

Legal Technology Improving Asylum Seeker's Justice in Germany



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Abstract:

Access to justice is foundational for any group of people to prosper – this is true for asylum seekers in Germany, who are vulnerable and underserved. Our study explored how legal technology can enhance access to justice for asylum seekers within asylum law. First, we identified the barriers to justice through a comprehensive analysis of relevant statistics, technological interventions, as well as Germany’s unique situation. These include complexities in understanding legal rights, how to pursue redress, where to find information, fostering trust, the language barrier, monetary difficulties, and the disparities in employment faced by asylum seekers. We found few legal tech tools have applications in asylum law, leaving many gaps in coverage. Based on an analysis of the state of general tech tool usage, we concluded that there is great potential in the expansion of these tools. However, using secondary research, literature reviews, and expert interviews, we found there are many barriers to expanding legal tech in asylum law, including financial and political barriers. University partnerships with the public sector as well as increased support from the government to maintain these systems both financially and through cultivating public support could address these barriers. This study not only highlights the specific challenges faced by asylum seekers but also the transformative potential of legal technology within the law. By doing so we aimed to contribute to the broader discourse on legal aid reform as well as support and inspire innovation through technology to better support society’s most underserved groups.

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About:

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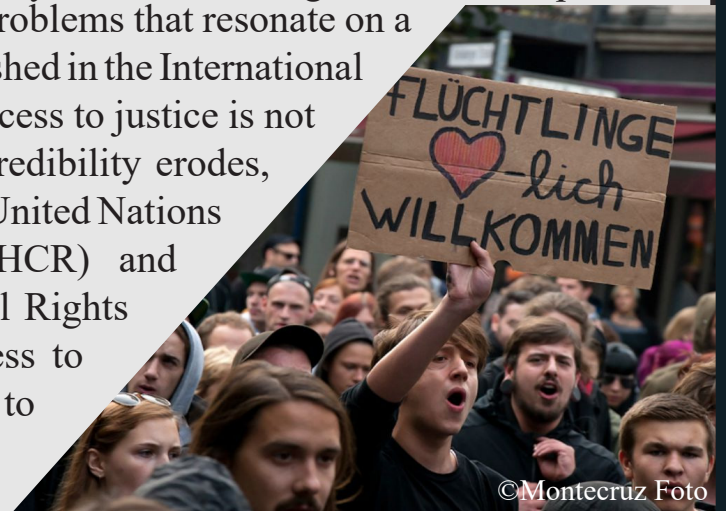
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Introduction

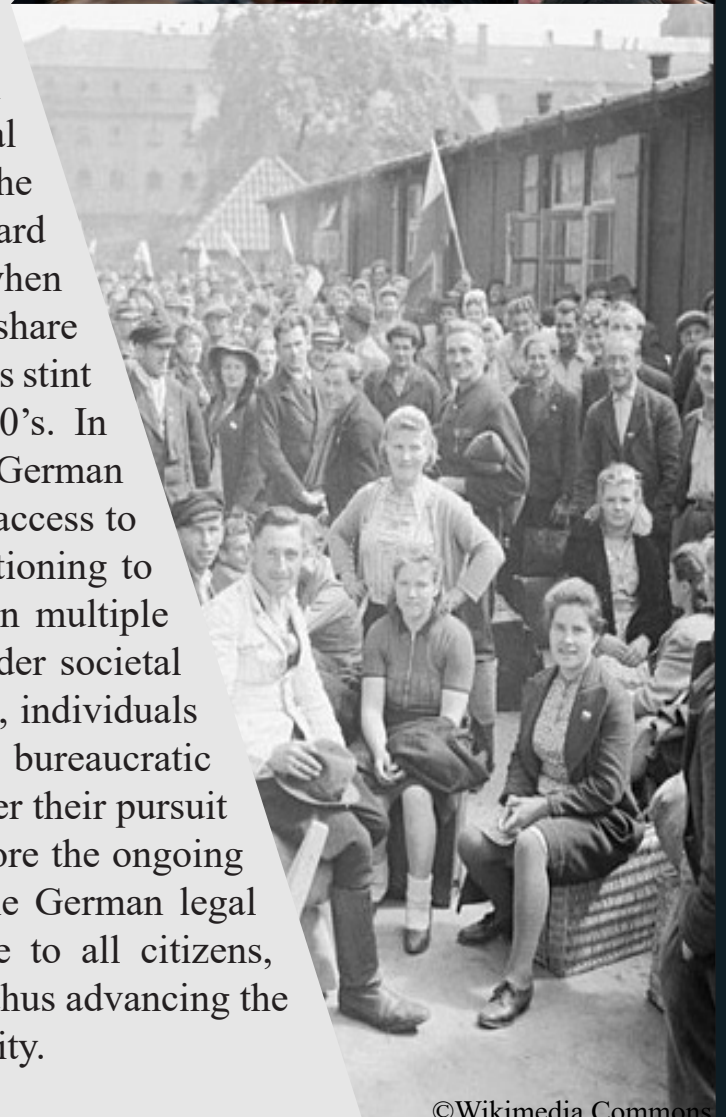
Access to Justice in Germany: Informing the Less Fortunate of Their Rights

In today's complex and interconnected world, equal access to justice stands as a cornerstone of a peaceful and just society. Without it, individuals risk disillusionment, mistreatment, and unhappiness, undermining the very fabric of their communities. In many cases this can unfortunately lead to being displaced and exposed to unnecessary violence. However, the issue extends far beyond individual grievances; it speaks to larger societal challenges and overarching problems that resonate on a global, national, and regional scale. As published in the International Organization for Migration (IOM), when access to justice is not provided by the state, its legitimacy and credibility erodes, opening the possibility of conflict (34). The United Nations High Commissioner for Refugees (UNHCR) and European Union's Agency for Fundamental Rights echo these sentiments by stating that access to justice is the precursor for all other rights to be guaranteed (36).

In Germany, the right to access to justice is one that is not guaranteed within their constitution, but rather is seen as a right that derives from constitutional principles. While these rights mainly affect the individuals' ability to have their disputes heard in court and grants them legal protection when needed (44). Germany's past has had its fair share of injustice, as was quite prominent during its stint with fascism through the 1930's and 1940's. In particular, foreign nationals and even many German citizens had few or no rights and by proxy access to justice as well. However, even after transitioning to a democratic rule, disparities still persist in multiple domains, and these challenges reflect broader societal issues within the country. At the local level, individuals encounter obstacles to legal representation, bureaucratic complexities, and systemic biases that hinder their pursuit of justice. These localized hurdles underscore the ongoing need for comprehensive reforms within the German legal system, ensuring that justice is accessible to all citizens, regardless of background or circumstance, thus advancing the nation's commitment to inclusivity and equity.



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With how much the people seeking asylum in Germany have had to endure before making it to the border, it is deeply saddening to see what their efforts have brought them. The unfair distribution of attention is shown through some of the conditions that play a factor in whether someone is accepted, rejected, or asked to wait an excessive amount of time before a decision is reached. One issue facing these refugees is a lack of legal representation. In a publication on Access to Justice at the Asylum Office it stated that, on average, refugees seeking asylum are 19% more likely to have their request accepted if they have some form of legal representation (42). If finding legal representation were made to be an easier and more accessible process, then it may be possible to cut down on the wait time as well as increasing the opportunity for people to get the help that they need.

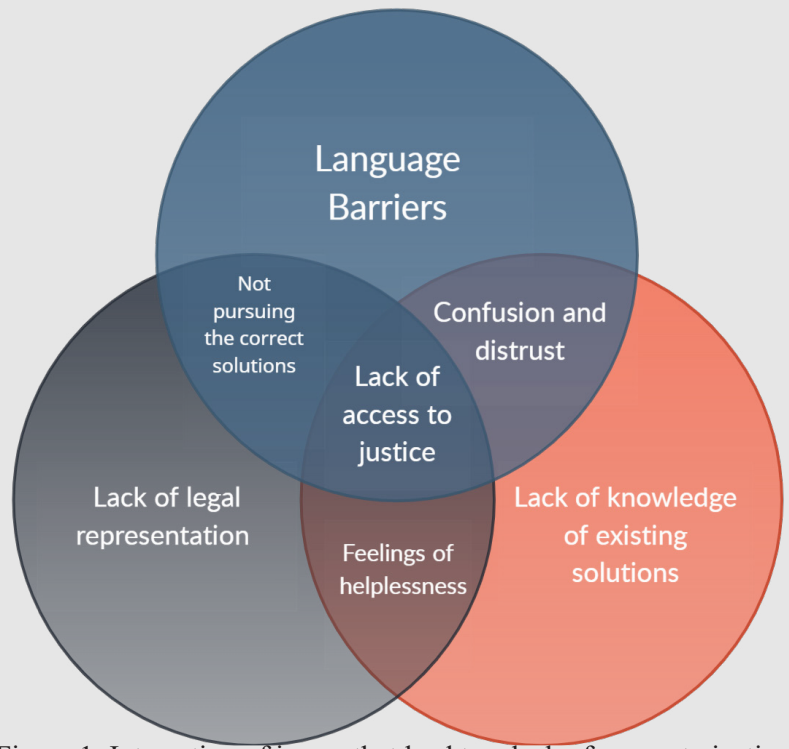


Figure 1: Interaction of issues that lead to a lack of access to justice

Our mission was to improve the access to justice to those seeking asylum in Germany through the use legal tech tools. We conducted the necessary interviews to determine current issues plaguing asylum seekers and the solutions currently available for solving said issues. Furthermore, we drew upon the expertise of legal scholars and other researchers who have already gathered data in this field. The product of this research resulted in the creation of a legal tech tool directory for lawyers and consumers, as well as a report documenting our suggested improvements to the resources available to asylum seekers.

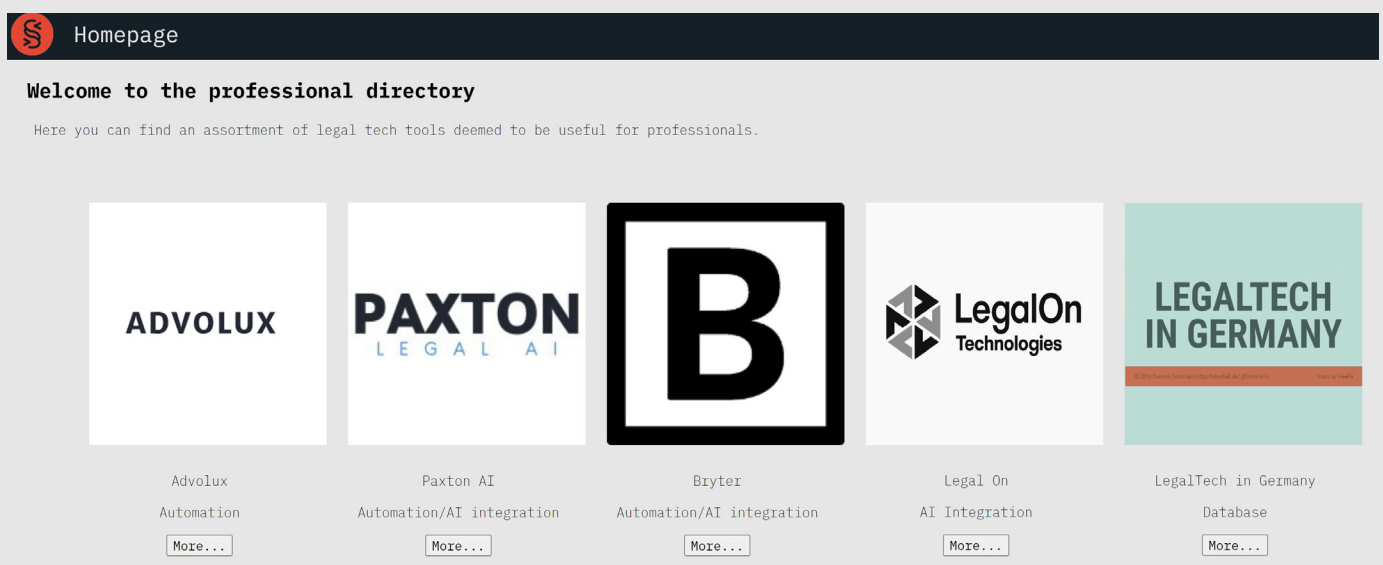


Figure 2: A screenshot of the professional directory page of the greater directory.

Stakeholders and Associated Parties:

Enhancing access to justice involves a diverse array of stakeholders, each playing a crucial role in addressing the multifaceted nature of societal issues. At the core of this endeavor are individuals seeking justice, who are our project's focal point. Their active participation is vital as they provide feedback and insights on the usability of our proposed tool, ensuring its user-friendliness and accessibility for all. Additionally, legal professionals and practitioners, including lawyers, judges, and court staff, are crucial participants, as new processes and technologies will directly impact their workflow. Consider also the government bodies and policymakers, as they influence the legal framework and allocate resources necessary for implementation. Both groups will impact our work as they will be able to guide us on our path to creating a viable tool that follows the regulations of legal tech and ensures that it can remain in place long after we have left the project site.

Non-profit organizations and legal aid providers are also significant contributors, as they have already been working towards ensuring equitable access for underserved communities. Additionally, technological experts and developers are key players, as they are responsible for implementing the very digital solutions that enhance the efficiency and accessibility of legal services, and without thorough testing in ease of use/correctness the technologies would be useless. Figure 3 visualizes the most common reasons why software development fails, the top two of which have most to do with the relationship between the developer and the customer (Non-profit org in this case). Thus, demonstrating that ensuring stakeholder cooperation and rapport is vital to technologies success. These two provide vital resources in the form of funding, defining, and the creation of the tool, and both could not function without the other. Lastly, public advocacy groups, academia, and the public also hold stakes in the project, contributing to the broader discourse on justice accessibility and societal awareness. These stakeholders will be able to spread the word of the work that is done in this project, allowing it to have a greater impact on the people of Germany and further spread the desired access to justice. Successful collaboration and engagement with these diverse stakeholders are essential for the project's comprehensive and sustainable improvement of access to justice.

