of availability of support measures like sign language interpreters (L.S., 2018; T.E., 2018) leads to an unacceptable school setting, not providing for the prerequisites for successful inclusive education for refugee children with disabilities.

The shortage of school places does not only result in impeded availability but also in insufficient adaptability. Overcrowded classes and overloaded teachers complicate customized education in terms of the pupils' individual development. Concerning the importance of continuous training and awareness-raising of teachers (United Nations, 2016, para. 36) the interviewees have identified a considerable backlog (L.S., 2018; R.A., 2018). Since inclusive competences are not compulsory in third-level training for teachers, R.A. is convinced that inclusion has to become a fixed component for everybody wanting to become a teacher (R.A., 2018).

Concluding, access to inclusive education for refugee children with disabilities is impeded. Yet, the above discussed obstacles are not exclusively refugee-specific, but generally apply to children with disabilities. Besides arriving within an already limited inclusive education environment, access gets impeded actually due to other factors, which will be under scrutiny in the following.

Context: Field of Tension Between Inclusion and Special Support

As shown above, access to inclusive education for refugee children with disabilities is complicated by various structural shortcomings and insufficient resources. This, however, does not change the fact that the parents have the right to decide to enroll their children with disabilities at either a regular or a special school [Deutschland, 2004, para. 36 (4)]. Without prejudice to the crucial factor of the parents' capacity with regard to the decision as to which school to choose (see Intervening Conditions: Parents' Capacity), the context for such a decision does not look very promising.

Concisely put by D.J., there is a "field of tension between inclusion and special support" (D.J., 2018) concerning refugee children with disabilities: Regardless of the parents' decision which school to choose, their children will face segregation, "special schools and 'Willkommensklassen,' both are segregated systems" (D.J., 2018). 'Willkommensklassen' are separate classes, aiming at the acquisition of sufficient German language skills for those who newly arrived (Senatsverwaltung für Bildung, 2016, p. 11). Whereas, special schools segregate by their nature (D.J., 2018), The 'Willkommensklassen' do not segregate the refugee children with disabilities on the basis of their impairment, but on the basis of their language skills. Without challenging the crucial importance of language competences as a requirement for successful education, the question may be asked if such an approach is the most appropriate; or if it is not additionally resulting in social segregation of the pupils.

Regarding the above mentioned 'field of tension,' both models do not really meet the needs of refugee children with disabilities. Whereas, special schools are diametrically opposed to inclusive education, they have to be given credit for being consistently better equipped for special educational needs than regular schools are. This holds true with regard to teachers and staff as well as to supportive services, such as physio- or ergo-therapy and consultation services on school transport (D.J., 2018; L.S., 2018).

Depending on their capacity, these might be decisive factors for the parents' decision to enroll their child in a special school (R.A., 2018). Apart from their non-inclusiveness, special schools lack German language support as well as intercultural approaches toward their pupils; in contrast to the 'Willkommensklassen' where intercultural competences are given due regard to a greater extent (D.J., 2018). Summarizing, these factors have to be kept in mind when it comes to the parents' capacity as intervening conditions in the following.

Intervening Conditions: Parents' Capacity

The capacity of the parents of refugee children with disabilities plays a decisive role regarding their decision in which school to enroll their child. Importantly, parents are not a homogeneous group. Factors like, for example, personal conditions, educational, and cultural background influence the need, extent, and substance of the required support. In accordance with their capacity, the social workers' support and consultation measures get adopted and adjusted. Crucial in this context is the parents' knowledge. Generally speaking, the degree of knowledge depends on the parents' language skills; confidence in the German language can be seen as a prerequisite for acquiring knowledge (A.T., 2018; T.E., 2018). If parents do not already have sufficient German language skills, the communication works either in their mother tongue (T.E., L.S., and R.A. speak Arabic, V.F. speaks Turkish, for instance) or via an interpreter (A.T., 2018; D.J., 2018).

