



Recognition as an independent sponsor of youth welfare

Translation into English

A working aid for
autonomous migrant organisations
providing child and youth welfare



Contents

Foreword	3
1. Child and youth welfare in Germany	5
2. Autonomous migrant organisations providing child and youth welfare	11
3. Recognition as an independent sponsor of youth welfare	15
Why is it worth an AMO gaining recognition as an independent sponsor of youth welfare?	
What prerequisites need to be fulfilled before making an application?	
How does the application for recognition take place?	
4. Sample letter: Application for recognition as an independent sponsor of youth welfare	25
5. Bibliography	28
6. Imprint	29

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Foreword

Autonomous migrant organisations are the central actors in a diversely constituted democratic civil society. Thanks to their varied engagement in integration and participation, they are rightly considered an important pillar of integration policy in North Rhine-Westphalia. They support vital facilities and services in all areas of social work, child and youth support. And they are essential partners for counties, municipalities and social spaces. This is equally the case in their diverse child and youth welfare provision. Independent organisation and participation by young people with a migration background is a special factor promoting the success of a democratic, diversity-sensitive and open society.

To this end, however, it is necessary to strengthen autonomous migrant organisations as actors in social work and child and youth welfare, while shaping the existing regulatory systems within child and youth welfare to be more diversity-sensitive than was previously the case. The results of the research project “Migrant organisations as political and civil society partners” (Research Department of the Expert Council for German Integration and Migration Foundations (SVR-Forschungsbereich) 2020: “Diversely engaged – broadly networked – partially integrated? migrant organisations as a force for change in society”, Berlin) show clearly that better access for autonomous migrant organisations to control structures beyond integration structures should be created, here in the control structures of child and youth welfare.

Recognition as an independent sponsor of youth welfare is an essential prerequisite for work on the ground, participation in child and youth welfare planning processes, participation in youth welfare working groups and actively engaging and getting involved in youth policy at the local level.

Representing autonomous migrant organisations in associations and the Paritätische Jugendwerk are, for us, decisive factors for the future.

We are glad that, with support from the NRW State Ministry for Children, Young People, Families, Diversity, Refugees and Integration, this working aid can now be published in a new edition and in various different languages.

We wish you every pleasure and plenty of inspiration when reading it.

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1. Child and youth welfare in Germany

In Germany, children and young people have the right to be supported in their personal development and to benefit from an education helping them to become independent, socially active people. Child and youth welfare should contribute to implementing these rights of young people and protecting children and young people against danger.

What are the goals and tasks of youth welfare?

The basic services and tasks of public and independent sponsors of child and youth welfare are rooted in law in Sozialgesetzbuch VIII (SGB VIII) – the 8th social security statute book. According to its guidelines (§ 1 para. 3 SGB VIII), youth welfare should

1. promote young people in their individual and social development and contribute to the avoidance or reduction of disadvantages,
2. enable or facilitate young people in engaging autonomously, as appropriate to their age and individual abilities, in all fields of life affecting them and thus participating on an equal footing in social life,
3. advise and support parents and legal guardians in bringing them up,
4. protect the welfare of children and young people,
5. contribute to creating positive living conditions for young people and their families, while maintaining or engendering a child- and family-friendly environment.

To reach these goals, various services and tasks are placed under the umbrella of child and youth welfare by the legislature. These can be summarised into four key areas. These are:

1. youth work, youth social work, pedagogical child and youth protection (§§ 11–14 SGB VIII)
2. supporting upbringing within the family (§§ 16–21 SGB VIII)
3. supporting children in day care (§§ 22–26 SGB VIII)
4. help in raising, integrating psychologically handicapped children and young people, help for young adults (§§ 27–41a SGB VIII).

Whether it's visiting a nursery school, support from a family counsellor or taking part in a music group at a youth centre – at all these sites, children, young people, young adults and parents use child and youth welfare services.

Who does what? – Public and independent sponsors of youth welfare

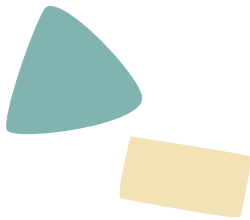
Child and youth welfare is expressly conceived as a diverse field of tasks with an equally varied range of sponsors; its central actors are, on the one hand, the municipal and local **youth welfare offices (public sponsors)** and, on the other, **independent sponsors**.

Independent sponsors include welfare alliances, initiatives, associations and foundations. This diversity of public and independent sponsors under the overarching concept of child and youth welfare is grounded in law (§ 5 SGB VIII) to ensure that youth support is characterised by diverse sets of values, content and methodological approaches. Thus, children, young people, parents and young adults (**beneficiaries**) are offered the opportunity to choose between different providers when making use of services.