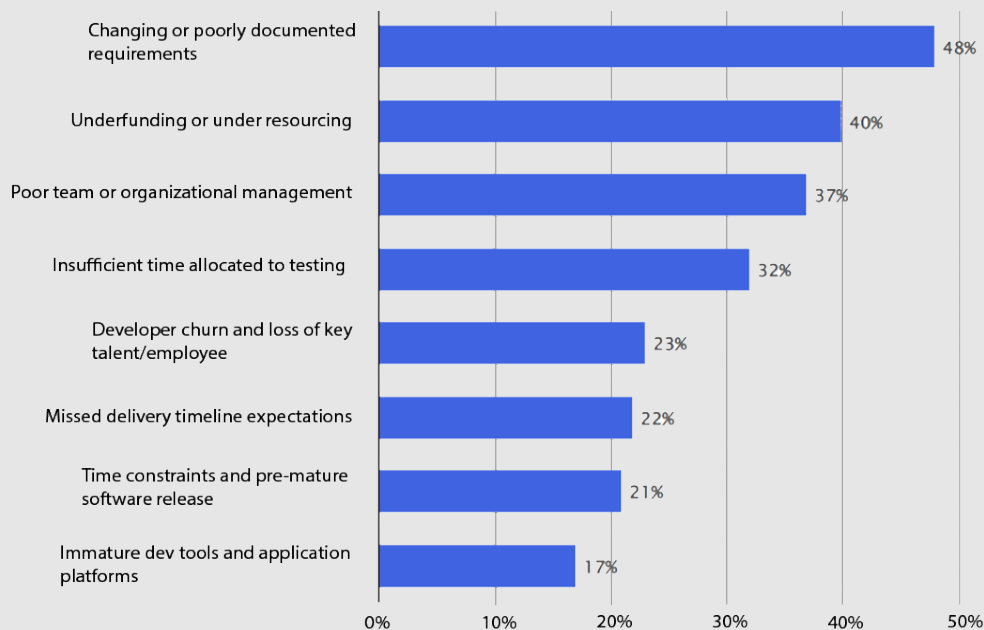


Figure 3: Leading reasons for software project failure globally 2015

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Understanding Justice as a Concept & its Applications:

Justice stands as the cornerstone of any functional society and its legal frameworks, yet its interpretation is as diverse as the myriad of cultures and legal traditions that exist worldwide. At its core, as defined by Merriam-Webster, justice involves the fair maintenance or administration of laws, characterized by the impartial resolution of conflicts and the equitable distribution of rewards or penalties. This definition underscores fairness, equity, and impartiality as essential pillars in the administration of justice. However, the concept of “just” significantly diverges across various cultural and legal landscapes, revealing the complexity of achieving a universally accepted definition of justice.



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Before we delve into our own discussion on access to justice, we must acknowledge the discussion already taking place among legal scholars. Unfortunately, our research has found that there has been no concrete consensus on defining access to justice, never mind a consensus on measuring it. These findings are echoed in an article in the SSRN Electronic Journal which states “A recurring issue in academic studies is the lack of clarity or consensus on what ‘access to justice’ means” (7) and an article in Lex Humana which states “Access to justice is a broad concept” (63). Additionally, these scholarly discussions rarely offer a way to measure access to justice, largely due to its complex nature. A quote from the SSRN Electronic Journal highlights the challenges of working with access to justice by stating “The development of research on access to justice can be notably challenging. The sparse literature, its multifaceted nature, and the lack of empirical research imply profuse difficulties, as well as the lack of constructs and categories to explore how the phenomenon limits the advancement of methodological paths” (7). Due to the developing nature of this field and the difficulty working with access to justice, our high-level discussion of access to justice may, similar to the discussions before us, produce more questions than answers.

Background

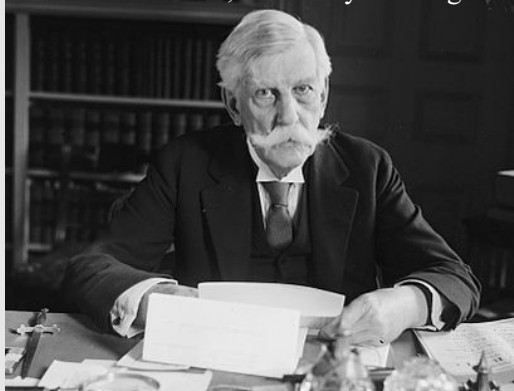
Historical Basis of Access to Justice:

Philosopher John Rawls, in his landmark “A Theory of Justice” (1971), offers a pivotal perspective, envisaging justice as rooted in fairness. He delineates this through two principal ideas: the liberty principle, which champions equal basic liberties for everyone, and the difference principle, which allows social and economic disparities only when they benefit society’s least advantaged members. “Justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many” (51). Rawls’ approach highlights the ethical dimensions of justice, advocating for a society structured around the fair treatment of all individuals, insisting that individual sacrifices cannot be justified by a larger shared benefit.



John Rawls, image rights © Gamma

Holmes circa 1924, © Library of Congress



In contrast, the legal realist movement, exemplified by Oliver Wendell Holmes Jr., posits justice as a tangible application of law, shaped by its enforcement and judicial interpretation. “The life of the law has not been logic: it has been experience. The necessities of the time, prevalent moral and political theories, intuitions of public policy, avowed or unconscious, and even the prejudices which judges share with their fellowmen, have had a good deal more to do than the syllogism in determining the rules by which men should be governed” (39, 30). This view emphasizes the pragmatic aspects of justice, focusing on the outcomes produced by legal processes and the experiences influencing judicial decision-making. It suggests that factors like societal needs, moral and political ideologies, and even the biases of judges play a significant role in the governance of society, more so than mere logical deduction.

Integrating more modern perspectives from the Stanford Encyclopedia, the discourse on justice broadens further. Corrective justice, for example, underscores the principle of accountability and restitution, aiming to reestablish equality between parties when harm has occurred. This concept supports the notion that individuals should bear responsibility for their actions, especially when those actions infringe upon the rights of others, ensuring a societal framework where individuals can confidently anticipate protection against certain adversities (43). Furthermore, the idea of perfect procedural justice highlights the significance of the processes through which justice is pursued. A just procedure guarantees a fair outcome, underscoring the intrinsic relationship

between the justice of a procedure and the fairness of its results. This aligns with the belief that the mechanisms constituting a fair trial are justified largely because they tend to yield just outcomes, effectively distinguishing the guilty from the innocent. These varied interpretations of justice converge on a common thread: the principle of fairness in the application of laws and the resolution of disputes (43). The concept of “access to justice” extends beyond these principles to focus on the practical ability of individuals to leverage the legal system in safeguarding their rights and resolving conflicts, highlighting the ongoing quest for a justice that is equitable, restorative, and procedural in nature.

Drawing upon legal scholar’s discussion, **we define access to justice as a person’s ability to exercise all rights awarded to them by any given legal system, which includes access to legal representation, counseling, and legal information, irrespective of their background, financial status, or any other personal trait.** This definition, supported by organizations such as the United Nations (66) and the US Institute for Peace (46), emphasizes the operational aspects of justice — ensuring that legal systems are accessible, equitable, and responsive to the needs of all individuals. Achieving access to justice is a multifaceted endeavor that requires the seamless operation of societal systems, the cultivation of public trust in the legal framework, and the recognition of local practices. It involves creating an environment where individuals have equal opportunities to seek redress for grievances and obtain fair resolutions to disputes. Furthermore, genuine access to justice demands the removal of barriers that may prevent certain groups or individuals from fully participating in legal processes. Thus, access to justice is not merely a theoretical concept but a practical reality that demands continuous efforts to ensure inclusivity and fairness within legal systems. While justice as a concept focuses on the abstract principles of fairness, equity, and the moral basis of laws, access to justice is concerned with the practical mechanisms through which these principles are realized and made available to individuals. It bridges the gap between the ideal of justice and the reality of legal processes, ensuring that the promise of justice is not an empty one for those who seek its protection and benefits. This distinction highlights the critical importance of access to justice as a cornerstone for building equitable societies where the rule of law prevails, promoting social cohesion, and fostering trust in the institutions entrusted with administering justice.

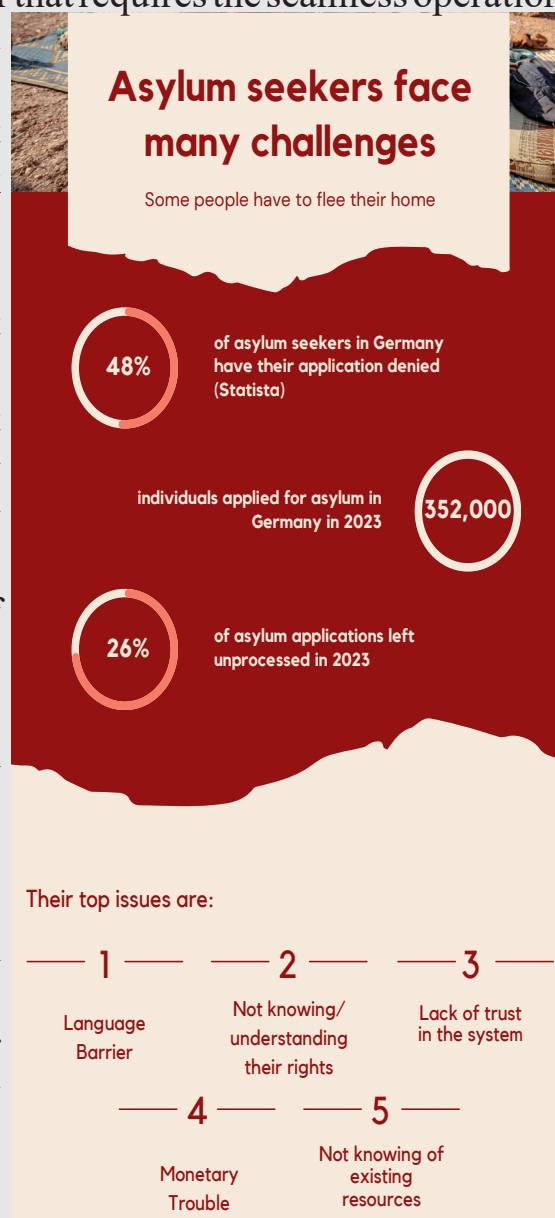


Figure 4: Issues faced by asylum seekers

Justice as it Relates to Asylum Seekers and the Vulnerable:

In his “Letter from Birmingham Jail” Rev. Martin Luther King Jr wrote, “Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly” (35). This insight provides a holistic view of the issue of justice, wherein access to justice for vulnerable groups like asylum seekers is a keystone of their protection and integration into new societies. However, when this access is limited or non-existent, the consequences can be severe, affecting not only the individuals directly involved but also the broader social fabric. The lack of such assistance can lead to increased vulnerability to exploitation and abuse, as asylum seekers without legal status or knowledge of their rights are more susceptible to labor exploitation, human trafficking, and other forms of abuse. According to the United Nations High Commissioner for Refugees (UNHCR), “Most people seeking asylum are unable to work while their claim is being processed, which can take several months or years. Therefore, many asylum seekers live in poverty and are not able to pay for their basic needs. Restrictive laws and limited economic inclusion frequently push refugees to work in low-paying and risky informal employment” (65). This social and economic marginalization of asylum seekers is a significant concern. Without the ability to access legal work, education, or health services, asylum seekers are often relegated to the fringes of society, where poverty, abuse, and exclusion are rampant. Such fates are then used as fuel for disapproval of asylum seekers, further eroding the relationships between them and the citizenry of host countries.



Martin Luther King Jr. on the steps of the Lincoln memorial 1963 © Library of Congress

A society’s failure to provide justice for asylum seekers can undermine the rule of law and human rights, eroding public trust in the legal system. This situation can also fuel xenophobia, discrimination, and social tension within states. The European Union Agency for Fundamental Rights (FRA) has observed an increase in concerns over judicial independence in EU member states as the strength of EU law depends on

the commitment of members to agreed-upon legislation. “The level of perceived judicial independence among the general public remains particularly high (above 75%) in Austria, Denmark, Finland, Germany, Luxembourg and the Netherlands and particularly low (below 30%) in Croatia, Poland and Slovakia” (20). Deviation from these agreements leads to judicial independence, which in turn weakens the whole union. “The erosion of the rule of law manifests itself when governments refuse to abide by court decisions, undermine public confidence in the judiciary, violate judicial independence, weaken judicial bodies, pressure individual judges, and reduce parliaments to a rubber-stamp. Invariably, it goes hand in hand with a hardening of governments against the standards set in the Convention and by the institutions of the Council of Europe” (19).



Roma refugees evicted from camps set up on private property in Sweden. Image credit: © Reuters/TT News Agency/D. Prvulovic

A lack of access to justice also causes significant public health ramifications. The World Health Organization (WHO) highlights that “Many refugees and migrants lack access to health care services, including health promotion, mental health services (particularly for post-traumatic disorders), disease prevention, treatment, care, and financial protection” (57). This lack of access can allow untreated illnesses to spread within migrant communities and beyond, posing a public health risk. Furthermore, untreated trauma and mental health issues significantly exacerbate the difficulties faced by asylum seekers, who, like citizens facing mental health stigma, are often ostracized. This cycle of irregularity and insecurity stemming from inadequate access to justice for asylum seekers hampers their effective integration into host societies and limits their access to health services. The unresolved legal status also leaves many in a prolonged state of limbo, unable to contribute economically or fully engage in their new communities, disadvantaging not only the individuals but also the societies that stand to benefit from well-integrated asylum seekers.



Image credit to Vecteezy.com

Access to Justice in German society and Measuring it Meaningfully:

Having strictly defined access to justice and understood its importance, it follows that it may be better measured or quantified to evaluate methods and pursue improvements in it. Unfortunately, despite clarification of this definition, the challenge of effective quantitative and qualitative measurement remains. To circumvent/address these difficulties we can indirectly measure access to justice by measuring its relevant statistics. For instance, part of access to justice is access for all regardless of their financial status. This is a particularly important and neglected aspect of access, with ample supporting evidence of said neglect. For instance, the 100 most financially successful law firms in the United States only dedicate about 1.7% of their daily time towards pro bono activities (52). This means that those who do not have the financial means to hire a large law firm generally cannot access their services. This leaves them with overworked public defenders or inexperienced lawyers defending them, which while admirable on the respective lawyers' part, effectively leaves those financially challenged at a competitive disadvantage in the courtroom.

Another feasible way to potentially measure access to justice is by per capita incarceration rates. On average, European countries incarcerated 117 people per 100,000 inhabitants (41). In Germany, this number was only 67 per 100,000, significantly lower than the European average. However, this does not necessarily correlate to Germany having a greater than average access to justice rate; some of the other numerous explanations for Germany having a lower-than-average incarceration rate are a more forgiving judicial system, less crime being committed in Germany, better parole offerings, or better rehabilitation programs present for repeat offenders that keep them out of jail. Regardless, it still points to the possibility of Germany having more access to justice than is typical for Europe. Another per capita incarceration statistic that could be more directly correlated to access to justice is that the European average for percentage of foreign inmates is 25%, while in Germany it is 26% (4).