Concerning this knowledge, there are several relevant thematic areas. First of all, a lot of parents do not know about the domestic educational system and how it works (R.A., 2018). With regard to compulsory education, many parents are surprised about the fact that this applies to children with disabilities, too (L.S., 2018; T.E., 2018). T.E. reported that "[o]ur biggest challenge in the beginning concerns the compulsory education for children with disabilities... because the parents don't know about it. That's also why they [the children] weren't signed in" (T.E., 2018). Parents do also lack awareness about everyday school life and side activities in school:

[t]hen, I always show them [the parents] some videos about school life, what the kids are doing there the whole day. That they are also staging theater performances, going for a swim... One father was so enthusiastic, he almost started to cry, because he wasn't aware of that. He thought that his child would have to stay at home, taken care of by the mother (L.S., 2018).

This statement has to be seen within the context that whereas parents most of the time know or have heard about segregated special schools for children with disabilities—often in relation to their countries of origin (T.E., 2018)—they are often surprised when they got to know about "alternatives" (L.S., 2018). Similarly, there are parents who are not aware of their right to decide in which school system to enroll their child (L.S., 2018); others are aware of it but not able to enforce it (without support) (D.J., 2018). Social workers are in demand to inform parents properly about their rights; particularly how to enforce them, since this aspect

highly impedes their capacity regarding inclusive schooling for their children.

Knowledge about the support system as well as about the terminology—what does impairment and special educational needs mean in a legal sense, for example—is of importance, too (R.A., 2018). Often, this requires explanation before education can be discussed at all (R.A., 2018). It is obviously related to the aspect of knowledge discussed above, since it serves the elaboration of the parents' existing options. The extent to which parents are aware of the school and the support system, their legal entitlements as well as of the terminologies impact their confidence and, therefore, the way they (proactively) engage: as A.T. has observed, “parents are often ‘afraid’ of all the new stuff, getting flooded by the whole range of information, getting uncertain. Subsequently, they prefer to follow instructions or to ‘delegate decisions’” (A.T., 2018).

Additionally, their knowledge and confidence impacts the extent to which the parents are able to engage with the schools, respectively, with relevant support services: due to the fact that special schools are far more equipped, parents lacking knowledge about how to apply for school transport or who do not know where and how to organize treatment options tend to enroll their child at special schools (A.T., 2018; L.S., 2018; R.A., 2018; V.F., 2018).

As well as the parents' degree of knowledge, their personal circumstances also influence their capacity. One important aspect in this regard is the parents' resilience to “obstacles of all sorts,” for instance, when it comes to making applications (L.S., 2018; T.E., 2018).

As put by L.S.:

[y]ou have to fight for every single application. Ok, not for each, that's exaggerated. But for many... You have to ask constantly ... what's about the application, how long does it need, when I can file an appeal... (L.S., 2018).

In such situations it is necessary to show perseverance. Another influence on the parents' capacity is the extent to which they are (over)loaded by bureaucratic affairs.

The whole paperwork, residence, job center, this and that... That's why they [the parents] are searching for some kind of relief... special school... I put my child in a special school, otherwise I would have to run again from one office to the other... (T.E., 2018).

Cases in which parents are additionally burdened by traumatizing experiences which have happened before or during their flight make it even more difficult for them (L.S., 2018; R.A., 2018). Especially in such challenging situations, support becomes even more crucial (L.S., 2018). This is of importance for the parents' own well-being but also in terms of their children's opportunity to attend a regular school. “The more support they [the parents] have the better their children's

educational careers are. That means that it is a very unfair system” (D.J., 2018).