According to the 11th NRW child and youth report, in North Rhine-Westphalia alone there are more than 2,000 publicly accessible child and youth work facilities, of which 70% are independent. The numbers indicate that demand is constantly growing: “the number of children and young people who regularly attended “their” facility had [...] markedly risen when compared to the result of the preceding survey in 2017: from 194,921 in 2017 to 212,018 in 2019. This is a rise of 8.8 %” (11th NRW child and youth report, 2022, p.226).

Essentially, child and youth welfare is a task of the municipalities. Thus, SGB VIII obliges cities and rural districts to set up their own forms of child and youth welfare and establish a **youth welfare office** to this end. For its part, the youth welfare office is formed of two departments. One of these is **administration**, that is, the part where employees concretely ensure the implementation of child and youth welfare. The second is the so-called **youth welfare committee**. The youth welfare committee is the central body where local youth policy is coordinated, planned and controlled. It “deals with every matter of child and youth welfare, particularly advising on problems, proposing development in welfare, planning welfare and supporting independent welfare providers” (BMFSFJ 2020: 44). The special feature of the youth welfare committee is that it does not just consist of representatives of the local government, expert citizens, autonomous coalitions and consultants, but also recognises independent sponsors of youth welfare.

In this way, local child and youth welfare is shaped both by public and independent sponsors. Here, their legal task is fulfilled concretely by letting the most varied values, interests and ideas be incorporated at the design level of child and youth welfare.



The **Federal States** have the task of supporting and promoting the local work of youth welfare offices and independent sponsors. The most important sponsors at this point are the responsible ministerial departments and State youth welfare offices which work as service facilities for local youth welfare. Thus, it is intended *inter alia* by § 85 para. 2 SGB VIII that the State youth welfare offices should advise on all specialist questions, organise training and give recommendations to sponsors as to how they can implement the goals of child and youth welfare at a local level. At the same time, they promote the collaboration of public and independent sponsors, acting as a mediator within a network of various actors made up of local youth welfare offices, independent sponsors and the highest-level State youth authorities. In NRW, the State Youth Welfare Office of the Rhineland and that of Westphalia take on these tasks.

The **State of North Rhine-Westphalia** draws up a so-called “child and youth support plan” for each legislative period, setting the tasks and goals of child and youth support at the State level and determining specialist foci as per §§ 11–14 SGB VIII. Under the Youth Support Act, the State is obliged to draw up such a plan for each legislative period. It is also established in law that the State government should publish a “child and youth report” in every legislative period, describing the current situation of youth welfare in North Rhine-Westphalia and determining the most important developments. The report should also contain an overview of the State policy measures and services for children and young people, giving insight into the goals adopted by the State government in terms of child and youth policy.

The **Federal Government**, for its part, uses funds from the child and youth plan to support activities, initiatives and model projects within child and youth welfare that are of supra-regional importance, which cannot thus be assigned to a particular Federal State. In addition, the Federal Government also presents a child and youth report for every legislative period.

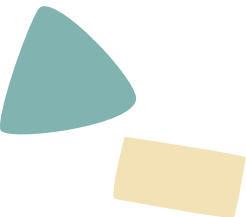
2. Autonomous migrant organisations providing child and youth welfare

Autonomous migrant organisations (AMOs), diverse in nature and offering a wide range of social services, form a central building-block of civil society in Germany. If, in their initial stages of development, AMOs were considered simply as organisations by which the community aided itself, they act today as professional providers of social work whose provision is open to a broad target group. Their work in promoting the participation of people with migration backgrounds in society and engagement for equality, empowerment and anti-discrimination have gained increasing levels of political recognition over recent years.

AMOs are also actors within the diverse landscape of independent child and youth welfare provision. Whether it's in youth social work, pedagogical child and youth safeguarding or general support for family-based upbringing – AMOs are active in nearly every field of work of independent child and youth welfare and make a decisive contribution to the achievement of its goals. It is particularly the following individual areas where AMOs contribute:

- § 11 Youth work
- § 12 Supporting youth associations
- § 13 Youth social work
- § 13a School social work
- § 14 Pedagogical child and youth safeguarding
- § 16 General support for upbringing within the family
- § 17 Consultation on questions of partnership, separation and divorce
- § 18 Advice and support in exercising personal care and contact rights
- § 27 et seq. Help with upbringing.

The work of AMOs usually is not restricted to offering children and young people help and support, but also improving their living conditions and counteracting discrimination. Many AMOs offer their provision not only to migrant groups but to all children and young people. However, AMOs have a very good understanding of how to tailor their provision to the needs of children, young people and parents with a migration background. They allow a low threshold to access to their (often multilingual) support and provide a safe space. Children, young people and parents affected by the experience of discrimination often consider themselves better understood and more safe in AMO spaces, meaning that any potential psychological barriers to using the provision of child and youth welfare are markedly lower here.