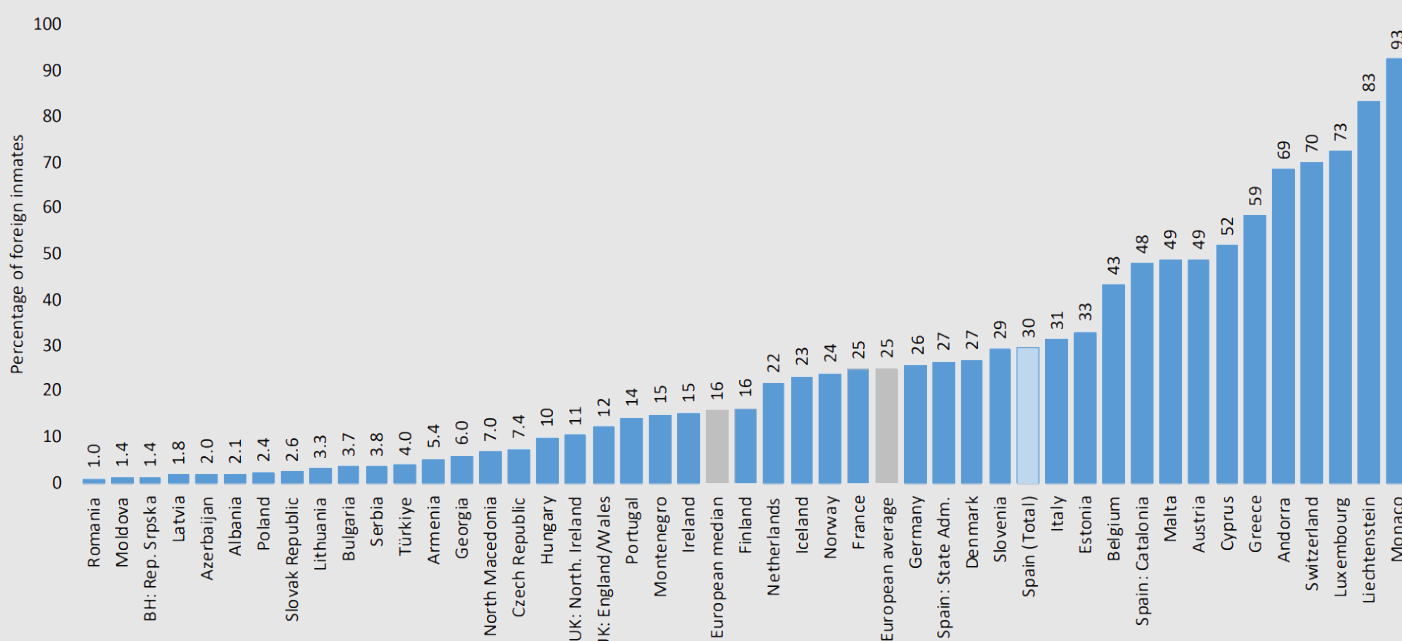


Figure 5: Percentage of foreign inmates in prison population as of Jan 2022

This paints a vastly different picture than the previous statistic and indicates that foreigners may have less access to justice than native German residents. Unfortunately, this statistic is also not a direct measure of access to justice and could be attributed to several other factors, such as Germany's higher than average foreign population of 8.8% compared to the European Union average of 6.4% (54). Balancing the percentage of foreign inmates with percentage of foreigners living in the country, Germany is below the European average once more. Given that this could apply to both defense and prosecution sides of a case, it is difficult to say which side of our case this is truly helping. This dichotomy highlights the difficulty in using related statistics that do not necessarily prove causality and will make any quantitative statistical analysis in this project difficult to justify as an effective measure of access to justice.

In conjunction with measuring access to justice, it is also important to understand what factors contribute to its obstruction. Many of these potential factors are tied to the individual's lack of knowledge of the given legal system, their language of origin, and their financial situation (60). As stated previously, being unable to afford proper legal help can be a major problem that prevents the average person from acquiring the help they need. With language specifically, not being able to read or speak in the language the laws were written in. In some instances, a difference in language has even had an impact on the outcome of whole court cases, both by reason of misunderstanding and by prejudice (27). The lack of knowledge and understanding can vary quite a bit from person to person, but the average individual typically has little to no understanding of legal systems, making it very difficult to discern what should be done in a given situation. Knowing this, the overarching goal should be to find a way to mitigate these barriers and create a system that can do so in a user-friendly way (60). While efforts have been made in certain areas such as small claims courts, free legal aid, and attempts to simplify legal jargon, there is work that can be done with the potential to make a larger impact (60) With this in mind, the most apparent resource available to accomplish this task is the abundance of modern technology.



Figure 6: The homepage of the directory we created.

Digitalization Within the Law and Increasing Efficiency:

As early as the Abacus and Astrolabe, people have innovated and used increasingly complicated tools and methods for all activities, and none has had a greater effect than digitalization. With the birth of the internet and personal computers becoming more common, institutions as old as the law have had to adapt to the new circumstances. From simple document management to entirely virtual court hearings, technology has increased access to justice through its ease of use, as well as its ability to organize what previously could have taken up a room of cabinets on-site to a hard drive in a cloud server possibly miles away all of which is capable of being accessed in an instant. The prevalence of smartphones further amplifies this accessibility, with 34% in 2012 followed by a significant 76% ownership rate of smartphones in 2021 even among those in the United States with a total home income of less than \$30,000 (50). This awareness has spurred initiatives to accommodate the growing number of low-income individuals accessing websites primarily via mobile phones, as evidenced by statewide legal aid websites creating mobile-optimized versions of their platforms (31). This is not even counting the advancements made in artificial intelligence which have the potential to revolutionize the way people seek legal advice the same way that digital document management revolutionized the way Americans performed tax returns. Figures 7 & 8 demonstrate the impact that digitalization has had on the various functions of law firms. In figure 8 we can see major impacts in every function, specifically a ~50% and ~25% major impact on document and financial management respectively. Corroborating with the aforementioned change in how Americans filed taxes, these practices also impacted how law firms handled their financials as well as the mass of documents needed for legal practice. The impacts do not end there though, as figure 7 demonstrates the quality and quantity of work completed has risen 40 percent and 36 percent, respectively.

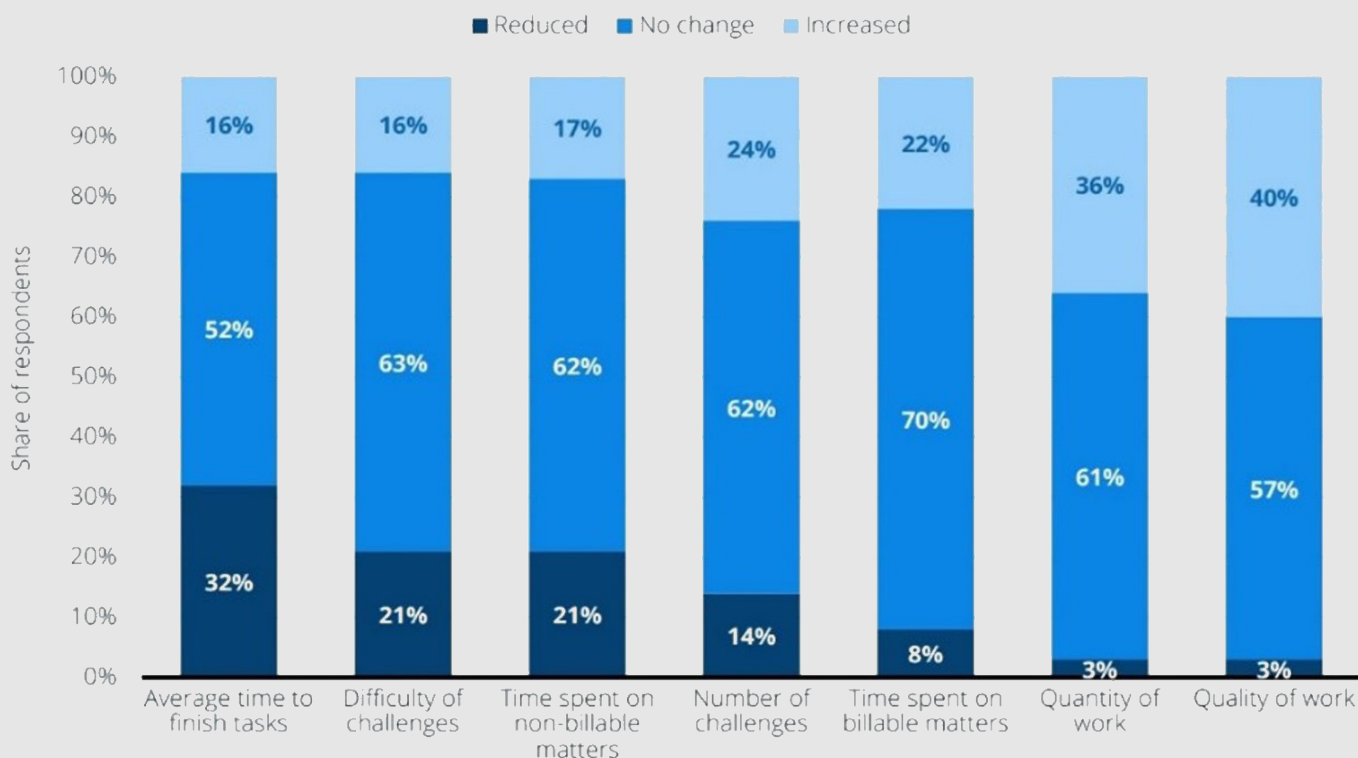


Figure 7: Leading aspect of job increased or decreased by legal technology

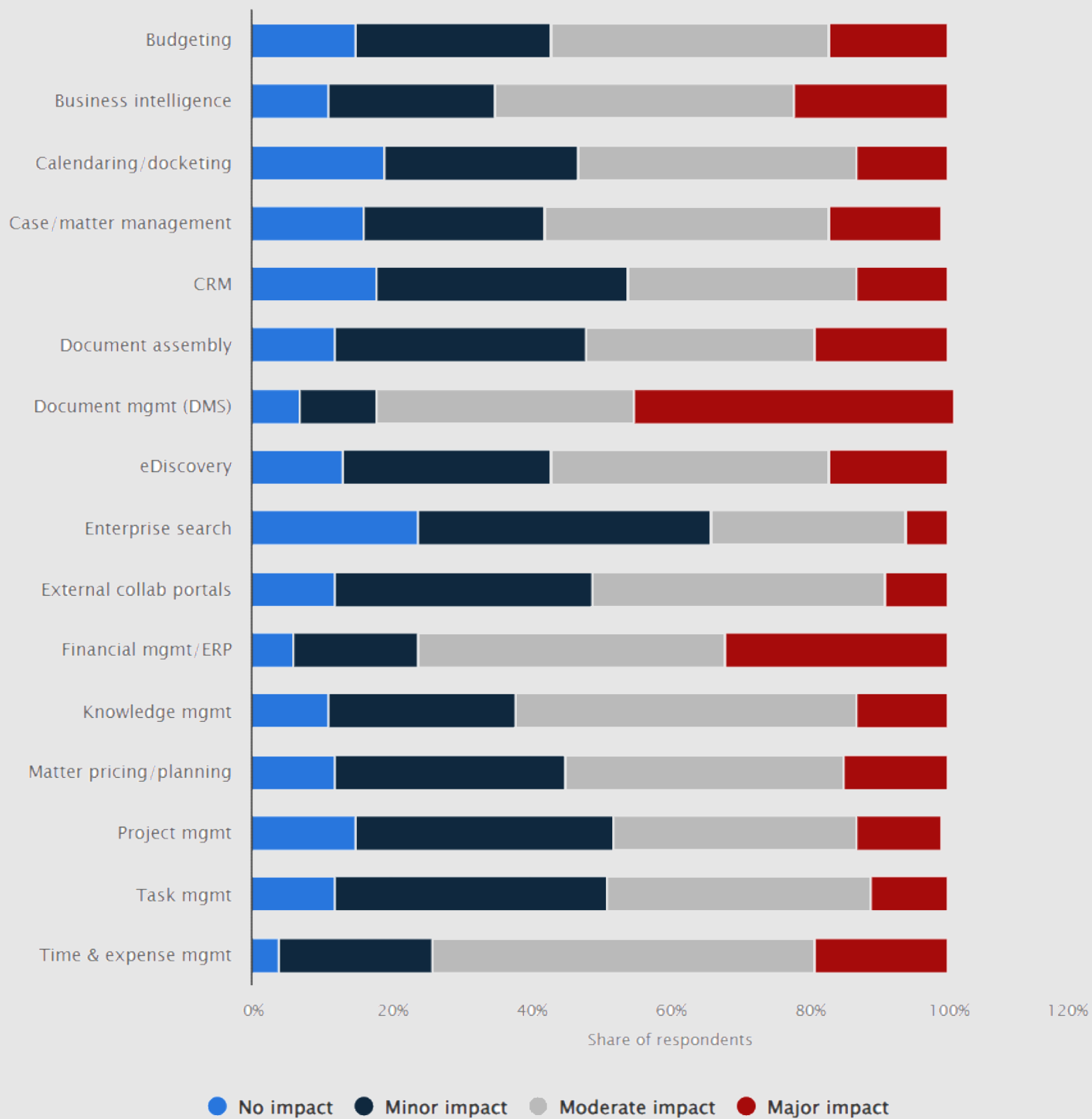


Figure 8: Impact of different technologies in law firms worldwide 2020

Why Does it Matter, and Where do We Go From Here?

Providing fair and equal access to justice is a crucial part of any society, and this is certainly just as apparent on the borders of Germany. When faced with a large influx of asylum seekers, these borders can become overcrowded and uncomfortable for those who are left waiting or rejected. It is quite clear that having to process asylum seekers is an extremely common situation in Germany, as in 2022 they recorded having the second largest number of new asylum seekers in the world (26). In many cases, these clusters of people have described these conditions as being prison-like and akin to being confined (25). For those who believe that they will be unable to find a lawyer to aid them in their asylum process, many choose to make their situation much more difficult and time-consuming by discarding any documents proving their country of origin. By doing this they are taking advantage of a loophole that after being rejected prevents them from being sent back home if they are without proof of any citizenship (25). While this does allow them to stay at the border until they are granted access, this can potentially take years of patience in a place unfit for long periods of stay. In the process of seeking asylum, each applicant is only allowed 2 rejections before they are ultimately sent away. Since there are no public defenders for asylum seekers, this forces the choice of needing to pay out of pocket for a lawyer, making it much less likely that each person will be able to have an equal chance for having their case be heard (25). From this it is clear that increasing access to justice for asylum seekers could greatly improve the lives of those wishing to be granted asylum in Germany.