Action/Interactional Strategies: Social Workers' Support and Consultation Measures

The strategies deployed by the social workers in order to deal with the challenges discussed above can be distinguished with regard to their objectives, the measures taken as well as to the content of the respective measures. Yet, they overlap to a certain extent. One of the main objectives of the support and consultation is “to achieve parents' utmost independence... the idea is not to take them by the hand” (A.T., 2018). In that sense, it is aimed to provide them with the knowledge and the information they need to do appointments and applications on their own (as far as possible) and to take a self-determined decision regarding their children's educational future, for example; not to delegate decisions (A.T., 2018). Therefore, independence cannot be separated from knowledge and, hence, as touched upon above it impacts on the parents' confidence: “and because they don't know how the system works [...] they are grateful about everybody and anything saying ‘yes’” (R.A., 2018). This statement can be understood within the context that overburdened parents tend to enroll their children in special schools since they are better equipped, thus the parents have to organize less on their own (A.T., 2018; R.A., 2018). In addition, special schools are more eager to take refugee children with disabilities than regular schools are, which regularly invoke resource reservations and other excuses (A.T., 2018; L.S., 2018; R.A., 2018; T.E., 2018).

Another objective is to allay fears and uncertainties (A.T., 2018). As with independence, this is also closely connected to knowledge. It is very important in this regard, that the parents' starting point—in terms of potentially existing or not existing knowledge, their wishes and needs—is considered, since “getting flooded by the whole range of information” (A.T., 2018) could even be counterproductive. Similarly essential is the accompaniment of the parents when it comes to pre-school visits, appointments or bureaucratic affairs, either physically or from the distance. Especially, this proximity to the clients and the procedures they have to undergo is one of his work's qualities, told D.J., as it contributes to facing and subsequently overcoming fears and uncertainties (D.J., 2018).

Connected to these objectives, the aspect of assisting the parents in order to provide them with some relief is of relevance, too. This holds generally true with regard to imparting knowledge or explaining bureaucratic procedures for example. Apart from that, it regularly happens that parents are pushed by teachers in regular schools to initiate a determination of special educational needs as soon as possible, because “It's lucrative for the school, since it consequently gets subsidies” (R.A., 2018). That paints an ambivalent picture considering the lack of adequately qualified teachers and will to take refugee children with disabilities. Besides putting parents and children under pressure—who actually need some time to arrive, to learn German and to get used to the new (school) environment—this practice has also led to many false diagnoses (R.A., 2018). In such cases R.A. tells the parents that

they should give their children just some more months to arrive in the first place; they can still do it afterwards (R.A., 2018).

Also, parents' encouragement is an important element, closely linked to independence. Since it remains the parents' decision at which school to enroll their child, having insights into particular schools as well as a general overview is a prerequisite for making an informed and self-determined decision. In this context, parents are encouraged to visit different schools and different school models in order to get an idea how the different schools and systems work in reality and how the schools are actually equipped (T.E., 2018). Such visits visualize what the social workers previously informed them about and to get a better understanding of what the different school models mean for their child's education.

Talking to the parents can also serve the purpose of utilizing their knowledge about their child:

[i]t's naïve to assume that there's no treatment in other countries. Rather, the children were already under treatment and the parents know about it. The only thing is that nobody asks them here [in Germany/Berlin]... also when it comes to the enrollment. In addition, it's always assumed [by the schools] that everything can be done in German and nobody asks what is the child capable of, what has it already done in its home country (D.J., 2018).

Knowledge of the child's background can save time and efforts and serve to adapt the social workers' support and consultation measures to the respective preconditions. In my opinion, asking parents and involving them more actively also facilitates their independence, their proactive engagement, builds up trust between them and the social workers and gives them the feeling of being heard and taken seriously. Interestingly, language seems to be an obstacle when it comes to communication between parents and schools. Possible reasons might be either the parents' language competences or teachers' and school staff's lacking resources to accommodate the parents' needs. In conclusion, the support and consultation measures' objectives serve the overarching purpose of strengthening the parents' capacity.

Social workers deploy a broad range of measures to support and consult. As already mentioned, they accompany parents within different situations. This accompaniment can range from a physical one—when it comes to visiting schools (L.S., 2018) or having an appointment (D.J., 2018)—to one which is provided remotely. The latter can consist of providing the parents with the respective documents they need (D.J., 2018) or of arranging an appointment for them (R.A., 2018).