The work and engagement of AMOs in child and youth welfare also ensures that beneficiaries with a migration background make use of the offer of help. The same applies to a particular extent to work with refugee children, young people, young adults and parents, whose daily life is often heavily burdened by the lived experience of flight.

Public child and youth work is an important field of work for AMOs. Youth work is “a field within youth welfare where offers and facilities are created that promote the development of young people, connect with their interests, enable them to gain autonomy and encourage them to be socially responsible” (BMFSFJ 2020: 25).

The provision of AMOs for children, youths and young people as part of youth work is diverse and covers many topics and foci. These share the common factor of allowing young people with a migration background to unleash their potential and become autonomous, socially conscious people. They achieve this by talking to young people on the level, giving them opportunity to participate and offering a low threshold for access to consultation and education services.

Young people with similar histories and experience can come together to work on projects that are targeted to their particular needs and counteract their social disadvantages. The youth work carried out by AMOs thus creates a space for young people that is particularly useful in creating their identity.


3. Recognition as an independent sponsor of youth welfare

The legislature offers independent sponsors of youth welfare the opportunity to gain official recognition for themselves and their work. Recognised independent sponsors of youth welfare are able to work closely together with local youth welfare offices and are involved in planning and decision-making processes within the field of child and youth welfare. In addition, they gain access to support at a federal, state or municipal level, as well as from a wide range of foundations.

Why is it worth an AMO gaining recognition as an independent sponsor of youth welfare?

In recent years, responsibility for supporting children, young people and parents with a migration background has become more closely anchored within the field of youth welfare among municipalities, urban and rural districts, and is no longer considered a special task as it was in earlier times. Thus, the **financial means** provided for youth welfare and the work of AMOs are of increasing importance. This cannot be neglected: as a study by the Expert Council of German Integration and Migration Foundations (SVR) has shown, AMOs make an important contribution to child and youth welfare but are often comparatively underfunded in doing so.

Recognition as an independent sponsor gives an organisation access to project financing from municipalities, States, the Federal Government, foundations etc., for which, as a rule, such recognition is the prerequisite. Thus, for certain project funds, the means can only be secured if the applicant is recognised as an independent sponsor of youth welfare. In addition, recognition lays the foundation for potential routine funding: long-term funding is usually only ensured for those independent sponsors who are recognised as such (§ 74 para. 1.2 SGB VIII). Recognition as an independent sponsor of youth welfare is thus decisive in opening the door to public funds; however, it is not an automatic guarantee of such



funds. These remain dependent on political decisions, the amounts available and results of youth welfare planning. Consequently, recognition as a sponsor of independent youth welfare does not automatically mean you have a claim to public funds.

With their provision, AMOs are active in youth welfare, meaning partnership and collaboration with public sponsors of youth welfare is also required. Recognition creates a legal framework for this: while, in practice, legal regulations are diversely constituted and sometimes linked to limitations, the legislature always intends fundamentally for opportunities to **collaborate and participate** to be set up. The recognised independent sponsors of youth welfare have a justified claim, based on SGB VIII, to:

- **Participation in planning processes**

The public sponsors have the task of involving recognised independent sponsors in all stages of youth welfare planning at an early date. Youth welfare planning coordinates the list of available and required youth welfare services, developing a mutually adjusted system of provision based on it. This forms the basis for the drawing up of child and youth welfare provision in the municipalities and urban districts. (§ 80 SGB VIII)

- **Participation in networking**

To agree and coordinate planned measures in the field of youth welfare, the public sponsors should strive to set up working groups in which the recognised independent sponsors and sponsors of supported measures are represented alongside them. (§ 78 SGB VIII)

- **Right to propose voting members of the youth welfare committee:**

As already explained, there is also the right to be involved in the work of the youth welfare committee. Here, the law suggests a right to propose voting members: the youth welfare committee also includes voting members making up two fifths of the votes who have been elected by the representative body based on proposals by the independent sponsors of youth welfare active in the field of the public sponsors. (§ 71 SGB VIII)

- **Priority over public sponsors:**

if suitable facilities, services and events are run by recognised independent sponsors of youth welfare or can be put in place in good time, the public youth welfare facility should not implement its own measures. The services should, as far as possible, be rendered by recognised independent sponsors of youth welfare before the youth welfare office institutes measures. (§ 4 para. 2 SGB VIII)

With recognition as independent sponsors of youth welfare, AMOs have the opportunity to raise awareness of the concrete interests and demands of children, young people, young adults and parents with a migration background and let them contribute to the shaping of youth welfare. Recognition is thus an important instrument strengthening this target group's ability to give input and gain political representation of its interests. At the same time, recognised AMOs carrying out independent youth welfare can also decisively contribute through their work to the intercultural opening up public decision-making and creative processes. Through recognition, the work of AMOs for children and young people with an immigration background can become a self-evident part of local child and youth welfare, with AMOs being considered equal forces in shaping provision.