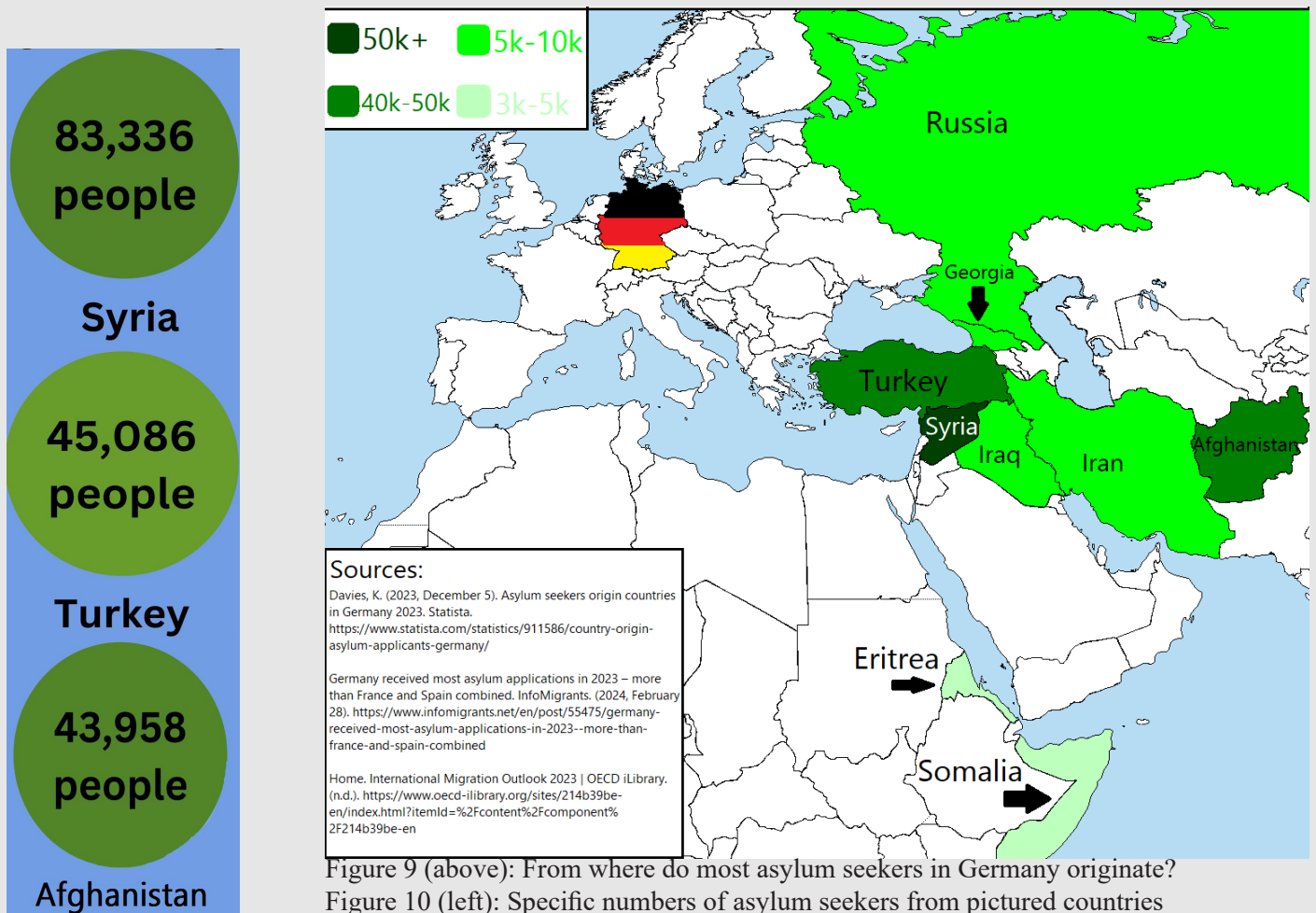


Figure 9 (above): From where do most asylum seekers in Germany originate?

Figure 10 (left): Specific numbers of asylum seekers from pictured countries

In conclusion, the quest for access to justice, particularly concerning asylum seekers in Germany, is a multifaceted endeavor deeply entrenched in the fabric of societal values and systemic challenges. As explored in this chapter, the foundation of justice is fundamental to the stability and cohesion of any community, serving as a beacon of hope for those seeking fair treatment and protection of their rights. However, the reality often falls short of this ideal, with barriers such as financial constraints, language barriers, and systemic biases hindering individuals from accessing the legal recourse they need. The consequences of such limitations extend far beyond individual grievances, permeating societal structures and eroding public trust in the legal system. The integration of technology into legal frameworks offers a promising avenue for addressing these challenges, heralding a new era of accessibility and efficiency. From digital document management to virtual court hearings, technological advancements have streamlined processes, expanded outreach, and enhanced the quality of legal services. Moreover, the widespread availability of smartphones and the potential of artificial intelligence further democratize access to justice, empowering individuals to navigate legal complexities with greater ease and efficiency.

However, the journey toward comprehensive access to justice is far from over. It requires collaboration among diverse stakeholders, including legal professionals, policymakers, non-profit organizations, and technological experts, to bridge gaps and implement sustainable solutions. By leveraging the insights gleaned from scholarly discourse, historical perspectives, and empirical data, we can develop targeted interventions that address the root causes of injustice and promote inclusivity within legal systems. Ultimately, the pursuit of access to justice is not merely a theoretical endeavor but a moral imperative, resonating with the timeless words of Rev. Martin Luther King Jr. “Injustice anywhere is a threat to justice everywhere” (35). By upholding the principles of fairness, equity, and accountability, we can build societies where the promise of justice is upheld for all, regardless of background or circumstance. In doing so, we not only honor the inherent dignity of every individual but also strengthen the foundations of peace, prosperity, and mutual respect within our communities and beyond.

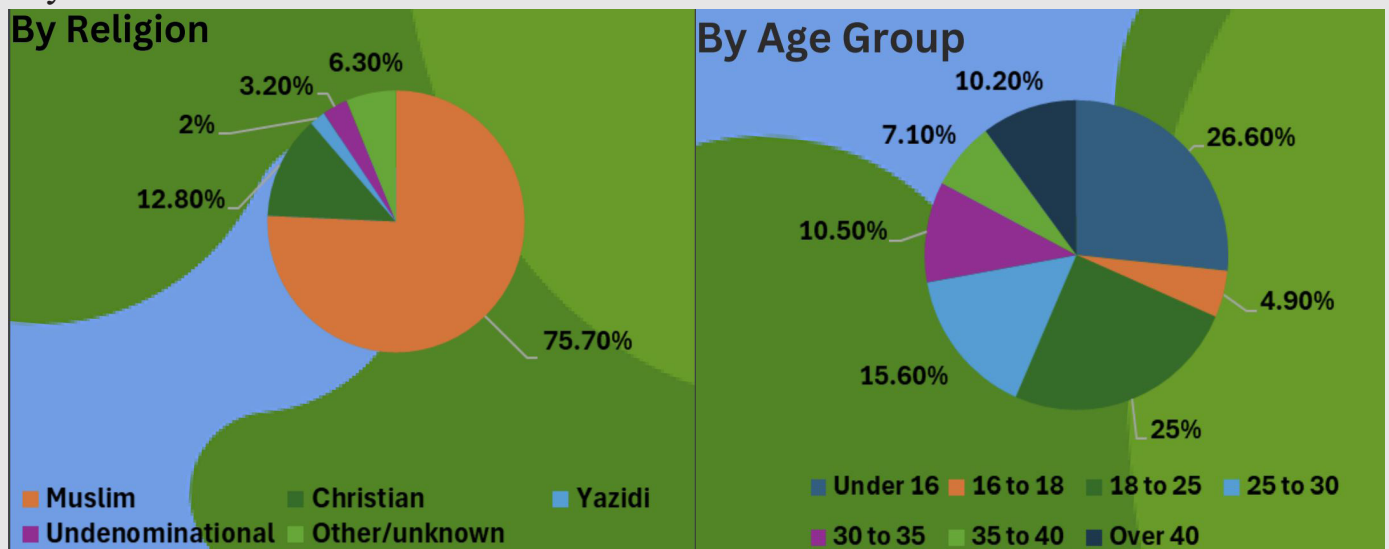


Figure 11: What religion are most asylum seekers in Germany? Figure 12: What age group are most asylum seekers in Germany?

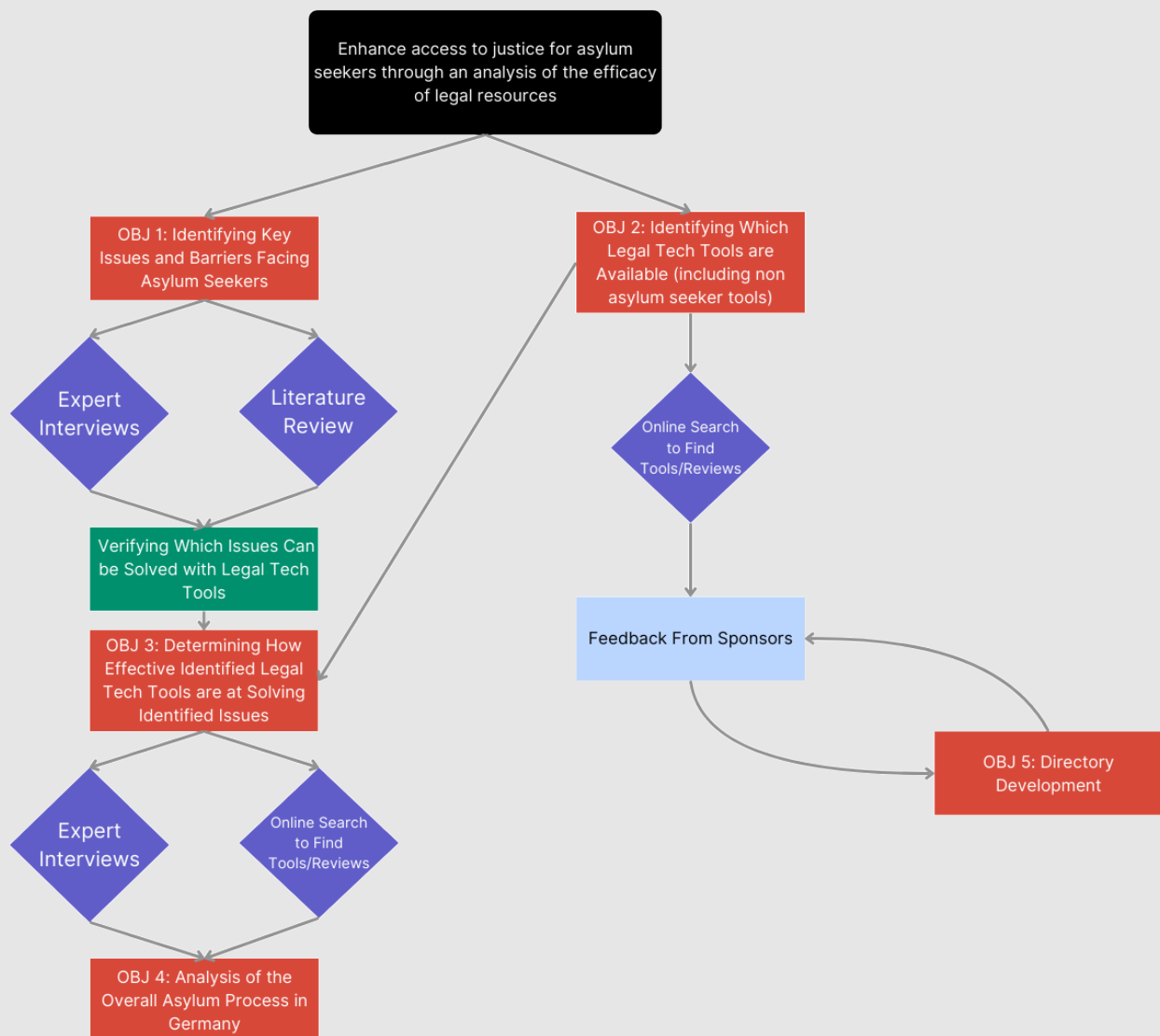
Methods

Sponsor Summary

The sponsor for this project is recode.law, a non-profit organization composed of law students and legal professionals. They produce newsletters, podcasts, articles, and organize events with companies that support their mission to discuss key legal issues and present complicated information in a digestible format. recode.law is interested in learning more about legal technology tools, however they do not currently have any. Primarily they want to know how effective legal tech tools are at increasing access to justice and how they can be improved (59). See appendix A for more sponsor details.

Objectives

The goal of our project is to enhance access to justice for asylum seekers through an analysis of the efficacy of legal resources in Berlin, Germany. By undertaking this project, we aimed to develop a free online directory of available legal technology resources and suggest improvements that could benefit access to justice. Our objectives consist of identifying key issues and barriers facing asylum seekers, identifying currently available legal tech tools, determining how effective available tech tools are, proposing solutions and developing a tech tool directory (see Methods Graphic in Figure 13 and refer to appendix D for a project timeline).



Identifying Key Issues and Barriers Facing Asylum Seekers

Our first objective was to identify the key issues that obstruct access to justice and to understand the barriers that prevent individuals from accessing legal assistance. Our approach combines two methodologies: reviewing relevant literature and interviewing experts in their field.

As a first step we conducted a literature review to develop a baseline understanding of the issues facing asylum seekers. Specifically, we found and analyzed peer reviewed studies on issues facing asylum seekers in Germany, as well as sought out published expert opinions on the issue of access for vulnerable groups. These included articles from Google Scholar and other articles found from internet searches. From these articles and other published verifiable sources, we gathered a list of issues facing asylum seekers, as well as a general understanding of how pertinent each issue was. Additionally, we utilized the literature review, including investigating government data, to verify claims made during our interviews with professionals so we may better evaluate their claims. To fill in the gaps we had from our literature review, we engaged in expert interviews to gain deeper insights into the complexities of these barriers. We are using this method because “expert interviews can provide the data to link the macro and micro levels of analysis” (67). This is not only useful for determining notions of causation but also, because “expert knowledge has a socially relevant dimension” (10) it adds credibility to our project when compared to amateur data interpretation. Additionally, “Seeking out experts (e.g., leading and/or prolific authors) provides a process to ensure inclusion of the most up-to-date trends and research in the field” (45) which is especially important when dealing with an emerging field that can change rapidly.