Assisting the parents can also take place in the form of language and cultural mediation. Regarding language support, parents can be provided with, among other things, information about German classes (L.S., 2018) or by accompanying them to meetings with teachers, assisting if there are communication problems (R.A., 2018). As there might be cultural differences concerning the understanding of disability, mediation and awareness-raising is an important and sensitive part of the social workers' service, too. This aspect will be discussed further shortly.

When it comes to dealing with a violation of the parents' or their children's rights, social workers are essential. Bearing

in mind that parents might lack knowledge, they “can only defend themselves, if they have support, culminating in legal assistance” (D.J., 2018). Where certain measures for (refugee) children with disabilities—like school transport—are rejected due to a supposedly insufficient justification of its necessity [Deutschland, 2005, para. 36 (4)] for instance, social workers can provide the parents with support in order to make an appeal. As a precondition, parents have to be informed about their right to claim certain benefits and about the respective procedures (R.A., 2018; V.F., 2018). They then have to be encouraged and accompanied within the course of the appeal (D.J., 2018; R.A., 2018; V.F., 2018). Interestingly, D.J. made the experience that the processing of the appeals takes considerably less time “if pressure is applied [through the social workers' assistance]” (D.J., 2018).

If parents themselves have an impairment, support and consultation measures are adapted. That means

explaining everything in easy language and including more people when it comes to giving support. In such cases it's not enough to say... well, I made an appointment for you, now you just have to go there (R.A., 2018).

In such cases it is important to provide for a closer and even more customized support. Accompanying them physically to an appointment and/or explaining the procedures step-by-step in easy language are possible strategies in this regard (R.A., 2018).

Concerning the content of the social workers' measures, consulting the organizational process is a highly important task. After getting to know each other and learning about the children's and parents' background, they have to be informed about which office they have to go to in certain matters, where to apply for which services and what possibilities they generally have (A.T., 2018; D.J., 2018). In the course of this, documents the parents already received within another context and new ones they have to fill in are looked at together and explained (D.J., 2018; L.S., 2018).

One of the most important aspects concerning the social workers' tasks is informing the parents and raising their awareness. As previously mentioned, this applies to imparting knowledge about the Berlin school system (L.S., 2018; R.A., 2018) and about the existing support system and its benefits available to them (D.J., 2018; R.A., 2018; V.F., 2018). Relating to what has already been discussed, content has to be conveyed regarding a broad range of issues. First and foremost, it has to be made clear that in Berlin education is also compulsory for refugee children with disabilities (L.S., 2018; T.E., 2018). This issue is crucial because most of the parents do not know about it (T.E., 2018). Additionally, parents need to understand that they have the right to decide to enroll their child either in a regular or in a special school, which is the very prerequisite for the education of refugee children with disabilities (L.S., 2018). Consequently, the parents' capacity is decisive for their possibilities for action and hence for the extent to which social workers have to assist them. Furthermore, they have to be informed about how schooling functions in terms of daily school life and what kind of educational possibilities exist (L.S., 2018).

Another important issue which was already touched upon is terminology, more precisely about parents' understanding of disability. Since parents of refugee children with disabilities are not a homogeneous group, approaches to and the understanding of disability can vary. Thus, the parents' perspectives depicted by the social workers are subjective and cannot be regarded as universal. T.E. explained the following:

[w]e try to embellish this term [disability]. Because disability... in our region [the Arabic region] it's like an insult. You only have a disability if it's a mental disability. But if you are chronically ill, nobody will consider you as being impaired. That's why we try... we always have some difficulties with the families at the beginning when it comes to using that term. Although the child has an impairment, the family has always rejected this designation. [...] The parents also have a problem with calling a learning disability disability (T.E., 2018).

Firstly, this statement indicates that certain cultural understandings do exist among the parents. For instance, that only mental disabilities are disabilities, but not learning disabilities. Secondly, it points toward a negative connotation of the term disability. In order to circumvent the term being linked to "shame" (T.E., 2018) terminology is adapted to the parents' preferences:

[O]nce, a client even told me... I always used disability in the beginning, in Arabic... then he told me, please use the term special needs, for me personally... that's more appropriate for my daughter. Since then, I'm using this term (L.S., 2018).

Personally thinking, on the one side, it makes sense to adapt to the parents' preferred terminology, since it can contribute to providing for an atmosphere which they can feel familiar with. On the other, this is only reasonable at the beginning of the consultation procedures. Beside the fact that every parent can decide on his or her own which term he or she prefers, it is important to have at least a basic idea about the terminology's legal significance. This holds especially true when it comes to understanding the educational system and the support system. In addition, irrespectively, of the parents' decision whether to enroll their child in a regular or in a special school this is crucial when it comes to being together with other (refugee) children with disabilities: "[t]hen the parents say... well, no... only because my child needs longer to learn how to calculate" (R.A., 2018). Or the parents think that:

[O]ur child does not belong to them [to the other children with disabilities], our child is better off. Because it [the disability] is not visible from outside, so to speak, it doesn't belong to the children in the wheelchairs or to those with Trisomy 21 (L.S., 2018).

Within such contexts it is important to raise awareness with regard to the above mentioned aspects of systemic understanding but also to the existing "diversity of persons with disabilities" [United Nations, 2006/08, Preamble (i)] and that the right to (inclusive) education applies to all children with disabilities

[United Nations, 2006/08, art. 24 (1)], regardless of the respective impairment.

Consequences: Social Workers' Support as Decisive Factor

As showed, social workers engage in a lot of different areas when supporting refugee children with disabilities and their parents. This holds especially true since the parents' capacity is such a crucial factor concerning their children's educational future and its' prospects: "[t]he more support they [the parents] have the better their children's educational careers are" (D.J., 2018). Although the strategies deployed by the social workers are manifold, all of them serve the ultimate purpose of strengthening the parents' capacity. Parents having (at least a certain degree of) knowledge about the school and support system and who are not facing additional burdens through, for instance, their own bureaucratic affairs are more likely to enroll their child in an inclusive regular school (D.J., 2018; L.S., 2018; R.A., 2018; T.E., 2018). Yet, the decision remains with the parents and can also swing in a certain direction due to reasons which cannot be discussed within this research's resources.

Nevertheless, it has to be noted that social workers' consultation and support measures do also reach their limits with regard to a school system facing shortcomings. Personally thinking, a connection might be possibly drawn between the generally overburdened school system and the social worker's focus on the parents; at the expenses of the attention which should be directed at the refugee children with disabilities. In the case that more money would be invested, also in a more purposeful way (D.J., 2018)—for instance in better qualified staff or in support services toward inclusive education as a whole—social workers might have more resources to focus on the children with disabilities. Additionally, the establishment of clear standards and mechanisms concerning "disability and age-appropriate assistance" (United Nations, 2006/08, art. 7, 3) guaranteeing the children's right to express their views freely and being heard would be highly necessary with regard to social workers' consultation services as well as to educational authorities.

DISCUSSION

Aiming to provide for an understanding of the extent to which the right to inclusive education for refugee children with disabilities is ensured in Berlin, the research has displayed a high-contrast situation.

On the one side, there is a highly comprehensive and differentiated legal framework: Within the context of international human rights law, the UNCRPD is of paramount importance. Article 24 on education is the main article regarding inclusive education. Amongst others, it reflects the social model of disability and refers to the inclusive education's contribution for an independent and dignified life for persons with disabilities [United Nations, 2006/08, art. 24 1. (c)] as well as to the importance of accessibility [United Nations, 2006/08, art. 24 2 (b) 3] and awareness-raising (United Nations, 2006/08, art.