We considered NGO members to be experts since they have so much experience in interacting with asylum seekers and the issues that they face. We also considered legal aid members, law clinic members and law office members as experts since they too have extensive experience with the legal side of the asylum process. During these interviews we sought out which issues are observed most frequently, what barriers there are to solving those issues and how (if at all) those issues are resolved. The purpose of our interviews with federal immigration officials is similar, however their different perspective on immigration provides a more holistic view of the issues faced by asylum seekers. During these interviews we had all three group members present so that responses and notes could be taken on a laptop without interruption. These interviews were held both in person and over zoom and a sample interview guide has been provided in appendix B.

Following the identification of the primary barriers to access to justice, our next step was to discern which of these issues can be addressed through technological means. We determined the feasibility of solving issues technologically using two methods: literature review and expert interviews. For the literature review we attempted to find legal tech tools which already attempted to solve each issue, as outlined in our next objective. And for expert interviews we asked the same group of experts for their opinion about the efficacy of technological solutions for each issue we have identified. From these

interviews we hope to gain not only the opinion of each expert but also their reasoning behind each opinion so that we develop a logical argument from the summation of all the experts we interview as to why each issue can or cannot be solved technologically. Those barriers deemed insurmountable via technology did not form the core of our project due to our technological orientation. However, we still investigated potential non-technical solutions to these issues.

Identifying Which Legal Tech Tools are Available

After identifying which issues can be solved or partially solved technologically, we identified which existing legal tech tools can assist in fixing technologically solvable problems. This objective was primarily done through online research, as the most accessible tools are likely to also be the most prominent. However, this process was also supplemented with expert interviews, conducted using the already established interview protocol. While completing this objective we encountered legal tech tools that do not solve key issues but were still worth noting for the creation of a directory of legal tech tools later in the project. These tools were noted even if they were not entirely relevant to this objective.

Our first method for finding tech tools is an online search. We found these tools by using search engines to find online tools for each issue we have discovered. We primarily looked for legal tech tools advertising themselves or other organizations endorsing different tools. Additionally, we visited NGO and government websites to find legal tech tools there for asylum seekers. The goal of this method is to uncover the tech tools that are most easily accessible to someone who has access to the internet and is doing research in hopes of resolving their issue.

Our second method used was expert interviews (see the preceding protocol). Interviewing the same groups as before we sought to learn which tools were most used and most effective for solving issues, and any niche or upcoming tools we hadn't found in our online search. A sample interview guide can be found in appendix B.

Determining the Efficacy of Legal Tech Tools

From there we needed to determine how effective legal tech tools are at solving each problem. This is required to find the issues that have room to be improved by more/improved legal tech tools. To determine the extent of a specific tool's effectiveness, the team found reviews of the tool, if available, and consulted experts who have experience with said tool. User feedback is a great method for determining a software's effectiveness because "feedback is widely and often publicly available" and "valuable resource for useful information from which potential software improvements [...] can be derived" (55). Combining this information with expert interviews gave us a more complete picture of the tool's effectiveness. This information allows us to execute the final part of our project.

The first method of completing this objective is online research. We accomplished this by looking for any studies that have been done on the efficacy of each tech tool,

looking for reviews by experts or users, and reaching out to the provider of each tech tool for user metrics/feedback. This gave us a baseline on the tool's effectiveness and partially quantified how useful each tool is. We used this method in conjunction with expert interviews to combine both the user's and expert's perceptions on each tool's effectiveness. These interviews follow the same protocol and groups as used previously. A sample interview guide can be found in appendix B.

Analysis of the Overall Asylum Process in Germany

Having identified gaps in the current legal tech landscape, the project transitions to proposing potential improvements and the creation of our own tech tool directory. Drawing on the insights gathered from previous objectives, we explored options for addressing identified weaknesses. This phase involved interviews with experts, referencing successful strategies employed in the United States and a literature review. After gathering this data, we presented our suggested solutions in a final report, which is one part of this project's deliverables.

Beyond proposing solutions, we also analyzed the opportunities and limitations of legal tech tools and government policy to improve access to justice for asylum seekers. We compared how legal tech tools in other fields have improved access to justice, and if similar methods could be implemented in the asylum field. Additionally, we compared how alternative asylum policies have worked and if they would improve access to justice in Germany.

Directory Development

The other product of this project is a directory of available German legal tech tools appended to the [recode.law](https://www.recode.law) website. The purpose of this database is to quickly send users, which are mainly legal professionals, to the legal tech tool most useful for their situation without the need for a prolonged search of their own, to provide guidance on their proper use cases and a guide on how to use each tool. We have designated legal professionals as our primary target audience because the website this directory will be hosted on mainly sees traffic from legal professionals. Also included in the directory is a contact list of useful legal contacts for asylum seekers as the best information we can offer them is not information on technological tools but instead the right people to connect with. This tool serves as a practical outcome of our research efforts, offering tangible support for individuals seeking access to justice as well as the people that support them. We have gathered a list of legal tech tools while completing previous objectives and have a strong understanding of their purpose and inner workings. After this directory is complete it will be up to the sponsor, [recode.law](https://www.recode.law), to keep the directory updated. We worked directly with them while making this directory to ensure they have the desire and resources needed to keep it running in the future.

For examples of the directory pages see figures 2 and 6. Additionally, appendix E has images from the directory design process.

Results

While completing our project we found asylum seekers face many challenging issues that hinder their access to justice. Although the German government offers numerous forms of assistance compared to other European Union nations, there is still much more that could be done to mitigate the issues asylum seekers face, including in the legal tech field. Unfortunately, the legal tech field is in its infancy, however there is considerable potential for legal tech tools to increase access to justice in the future.

Overview of the Federal Office for Migration and Refugees (BAMF)



Bundesamt
für Migration
und Flüchtlinge

The Federal Office for Migration and Refugees is the German federal agency that oversees migration, asylum and integration in Germany. They process asylum applications, provide language classes, integration classes, initial migrant orientation and assist in repatriating migrants. On top of the services they provide, they also collect and publish statistics on the asylum and migrant field (6).

Identifying Issues and Barriers Facing Asylum Seekers

People are generally not informed of their rights, or do not understand them.

When an individual goes to file their asylum application in Germany, they must do so at a branch office of the Federal Office. It is at this meeting where applicants are informed of their rights during the asylum process, and they receive important information regarding their application in writing, in their native language. Also present during this meeting is an interpreter (21).

Despite this support, it is possible that the recipient possibly may not truly understand their rights and how to pursue corrections/redress in the case of breaches. Knowing one's rights and understanding them are two different issues, with the strategies for pursuing them acting as a further complication. From our expert interviews we determined asylum seekers frequently do not understand their rights because of how complex asylum law is (Interview 2, April 23rd 2024). These interviews also informed us that migration law has gotten more complex over the years but not necessarily better, further increasing the difficulty for asylum seekers to understand their rights.

Clients do not know that their issue is one that can be resolved legally.

There is a lack of clarity or information for the people that legal systems are meant to serve. "Of particular importance is the broadening of the concept of legal need beyond legal problems for which traditional legal resolution was sought to a broader range of 'justiciable' problems, that is all problems for which there was a potential legal resolution even where the individual is unaware of the legal dimensions of the problem and where resolution of the problem occurs outside of the formal legal system" (65). Not knowing if a problem can be solved in a legal manner is one that goes virtually hand in hand with the issue of not understanding the rights one has at their disposal, and that knowledge is foundational for pursuing justice. Therefore, the solutions for this issue will be similar to those for expanding the knowledge and understanding of rights, which fundamentally revolve around information dissemination.

Figure 14: (One of the teachers at KEDU talks to her students during class. | Photo: UNHCR / Achilleas Zavallis)



Monetary Difficulties

Many underprivileged groups find themselves avoiding resolution due to their poor financial situation. “Financial expenses can be a significant barrier to access to justice, especially for those with limited financial resources. This may include expenses for lawyers, court costs, document fees, transportation, and other expenses related to the judicial process” (64).

State support exists in Germany, though the client must be able to demonstrate need. “The plaintiff’s gross income is taken as a basis for the calculation. This also includes child benefits for those who receive them. Any income of the spouse or registered civil partner is not considered. Taxes, provident expenses (e.g. social security, private insurance) and income-related expenses are subtracted from the gross income” (22). While this system is a step in the right direction, it serves mostly as a one-size-fits-all solution as well as laying the burden of proof on vulnerable groups. “Depending on your available income, legal aid will either completely or partially cover your share of the court costs and the cost of your own lawyer” (22). Furthermore, the complicated nature of tax documents and proving financial need can serve as a barrier for those who may need it the most. Simplifying the procedure is not quite the answer either, as such social programs may be taken advantage of if restrictions are loosened. Again, we find the underlying issue to be knowledge of the information already available.



Figure 15: Social Welfare

Some work in disincentivizing abuse of social welfare programs is being put into effect, with results yet to be seen. An example of a recent change is the switch from cash payment to payment cards, “The advantage of payment cards is that the amount of

money provided can only be spent in Germany and only on what the benefits are really meant for, i.e. to cover refugees' living expenses. This means that it is not possible to use the money to pay traffickers or transfer it to the refugees' countries of origin." (12). This change in BAMF policy was disfavored by the experts we interviewed (Interview 1, April 18th 2024; Interview 2, April 23rd 2024). Particularly, cash stipends were supported while payment cards were disfavored. Some of the issues with the payment card method were that such cards are typically only valid at much larger chains of grocery stores, meaning that thriftiness and more familiar products may now be entirely out of reach. It also means that asylum seekers must make the journey to the nearest chain supermarket rather than a local, possibly more familiar, and friendly market, further adding to a list of struggles already faced. While the debit card method has been touted as a leap forward in awarding support stipends by the German government, and it does have its merits in preventing fraud as well as speeding up the award process, professionals feel the benefits are not outweighed by the drawbacks.

Many are unable to place their trust in a favorable solution.

There is systemic racism, sexism, and classism in just about every organized system. "Lower-class individuals, even aware of legal problems, are much more hesitant to go to court. Inaction is even more pronounced among poor Black people" (29). Despite the different racial composition of Germany compared to this US-based research, this issue goes beyond such specific populations; "While the lack of access to justice afflicts societies around the world, its consequences disproportionately affect vulnerable groups such as the poor, ethnic minorities, and women" (64). A lack of trust in the systems in place to provide a favorable solution may lead to vulnerable groups like asylum seekers taking more drastic action. They may do things like destroy their documentation in attempts to further confuse the system and to potentially buy themselves more time as their application process may be restarted or slowed. Another issue is lying about the situation they faced in their country in the multiple interviews they must undergo to get accepted due to the risks of their repatriation. Although these tactics are understandable as they come from a place of desperation, they are not in an applicant's best interest. Unfortunately, advice to deceive officials in the asylum application runs rampant within the protected communities that seekers find themselves in during their application process. To the point where official recommendation must address this issue. "In the personal hearing, you will be requested to provide information about your persecution, ...namely why you fled and what you fear could be your fate if you returned. Do not follow the advice of friends and people you know who suggest that you report things that didn't actually happen to you. False information can result in the rejection of your application" (11).

The lack of trust goes beyond vulnerable groups however, and we see an across-the-board drop in the trust that people in cities, towns and rural areas have in their government, and the EU. There doesn't appear to be a drop in satisfaction with democracy however, which indicates the population is only dissatisfied with recent policy changes, and not the underlying democratic principles (18).

Trust in government, in the EU, and satisfaction with democracy

● 2020 ● 2022

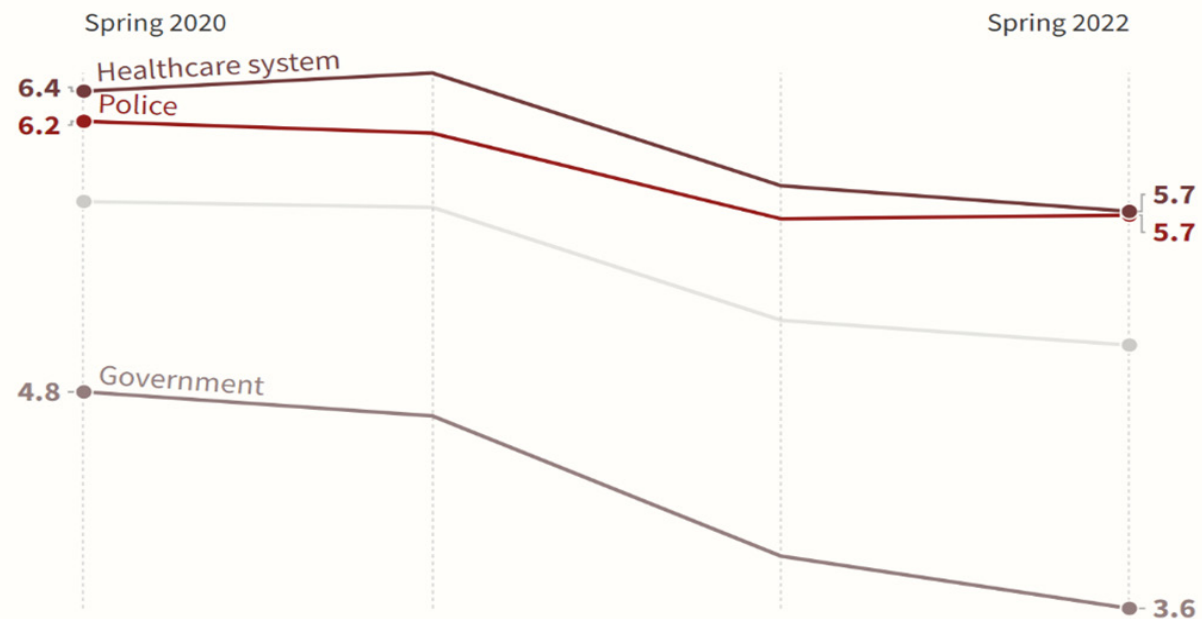


Source: [Living, working and COVID-19 e-survey, round 5 \(2022\)](#) • Note: Scale ranges from 1 to 10, with 1 representing the lowest level of trust/satisfaction. Satisfaction with democracy data only available from 2022.

Figure 16: Trust in EU government falling significantly, satisfaction with democracy

We also see an across-the-board drop in trust in national institutions, a worrying trend in the last two years likely spurred by mishandling of events like the COVID-19 pandemic and continued immigration crises.