24 4). Worth mentioning, although Germany is a state party to the UNCRPD for more than 10 years, only a minimum of educational institutions, the consideration of the principle of inclusion and the principle of non-discrimination when it comes to access to the general school system are justiciable. Regarding international human rights law, the UNCRC relates to the issue of inclusive education for refugee children with disabilities, too.

On EU-level, the CFR, the Qualification Directive and the Reception Directive are relevant. The legal regulations stipulated in the CFR apply to national authorities when it comes to the implementation of EU law. This holds true for the Qualification Directive as well as for the Reception Directive. Both documents set out standards with regard to schooling and education, but (apart from other differences) the Qualification Directive speaks about “the same conditions” (European Union, 2011, art. 27, 1), whereas the Reception Directive mentions “similar conditions as their own nationals” (European Union, 2013, art. 14, 1, 2) under which access to the educational system should be granted.

The Berlin Education Law refers to aspects being important within the context of inclusive education. Although it mentions for instance the “equal access to all public schools, in accordance with the pupil’s abilities and talents” [Deutschland, 2004, para. 2 (2)] or “joint teaching and joint learning, [and] the compensation of disadvantages” [Deutschland, 2004, para. 4 (2)], it has been shown that the SchulG takes a more integrational than inclusive approach.

Relating to each other, the different legal documents on the various levels constitute a manifold legal framework, without doubt. As showed, several documents are more in line with the UNCRPD Comm.’s understanding of inclusive education than others.

On the other side, interestingly, the main obstacles and challenges refugee children with disabilities do face with regard to inclusive education are of a quite practical nature. Yet, structural shortcomings not being necessarily specific to refugee children result in an environment which does not provide for ideal preconditions: the school system in Berlin is overburdened due to a wide range of lacking resources. Notably, social workers identified overcrowded classrooms and a lack of teachers as well as their deficient language and intercultural competences as main problems. In addition, there is a need to further develop the accessibility of educational settings regarding content-related accessibility as well as physical accessibility. It has to be mentioned that these obstacles are not new quite the contrary. Already in 2015, the UNCRPD Comm. has raised these issues in its CO on the initial report of Germany, recommending to “[e]nsure the training of all teachers in inclusive education, increased accessibility of the school environment, materials and curricula, and the provision of sign language in mainstream schools” [United Nations, 2015, para. 46 (d)].

Such conditions put the parents of refugee children with disabilities in a complicated situation and consequently highlight practical obstacles and challenges. Apart from structural shortcomings, one, if not the, decisive factor with regard to inclusive education for refugee children with disabilities, the parents’ capacity was identified. Among important components

of this capacity is knowledge, confidence, and the parents’ personal circumstances. All of these are connected with each other and play a decisive role with regard to the decision in which kind of school to enroll their children. Parents who lack knowledge about where and how to apply for school transport, are more eager to choose a special school, since services are far more concentrated there. Consequently, social workers efforts are largely directed at strengthening the parents’ capacity, hence aiming at providing them with consultation and support in order to achieve their independence. This happens via imparting knowledge, providing language support, legal assistance, or accompaniment in the context of bureaucratic affairs. At the same time, the social workers’ efforts are almost exclusively focused on the parents, probably due to the decisive role they have regarding their children’s educational future.