Healthcare system, police, and government



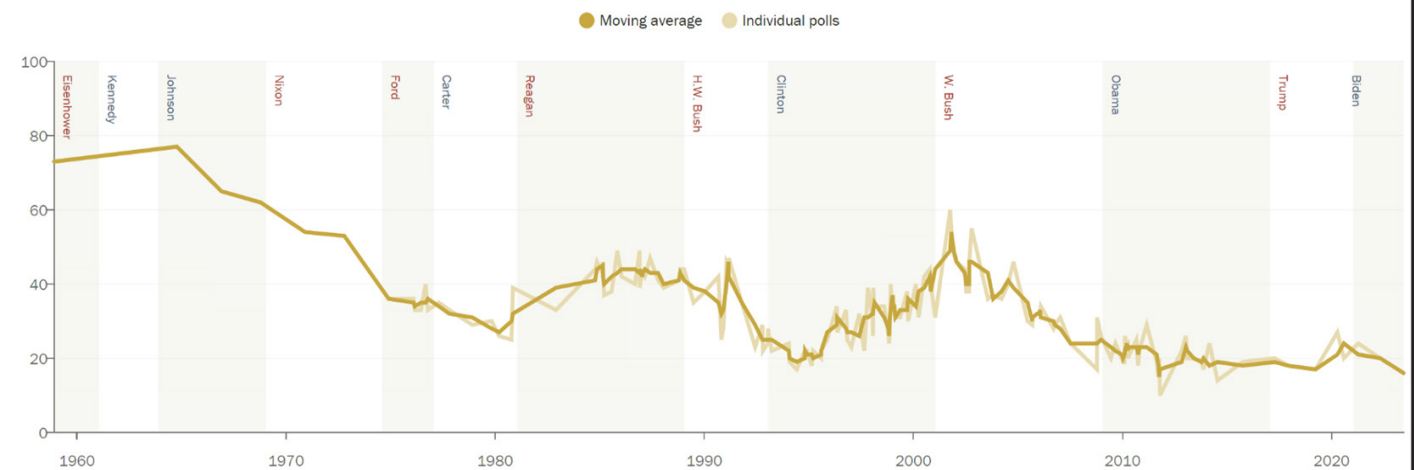
Source: [Fifth round of the Living, working and COVID-19 e-survey: Living in a new era of uncertainty, Get data](#) • Trust indices use a Likert scale of 1-10. All charts made with Flourish

Figure 17: Trust in specific EU Government systems falling

This situation is not unique to the EU, as the United States has likewise witnessed a general and ongoing drop in public trust in the government starting in 1964 (figure 17). With different candidates there have been spikes in trust here and there, likely due to specific legislation being passed, but the overall trend is worrying as historic lows in the percentage of citizenry who trust their government are seen (49).

Public trust in government near historic lows

% who say they trust the government to do what is right just about always/most of the time



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Figure 18: Public Trust in US government falling since 1964, reaching historic lows

In further discussion on the topic of trust in government decision making with professionals working alongside asylum seekers, some changes in policy, insecurity in legal status, and further associated difficulties were discussed. Beginning with policy, there have been efforts by various EU governments to make the process of seeking asylum, the support received, and potential to find work purposely more difficult with the hope of dissuading the arrival of asylum seekers. While obviously unfair to asylum seekers and the EU members taking more than their fair share of people to support, this tactic typically doesn't even work (15). Instead, it just makes the processes longer, more tedious, and even less popular with the citizenry of host countries. The insecurity of the legal status of asylum seekers is also an issue as governments will deny their integration into the workforce for months and even years, further straining the already limited social benefit programs. It also forces many to turn to under-the-table jobs and work that they're overqualified for due to the government not recognizing the education systems or certificates of asylum seeker's home countries. Furthermore, the lack of security in asylum seekers' future living in the host country leads to employers not wanting to take on the risk of training them because they'll be deported/denied asylum. This lack of proper integration and recognition leads many citizens to see asylum seekers as an economic and social burden in their countries as many seek asylum due to harsh political and economic conditions, who as a result present 'economic threats' to host countries. "These forms of threat evolve around ethnic competition over scarce resources, such as welfare benefits, jobs, public space" (38).

Potential clients are unaware of the existing resources.

Many of the resources out there for asylum seekers in Germany and the programs available for them appear to be ahead of the curve when it comes to keeping these vulnerable populations safe and secure. In the table we see that Germany not only receives substantially more applications, but that they spend the second most on social programs, a great indicator for asylum seekers. They also offer a much lower repatriation risk (the chance that a given asylum seeker will be sent back to the country they fled from).

Variable	Country				
	Germany	France	Italy	Sweden	UK
Asylum applications (quarterly mean per dyad)	948.71	276.39	413.84	144.82	132.25
Cumulative sum of asylum applications (quarterly mean per dyad)	13225.92	4872.112	7143.385	2661.3	2971.797
Total social spending (GDP %, mean)	29.77	33.99	29.03	28.60	26.34
Access to social security (mean)	0.32	0.27	8.26	0.39	-1.58
Months of ban (mean)	3	7.76	2	0	12
Recognition rate (mean)	18.36	23.54	38.05	13.16	21.53
Processing time (months, mean)	8.59	5.48	0.61	8.19	5.36
Repatriation risk (mean)	0.92	2.77	4.94	1.36	19.24

Source: Authors' calculations based [EUROSTAT \(2021a\)](#), years 2008-2020; DEMIG-Quantmig data, years 2007-2019; Eurostat data on social spending, years 2007-2019. **Notes:** The table shows the average values for the time period 2015-2019.

Figure 19: Average values for the five top destinations for first time asylum applications (2015-2019)

Germany also offers a better prospect for asylum seekers to get jobs, due to their colossal economy, and lower mean on the “months of ban” which is the number of months an asylum seeker must wait before seeking employment. “Although social spending ... is significantly correlated with the asylum seekers’ inflows, social networks have a much stronger influence and are the main determinant in attracting new asylum applications” (15). In this regard, Germany once again takes the lead as it has taken more than 20% of the first-time asylum applications coming to the EU since 2010, with years where that number has reached 59.9%, whilst other EU countries, even with similar processes on paper, have taken at most 20.5% in peak years (15).

There is room for improvement in the dissemination and propagation of information to the relevant recipients. Namely, the improvement of the mediums the information is presented, as of 2024 there are info sheets and instructional videos given and shown to asylum seekers upon arrival. “These information sheets are available in German and 44 other languages. In BAMF branch offices in arrival centers, a video available in six languages is shown to applicants explaining the asylum procedure as well as their rights and duties” (32). The potential problems with such approaches have been considered and identified previously by professionals. “a long-standing criticism from lawyers and NGOs that both the written instructions and the oral briefings provided by the Federal Office are ‘rather abstract and standardized’. In particular, they are not

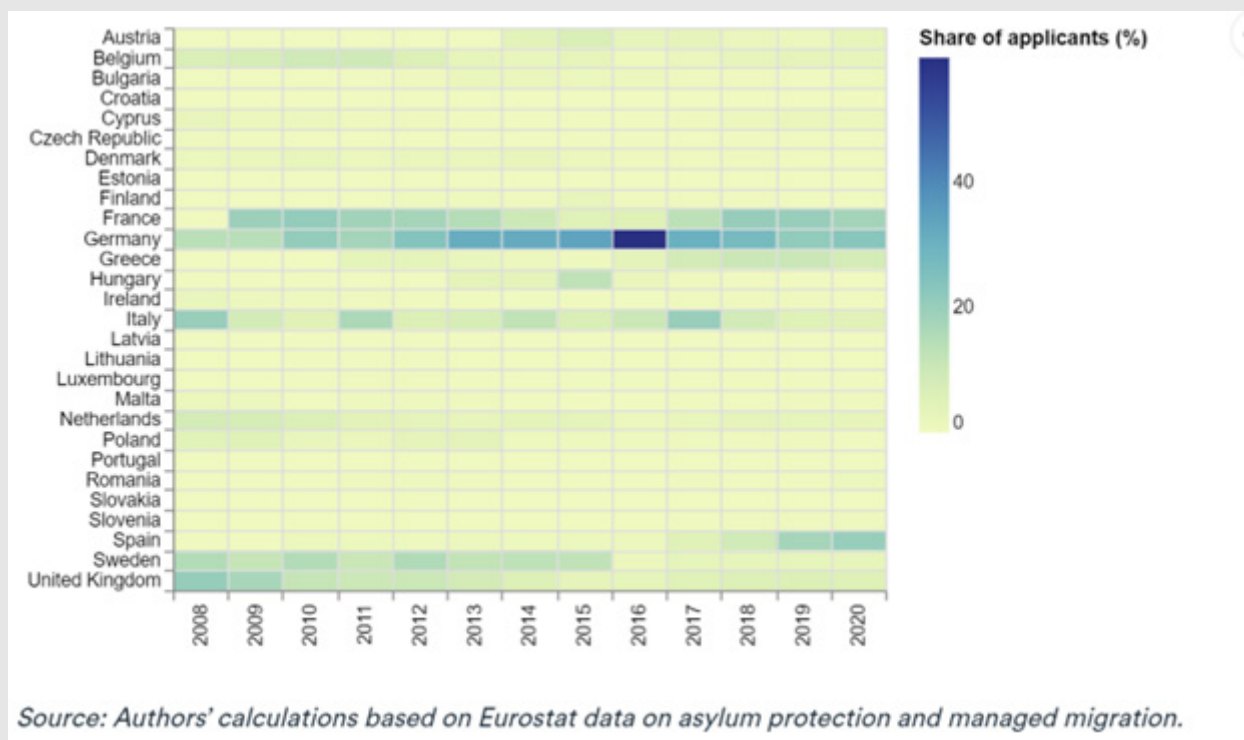


Figure 20: The share of EU first-time asylum applications by destination and year

considered suitable to render the significance and content of questions during interviews sufficiently understandable to applicants” (32). This criticism hasn’t been ignored, as the BAMF has been attempting to address these criticisms. “Since autumn 2015, the BAMF has developed a number of new, more accessible information products, including information on the website, leaflets, explainer videos, and an app for newly arrived refugees. In addition, the provision of oral information has become more systematic through the introduction of state-run counselling” (32). These efforts reflect the notable trend within Germany to improve upon existing systems of the asylum process, but as political landscapes and the situation changes these efforts must continue to adapt and innovate, ideally being that these changes are preemptive, not reactionary.

Language Barriers

Although the state provides an interpreter for immigration office appointments and court cases, there is still a need to break down the language barrier during everyday life (21). A common example of this found in a study published in the National Library of Medicine (NLM) is booking and attending healthcare appointments. Not only does the asylum seeker need assistance in booking the appointment but they also need assistance in interpreting healthcare workers’ instructions during appointments (28). The study found that “language concerns weighed heavily on the refugees met, and most of our conversations involved a discussion of language difficulties, especially related to seeking health care. Refugees expressed concern about calling clinics to make appointments, translating for others during appointments, and understanding directions from pharmacists”. This sentiment that the language barrier is the biggest issue facing asylum seekers was echoed by the professionals we interviewed.

Instances where asylum seekers require a translator aren't reserved for important events such as a healthcare visit either. They need some way of translating to communicate effectively in a working environment too, as well as in day-to-day life during public interactions. Sure, they're expected to learn the language over time, but it can take over a year to become conversational in a language and many more to become fluent (40).

This leaves asylum seekers at a major disadvantage when it comes to being hired for competitive positions and makes it difficult for them to conduct their daily business (53). Additionally, the NLM found that "although free German courses were offered, the waiting lists were long, and the classes therefore were effectively inaccessible" (28). The experts we talked to also noted refugees were only entitled to these language classes once they've been given asylum status, which they said can take anywhere from 6-18 months, further delaying their integration timeline (Interview 2, April 23rd 2024; Interview 3, April 25th). These language courses are the primary way migrants are expected to learn German, and if they cannot attend these classes, it is unlikely they'll learn the language. This is further supported by the IAB-BAMF-SOEP survey which found only 37.33% of refugees were "good" or "very good" at German (1). Considering how critical it is to know German, this number is far too low.

Other countries, such as the UK, have NGOs and charities fill in the language learning gaps. These organizations also offer language classes and help supplement government sponsored language classes.

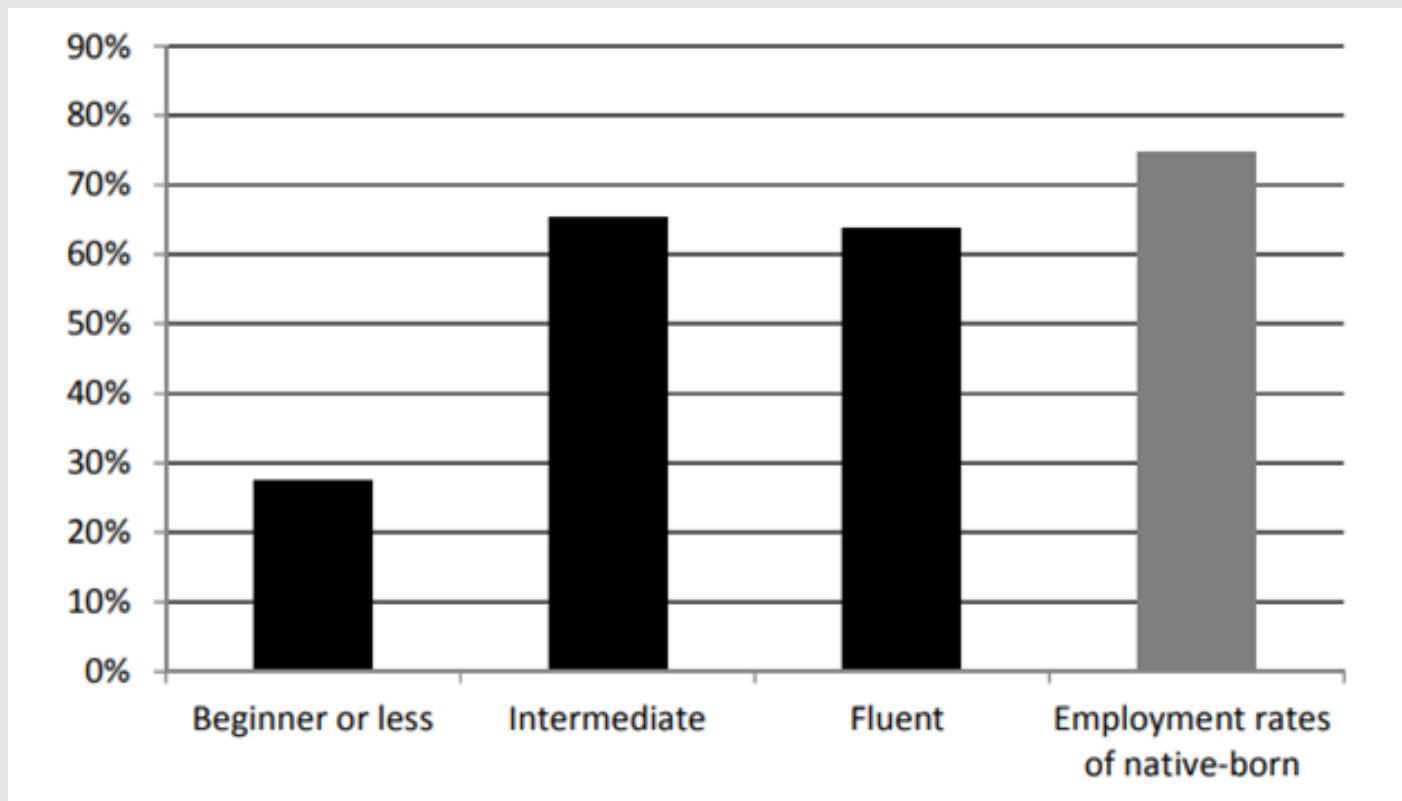


Figure 21: Employment Rate of Past Refugees in Germany by their Level of Language Skills, 2014, Ages 15-64 (Integrating Refugees into the Labour Market - Where Does Germany Stand?, 2017)

In addition to improving upon healthcare for refugees, ensuring that language barriers are mitigated can also aid in the acquisition of jobs. According to the German Microcensus from 2014, the employment rate for refugees was much higher when they possessed an understanding of the German language at a level above beginner. To increase employment opportunities for refugees, Germany has tried to increase the participation in courses related to Vocation-specific language training (47).