In summary, it can be said that, apart from the structural shortcomings in the (inclusive) educational system (Causal Conditions) which affect children with disabilities in general, refugee children with disabilities face an even more complicated situation and additional obstacles (Context). Their chances of attending an inclusive school depend to a large degree on their parents’ conditions and capacity (Intervening Conditions). This results in “unequal [...] opportunities for children with disabilities of migrant or refugee parents” [United Nations, 2015, para. 17 (c)], compared to German children with disabilities, as observed by the UNCRPD Comm.; hence in impeded access to inclusive education (Phenomenon). That is why the social workers support for the parents of refugee children with disabilities so crucial (Consequences). Although the interviews with the social workers in Berlin did not detect examples of explicit discrimination on several grounds, there is an indication that refugee children with disabilities are affected by multilayered forms of exclusion. As with other children with disabilities, refugee children with disabilities face exclusion on the basis of their disability when it comes to education. Yet, the lack of language and intercultural support makes it even more difficult for them and decreases their chances of receiving inclusive education. Interestingly though, without referring to disability, Germany’s education report 2018 noticed that the resources with regard to education being at the family’s disposal are absolutely crucial for the children’s educational success (Autorengruppe Bildungsberichterstattung Bundesministerium für Bildung und Forschung, 2018, p. 23). Furthermore, educational success depends on the degree to which support is provided by the parental home as well as on a potential migration background (Autorengruppe Bildungsberichterstattung Bundesministerium für Bildung und Forschung, 2018, p. 245). In my view, this could be transferred to the context of the crucial role of social workers, since they undertake important tasks in order to support the parents; hence supporting them to support their children. Therefore, apart from generally improving the educational system in terms of teaching personnel, other relevant staff, awareness-raising, and accessibility just to mention some aspects, focus has to be put on support for parents. However, at least equally important, refugee children with disabilities have to be provided with “the support required, within the general education system, to facilitate their effective education”

[United Nations, 2006/08, art. 24, 1 (d)], in order to be able in turn to enhance their own children's educational prospects in the future. The study provides insights into a field which has hardly been researched on in the German context, shedding light on the overlooked intersection of disability, flight and inclusive education. However, the scope of the research is limited. For instance, it would be very interesting and definitely necessary to look closer at how the parents, but even more importantly, the refugee children with disabilities themselves perceive their situation what their own subjective needs are. Such an approach would also give credit to the importance of "Full and effective participation and inclusion [of refugee children with disabilities] in society" [United Nations, 2006/08, art. 3 (c)]. In addition, this would help to resolve the limitations of the study's interpretative approach resulting from the distance between the actual research subject—refugee children with disabilities—and the researcher. In addition, further studies about the approaches of educational authorities to refugee children with disabilities, as well as detailed elaborations on their staff's awareness would be able to contribute meaningfully to an enhanced understanding of the issue. Within this context it would be beneficial to take a close look at a structural level of policymaking to suggestions of improving low-threshold support systems. Building up on this issue, access for refugees with disabilities to higher education would also be a highly interesting topic.

DATA AVAILABILITY STATEMENT

The raw data supporting the conclusions of this article will be made available by the authors, without undue reservation, to any qualified researcher.

ETHICS STATEMENT

Ethical review and approval was not required for the study on human participants in accordance with the local legislation and institutional requirements. Written informed consent for

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participation was not required for this study in accordance with the national legislation and the institutional requirements. Oral informed consent was obtained from the individual(s) for the publication of any potentially identifiable data included in this article.

AUTHOR CONTRIBUTIONS

The research was developed and conducted by FS.

ACKNOWLEDGMENTS

As this research originates from the thesis I wrote within the course of the University of Vienna's postgraduate Human Rights Master Program, I would like to—first and foremost—thank my supervisor Ursula Naue for her continuous and excellent support. She has been a source of help and inspiration during the whole process. I would also like to express my gratitude to my interviewees. Thank you for your time and efforts, I wish you all the best for your further work. In addition, it has to be noted that the work at hand builds up on the aforementioned thesis presenting its general content in a condensed manner. However, it picks up two main results (the parent's capacity as well as the importance of social worker's support and consultation measures which aim at strengthening the parent's capacity) and looks at them in a more detailed way than the original thesis did. Therefore, it contributes to meaningful insights into highly important, though unfortunately still ignored low-threshold support systems for refugee children with disabilities and their parents in Berlin.

SUPPLEMENTARY MATERIAL

The Supplementary Material for this article can be found online at: <https://www.frontiersin.org/articles/10.3389/feduc.2020.529615/full#supplementary-material>

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Conflict of Interest: The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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