The professionals we spoke to emphasized the severity of the impact of language barriers on every other barrier faced by asylum seekers (Interview 1, April 18th 2024; Interview 2, April 23rd 2024; Interview 3, April 25th 2024). Particularly when it came to finding work and their place in the unfamiliar society they find themselves in. When it comes to work asylum seekers often found themselves in an unfamiliar job market, as most jobs are applied for online or through networking, as well as requiring things like references, interviews, cover letters, and resumes. All of which are either unattainable or made significantly harder due to the lack of writing/speaking ability in the language of host countries. Even references are nullified in many cases as the reference speaking a common language with the hiring personnel is unlikely at best. The associated difficulties are discussed further in a later section, but the domino effect of a lack of language skills exacerbating the difficulties asylum seekers face is evident as something as simple as having a job “has additional latent functions such as providing meaning, structure, social involvement, status, identity, personal development, and career growth” (48).

Job Issues

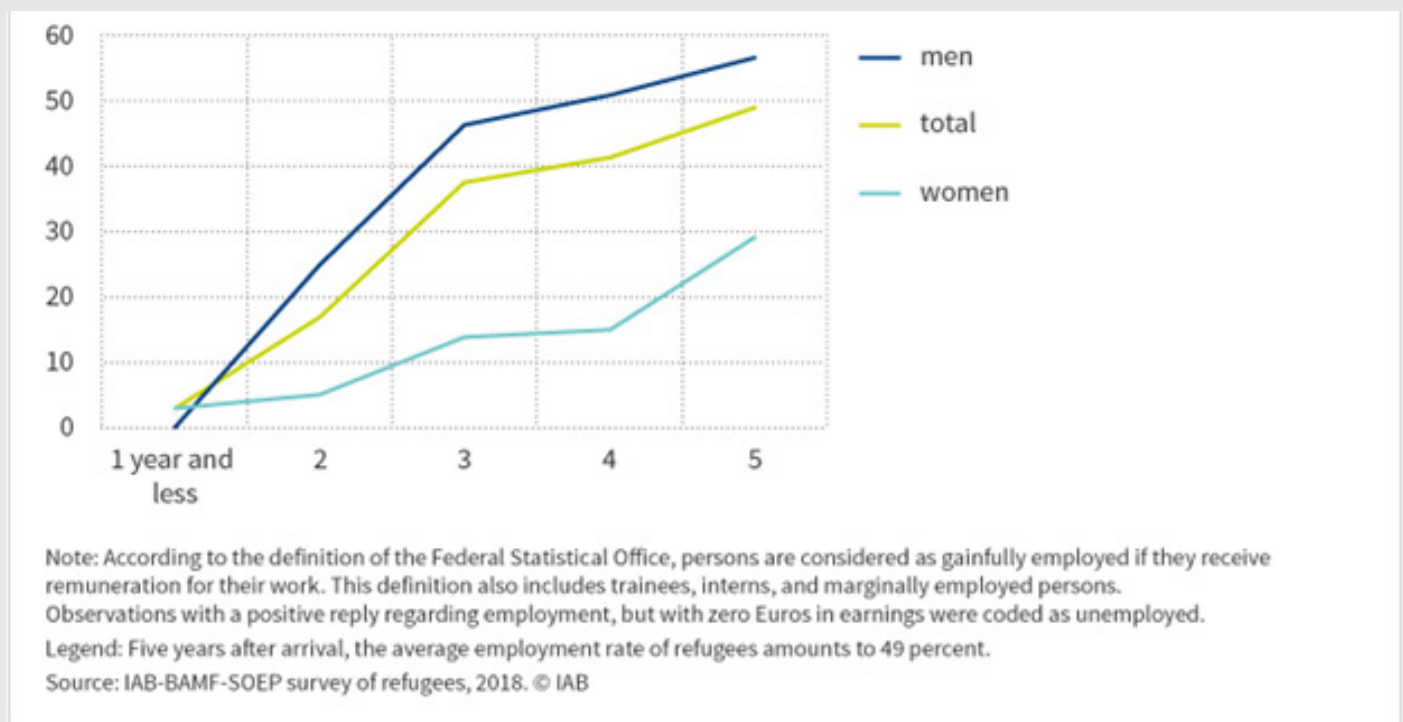


Figure 22: Employment rate of refugees arrived since 2013 by gender and years since arrival (What Do We Know about the Employment of Refugees in Germany? Answers to Some Frequently Asked Questions, 2020)

A study by the Institute for Labor Market and Vocational Research (IAB), a subsidiary of the BAMF, found that only 49% of migrants aged 18-64 found work after being in Germany for 5 years (68). In contrast to the overall employment rate in Germany aged 15-64 between 2010-2020 (around the same period as the previous study) ranged from 70.4% to 75.7%. Thus, we can see the employment rate of migrants

is much less than that of the general population (16). The initial low employment rate of migrants makes sense since to be eligible for most jobs, migrants need to speak German. However, the clear disparity between employment rates for migrants who have been in the country for five years and the general population is an issue. By that point migrants should have a similar employment rate to the rest of the workforce.

Additionally, the employment rate for migrant women aged 18-64 after five years was only 29%, while women in Germany aged 15-64 from 2010-2020 achieved an employment rate of 66 to 72.8% (17). An article published in “Acta Sociologica” notes that “immigrant women are less likely to work if they come from cultures that emphasize domestic responsibilities”, which can be further exacerbated if refugees cannot afford daycare for any children they might have. This could be due to several factors, such as the culture of migrants’ home countries preventing or de-emphasizing women from working. It also may be for practical reasons, such as families needing someone to stay home with the kids, especially if migrants cannot afford daycare (8).

Interestingly, there are large groups of refugees both under and over employed, which means they either have jobs below their skill level or over their skill level. The underemployment rate for refugees is 31% while the overemployment rate is 25% (1). Although it is not surprising that significant proportions of migrants are underemployed, it is shocking that there is a nearly equal chunk of migrants who are overemployed. However, the DIW cites the learning of skills informally as the likely reason behind the migrants who are overemployed. It’s also possible that many skilled migrants learned their skills through informal means, inflating the number of overemployed migrants. This, combined with migrants still being underemployed overall even without taking informal training into consideration, clearly demonstrates a gap in jobs migrants could have and do have. Many reports, including the one referenced in this paragraph, cite a language barrier for this underemployment.

Refugees also tend to be less educated than their German counterparts. 62% of refugees achieved at least 9 years of general education, while 97% of the German born population achieved that level of education (68). This locks them out of many jobs that require more education, however much is already being done to solve this issue. 77% of refugees are already aspiring to improve their education level, and by 2018 38% of refugees had already attended or were in the process of attending some form of educational institution while in Germany. This data suggests the issue is not completely resolved but is already partially resolved.

In our interviews, professionals pointed out that asylum seekers face many barriers when it comes to finding work in their host country (Interview 2; April 23rd). Issues include but are not limited to: a lack of understanding the language, being outright banned from working for months and even years, cultural differences, being underemployed due to the lack of recognition of their respective education, the lack of asylum seekers access to technology for applying to work, and the inability to give references or proof of their work experience. The barriers faced in finding work are extensive, but not impossible to overcome. Many of these barriers have the potential to be addressed by various changes in policy, increased support networks, tech tools, and better governmental systems. This

is further supported by the success of different immigrant work policy changes from previous years like the Skilled Immigration Act (Fachkräfteeinwanderungsgesetz) which opened up opportunities and recognition of qualifications earned in other countries, or the change from prioritizing similarly skilled German/EU citizens specifically over non-EU citizens in hiring processes (23).

Discerning Amenability of Barriers to Technological Solutions

Unfortunately, all technical solutions are reliant on users having consistent access to the internet and enough technical knowledge to utilize technical tools. Luckily, many asylum seekers already use and are familiar with technology, which is a prerequisite to using tech tools. A 2021 study examined the ways in which refugees in Germany use their smartphones, and it concluded that they find their phones to be a very empowering tool that allows them to become connected with the community and find important information relevant to their situation (2). However, some asylum seekers may lack regular internet access due to the need for both a device and internet connectivity, which negates the effectiveness of tech-based solutions.

Additionally, many of the issues we have identified in the asylum process are not necessarily legal issues. For instance, while the language barrier is an issue in legal proceedings, it is also an issue in everyday interactions. This resulted in some of the tools we found or conceptualized not being legal tech tools, but instead regular tech tools. There is great potential for more general tech tools to increase access to justice, as sites already exist for things like flight refund claims. Processes that are consistent are well suited to such automation and technology solutions, solutions that previously would've required the valuable time of employees can be automated, and the time saved utilized in areas less suited to technological solutions. The tools that have the potential to make a difference come in many forms, as today the difficulties associated with things as fundamental as team communication can be addressed by private chats, and secure file exchange for sensitive court documents can be sent over through encrypted emails.

The methods in which specific barriers can be amended by technological solutions can be distilled into three categories; One category being dissemination of information, the second being connecting tangible resources to the people that need them and the last by providing new capabilities.

In the first category are the issues of rights, legal retribution, knowledge of resources and trust. All these issues can be mitigated by disseminating the proper information in the right languages with enough simplicity for anyone to understand. For instance, the issue of knowing rights, understanding rights, not knowing the path of legal resolution and not knowing of existing resources are directly attributed to gaps in asylum seekers' information. In these cases, the issue is solely about knowing and understanding different information. There are additional barriers to solving these issues that cannot be solved by information dissemination, such as the monetary requirements behind exercising a legal resolution. However, despite not being a complete solution, information dissemination partially mitigates the aforementioned issues. On the other hand, the issue of lack of trust revolves around information dissemination in a different

way. That issue can be mitigated by publishing application acceptance statistics, ways to increase your likelihood of acceptance and firsthand accounts of asylum success stories. Of course, this type of solution is reliant on the underlying system being trustworthy in the first place.

The second category contains the issues of monetary difficulties and job issues. These two cases are more loosely related than those of the first category, as monetary difficulties can be mitigated by giving monetary value to asylum seekers and job issues can be mitigated by connecting labor to businesses in need of employees. This category is more heavily reliant on the human factors outside of the tool's control. Specifically, for monetary difficulties it is reliant on the generosity of either the government, charitable organizations or individuals. As for job issues, the tool is reliant on perspective employers looking past the barriers to hiring and utilizing a refugee's labor, including the language barrier, the potential for their residency to be rescinded at any time and accepting non-Western educational and vocational credentials.

The third category only contains the language barrier as an issue out of the list we focus on. This is because online translators can provide communication assistance between two individuals who don't share a language without any other human input. In this way, online translators provide a novel new utility to solve the language barrier. However, with current technology they are not reliable for verbal translation, and are not perfect for written translation, especially when translating complex language. Theoretically, in the future, translating technology could seamlessly allow two parties to communicate with each other without sharing a word of language.

Determining the Efficacy of Legal Tech Tools

People are generally not informed of their rights, or do not understand them

In order to help inform refugees of the resources available to them, there is a government sponsored application called "Arrive" that is translated into multiple languages for ease of use. This application serves as a "companion for your first weeks in Germany", attempting to clarify the next steps of identification, health screening, and the asylum process. Additionally, basic information about the vocational training and general process of getting a job are thoroughly outlined in a FAQ format (5). Overall, the process of informing people of their prospects and answering questions about living in Germany is thorough (11).

Apart from "Arrive", there are a few more tools that provide detailed explanations of how to navigate the process of seeking asylum. One great example of this is the European Union Agency for Asylum, which is sponsored by member states respective migration offices, including the BAMF. This tool offers its information in an easy to navigate way, organizing relevant topics into different tabs. Another great example is the Asylum Information Database. This database is composed of EU NGO's



Figure 23: "Arrive" App

under ECRE (European Council on Refugees and Exiles), and provides a more in-depth and technical overview of the asylum process when compared to the first tool. While both are completely free to use, each one is laid out in different ways, diversifying the information mediums present.

While the Asylum Information Database does contain a lot of very helpful information, its language may be too complex for everyone to understand. Both tools allow asylum seekers to verify they are being treated fairly in accordance with EU law. This alone may not be enough, as understanding and comprehending one’s rights is much more important than just knowing them. Each of these tools certainly provides enough information to gain insight into how the asylum process is meant to unfold, but to make sure a complete understanding is reached, an in-person explanation may prove to be more helpful.

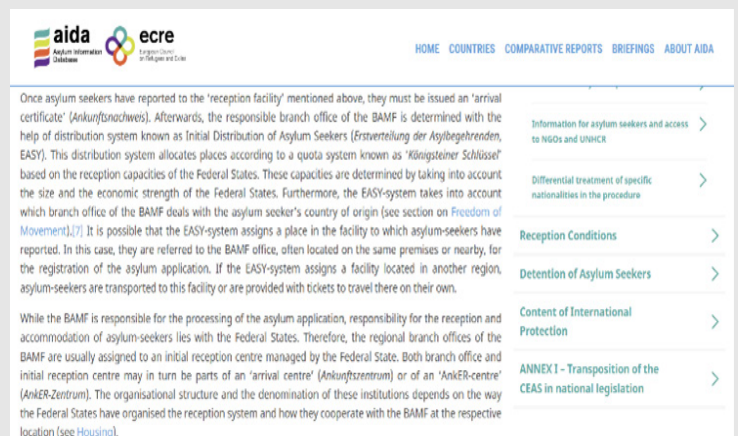


Figure 24: Asylum Information Database’s page on the registration of the asylum application

Figure 25: BAMF’s page on Asylum and refugee protection

Not understanding that their issue is one that can be resolved legally

One useful tool for informing refugees on legal topics is AdvoAsist, a website dedicated to helping people find legal representation. By setting up appointments with legal professionals, one can gain real insight into whether the issues they have are worth pursuing legal action. While receiving the representation comes at a price, making an account and searching for representation is free. The representation pricing is typically within the range of 50€ to 200€. Their service provides connections to around 10,000 different lawyers, which specialize in a wide range of legal topics, such as Bankruptcy, Criminal Defense, and Immigration. Although this tool has a lot of potential, even the relatively small legal fees can restrict its access to most asylum seekers (61).

Monetary difficulties

While the German government does fund social programs for refugees, it is not always enough. Despite the German government in 2016 spending 19,000 Euros per refugee per year, much of that money goes towards integration and labor market courses (24). There are tools that can help the monetary gap, including “Refugees Welcome”. “Refugees Welcome” offers refugees the opportunity to be matched with someone that has extra space in their home or apartment. In addition to this, they partially assist in paying rent if the owner is unable to afford to offer a room for free. With the site’s accessibility and wide language selection, it has the capacity to positively impact a variety of people from different countries and cultures. Unfortunately, the tool is also limited by the generosity of the community and contingent on refugees finding the website. This tool shows the potential for other tools like it to financially aid refugees in other areas, such as for food and clothing.

Many are unable to place their trust in a favorable solution

Given the abstract nature of this issue, technological solutions are far less suited to addressing it. There is potential in the BAMF publishing successful cases and further transparency regarding government processes, but this is merely speculative.

Potential clients are unaware of the existing resources

The issue with solving the location of various resources with technology is that such a solution would be a resource itself. Due to the complexity of this barrier, no tools were found that could specifically aid in this issue. Similarly to the issue of a lack of trust in a favorable solution, presenting necessary information in places that are more frequently visited by refugees, such as the BAMF website, may make it easier for them to find the help they need. Looking outside the scope of technology, another potential idea is enhancing the integration courses they take as they make their transition into Germany. While these courses are quite extensive, making sure to include topics such as basic communication, working, and shopping, not all of them include information on how to find legal help or where to search in times of need (33). Alongside these in person classes, there are also online classes that exist to further expand upon a refugee’s knowledge. By combining virtual and physical forms of information dissemination, the message reaches the maximum number of people possible.

Language barriers

Online language translation can be a useful tool for text-based translation and has become widely accessible due to its nature of free options for all those with internet access. Looking into specific technological solutions, “DeepL” and “Google Translate” offer aid in communication between languages. Using DeepL you can expect very accurate translations and the additional ability to upload files. Depending on what level of subscription the user has paid for, the user can expect to do more translations and upload larger files. The downside of this tool is that more advanced features and unlimited translations are locked behind a paywall. On the other hand, Google Translate offers a larger variety of languages at the cost of decreased accuracy. Also, it is free to

use but is incapable of translating uploaded files. Both translators also have a speech to text function for translation, which can be useful for conversing verbally. However, this feature on both translators frequently results in inaccurate translation and is much slower than a regular conversation, so it cannot be used reliably. Furthermore, Google Translate does not translate jurisprudential words well in Arabic, limiting its usefulness (69). While each has its own use cases and benefits, they both serve the purpose of being able to easily provide communication between people of different language upbringings (14).

Job Issues

With the popularity of searching for work online growing in Germany, it's become more important for perspective workers to have the right tools to begin their search (56). Luckily for refugees, there are tech tools tailored to them for this purpose. One great example is the website *Worker*, a job board made specifically for refugees and refugee friendly companies. Employers looking to find employees through *Worker* are obligated to be transparent with the service to ensure that when a refugee is hired, they are not subjected to unfair treatment or exploitation. The site is free to use for job hunters and once a user has signed up for an account they can quickly begin searching for jobs. Overall, the site is very user friendly and shares some of its success stories to assure users of its positive reputation. While clearly an effective tool in aiding refugees, it could certainly be made more helpful if more employers used it and it was advertised on a larger scale. A potential addition to this tool could be details about the events and job fairs within Germany hosted specifically for refugees. Unfortunately, a job board can only do so much to help individuals seek employment and cannot overcome stigmatization or other barriers asylum seekers face while job hunting (62).

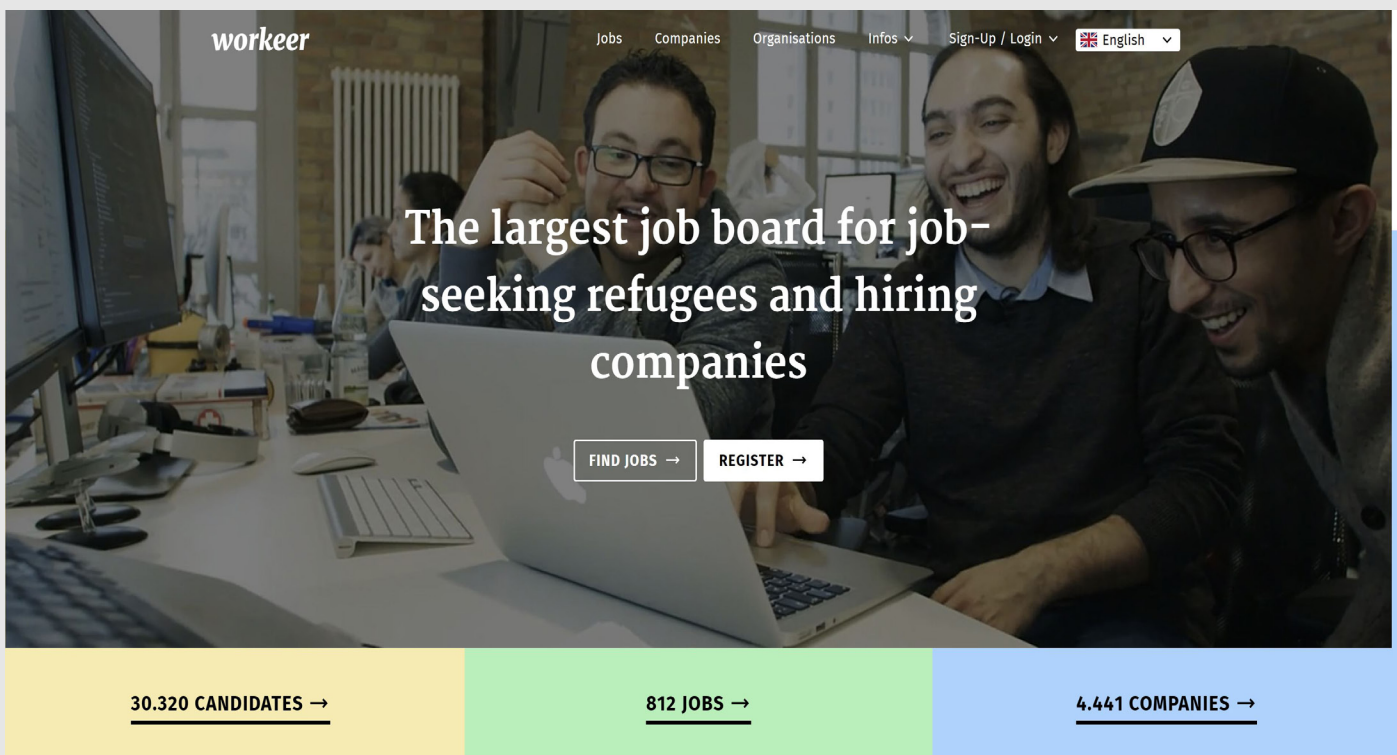


Figure 26: Worker Homepage



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Section Conclusion:

We found that for many issues there were some form of tech tool that already existed to assist in solving the issue, but there were not any legal tech tools that exist for asylum law. There were, however, some more general legal tech tools that had applications to asylum law. Overall, there was a major gap between what tech tools could theoretically do to help solve the identified issues and what tech tools that already exist could do to solve issues.

To illustrate the potential for legal tech tools to improve access to justice in practice and not just in theory, we researched how legal tech tools have augmented consumer law. Specifically, in the EU there are legal tech tools that help passengers on EU flights that are significantly delayed claim the financial compensation they are entitled to. One of the most popular tools of this nature is “Flightright”, which takes a small fee away from the passenger if they win money but takes no fee if their claim is denied. The reason these tools are so popular is because they make claiming financial compensation very easy, and they bear all the court costs so there is no risk of monetary loss for a denied claim (13). However, there being many barriers for legal tech tools to be implemented in asylum law that are not present for their implementation in consumer law. These include the inability to monetize asylum law tools, political opposition, increased complexity, the reliance on case specific context and the human factor in asylum law which are not present in consumer law. Nevertheless, it still highlights the potential for an improvement in legal tech tools for asylum law in the future.



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Conclusions

Ensuring access to justice is a multifaceted endeavor that demands the effective interaction of courts with those they serve to provide timely and fair resolutions, as well as the cultivation of public trust in the legal framework. Throughout this report we have discussed the varied historical definitions of justice, as well as how it has been operationalized or hindered in the context of those seeking asylum in Germany. These include complexities in understanding legal rights, how to pursue redress, where to find the information, fostering trust, the language barrier, monetary difficulties, and the disparities in employment faced by asylum seekers. Utilizing interviews and secondary research we discovered and evaluated the usefulness of technology in addressing these issues. In this discussion we discovered that there is substantial potential for legal technology to address the challenges previously identified, both directly and indirectly. We then identified the relevant tools in existence, as well as the gaps left behind by tools and the asylum process as a whole.

We produced an online directory populated with tech tools sorted by audience - professionals or clients – and then sorted by category. Professional tools were each given entry pages with features, purpose, price, and links to relevant information. Client tools took on a similar format, but for the most part were direct links to the appropriate websites as they were far more self-explanatory and user-friendly than professional tools. A further result of this reports efforts were the suggestions made for improving the asylum system as a whole, as throughout our research on the issues and attempted solutions we were able to pinpoint bottlenecks and areas of contention.

The primary insight from this study is that ensuring true access to justice for every individual hinges on our collective commitment to continual innovation and effort within the legal domain. Technology has led to innovation in every field, with great potential to revolutionize the way people interact with the law, and improve access to justice for all through its omnipresence and rapid expansion. While applying technology solutions to asylum law presents challenges due to the nuanced and context-heavy decisions processes, there is great potential. We assert that with further development - namely funding and support from the government as a public interest technology – the potential of technology to improve access to justice as well as save time and effort is second to none. As society evolves, so too must our approaches to the law and legal aid, ensuring their effectiveness and inclusiveness for all members of society.



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Recommendations

- **The removal of governmental restrictions on legal employment**

These sorts of restrictions have been partially lifted in the past, allowing asylum seekers to contribute to the local economy, rely less on social program support, gain a greater sense of belonging in their new communities, and feel personally better as they have a greater sense of purpose. Many of these restrictions are in place to dissuade asylum seekers from arriving, with little to no results besides straining social benefits, further aggravating citizenry, and complicating the process of asylum.

- **Acceptance of non-Western vocational and educational credentials**

There have similarly been improvements in this issue in the past, as most asylum seekers hail from countries with different educational systems. This difference and subsequent denial of recognition by Western countries of the validity of such credentials has led to many asylum seekers being underemployed. Their degrees and experience simply being ignored when they are being considered for work they may be better suited for. This leads to many being forced to find work far below them, further frustrating them and causing financial difficulties. Furthermore, the negative mental and social impact of working below your potential and education cannot be dismissed.

- **A hybrid support stipend of both cash and payment card, increased withdrawal amounts from card.**

As recent as January 2024 changes have been made in the way that asylum seekers received the support stipend from the German government. The complete switch from cash payments to a payment card limits the financial freedom of asylum seekers in choosing where they shop leading to difficulties finding stores that accept these cards, as well as preventing thriftiness due to the limited store selection. A hybrid solution of cash and payment card could alleviate the balance the government was seeking to address in the logistics of cash distribution and fraud prevention. The current system allows people to withdraw cash from their card balance, but has a limit of 50€, which could easily be heightened to ease cash-only-store related difficulties.

- **Further efforts to bolster EU member states' contribution to asylum support**

Germany has historically taken on the majority of asylum applications and seekers due to the support they provide as well as the existing population of immigrants already here. This volume has stressed already under-supported social programs and has led to portions of the citizenry of Germany outright losing support for asylum program spending and at worst led to the rising membership of anti-immigration parties within the German government. If EU member states were to provide their fair share of the contribution toward asylum programs this pressure could be alleviated substantially. The support from EU members could take many forms, namely monetary or personnel support if housing and supporting asylum seekers themselves proves impossible.

- **Increased propagation and dissemination of information, as well as where to find it**

One of the major issues we encountered was the lack of easily available information for asylum seekers as even when the information is given or found it is often not in simple terms or even the native language of the reader. This can be addressed through increased governmental efforts to provide information in more digestible formats as well as advertising the information more effectively as it doesn't matter how well written and comprehensive information is if no one finds it.

- **Increased support for language classes**

The most pressing issue we discovered was the language barrier, as it contributes to every single other issue that asylum seekers face. Without knowledge of the local language asylum seekers aren't able to easily find work, will face discrimination, are unable to relate or communicate to the citizenry of host countries, and are unable to pursue the same legal support opportunities. Language classes are provided free of charge by the BAMF, though these classes are often full or only provide basic levels of German, far from enough to properly integrate and succeed within the societies asylum seekers find themselves apart of during their stay.

- **Continued support for social programs during politically volatile times.**

Due to the fundamentally political aspect of supporting asylum seekers, the competition for social benefits, and the ever-shifting political landscape, support for social programs that support asylum seekers is at risk. From dissatisfaction with the performance of EU member states in taking their share of asylum seekers, to financial concerns, to outright racism there are many factors within German society that impact the funding and support for such systems. Continued support is vital though as the risks associated with the abandonment of vulnerable groups are too high to justify saving some money.

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