Recognition can also be considered as a kind of quality seal for AMOs and their child and youth work.



What prerequisites need to be fulfilled before making an application?

According to § 75 SGB VIII, only legal persons and associations of legal persons can be recognised as independent sponsors of youth welfare. Private persons cannot obtain recognition. In addition, the legal person making the application must be

1. active in the field of youth welfare as per § 1 SGB VIII
2. engaged in charitable goals
3. able to demonstrate, based on its areas of expertise and staffing, that it can make a not-insignificant contribution to fulfilling the tasks of youth welfare
4. able to guarantee that it will work towards one of the goals of the constitution.

Under the above conditions, an applicant for recognition as an independent sponsor of youth welfare has a legal right to recognition if it has fulfilled them for at least three years. If an applicant fulfils these conditions but has not been active for more than three years, it does not have a right to recognition, but can pursue such a course anyway at the discretion of the youth welfare office. The prerequisite for this – as listed above – is that “the applicant be able to justify the expectation that it is capable of making a not-insignificant contribution to the fulfilment of the tasks of youth welfare”. It is standard for this assessment also to require activity to have been carried out for at least one year in order to allow the youth welfare office to assess if this “non-insignificance” is provided.

In concrete, therefore, the following conditions must also be given when applying for recognition as an independent sponsor of youth welfare:

- The applicant must be an **association of persons**. This must be a legal person or association of persons (registered charity, charitable limited company, entrepreneurial company etc.). What is certainly the case is that natural persons, that is, individuals, cannot be recognised as independent sponsors of youth welfare.
- The work of AMOs must be designed in such a way that it offers a direct and individual contribution to the **goals named in § 1 SGB VIII**. Here, the organisation need not be exclusively active in youth welfare, but may work in other fields, as long as a non-insignificant portion of its activity is dedicated to youth welfare. However, it must be clear both in the statutes and the practical work that youth welfare is a focus. Every sponsor may align its tasks towards different focuses within youth welfare independently. You do not need to cover all areas of youth welfare to be recognised as an independent sponsor, therefore.
- It must also be shown that the activity is in pursuit of **charitable goals**. To prove this, all you need is the exemption certificate from the financial authorities or certificate of compliance with the statutory requirements under §§ 60 and 60a of the German Fiscal Code.
- It is also important that the sponsor is able, considering its **personnel resources** and **specialist requirements**, to make a positive contribution to youth welfare. Here, specialist standards and a continuity of work must be detectable that allow us to assume that the AMO renders important work not only towards the beneficiaries. It is also important that the sponsor can be “expected to participate significantly in youth welfare planning and other forms of collaboration.” (Arbeitsgemeinschaft der Obersten Landesjugendbehörden 2016: 3)

A further prerequisite: safeguarding concepts

With the entry into force of the NRW State Child Protection Act in May 2022, safeguarding concepts play an important role in work with children and young people and are also important in gaining recognition as an independent sponsor of youth welfare.

Safeguarding concepts have the goal of securing the rights of children and young people and protecting them against violence. They should be developed together with children, young people and employees in order to contribute to protecting young people against physical, psychological and sexualised violence within your organisation. In addition, it is important that independent child and youth welfare facilities become safe spaces for boys and girls who experience violence and neglect outside them, e.g. in their families.

While under §75 SGB VIII no direct requirement is given for organisations to present such a concept in order to be recognised, the NRW State Child Protection Act expects of all facilities and child and youth welfare providers that they develop a safeguarding concept. For this reason, the youth welfare offices require, for recognition of independent sponsors of youth welfare, that the applicant organisations make an effort to draw up a safeguarding concept. As a rule, this means that, at the time of application, the safeguarding concept need not be finished, but it should be apparent that the applicant association has addressed the topic and started to work up a protective concept. Without these first steps on the road towards a safeguarding concept, recognition as an independent sponsor of youth welfare is unlikely.

(Tip) To support associations in developing a safeguarding concept, the Paritätische Jugendwerk NRW offers a working aid on drawing up safeguarding concepts. You can find it online at:

www.pjw-nrw.de > Projects > Preventing sexualised violence

How does the application for recognition take place?

To be recognised as an independent sponsor of youth welfare you need to make a written application to the responsible youth welfare office. If an association is active in several areas, the application should be sent to the State youth welfare office of Rhineland or Westphalia-Lippe. If an association is active in both parts of the state, the application should be made to the NRW Ministry of Youth.

You can ask the responsible authorities if special application forms need to be filled out. If this is not the case, you must draw up a freeform application letter. You can find a sample letter of this kind on the pages below.

The Ministry for Children, Families, Equality, Refugees and Integration of the State of North Rhine-Westphalia (MKJFGFI) has a summary on its homepage of what information and documents are needed.

According to this, an application should contain:

- the complete name according to the company statutes or articles of association;
- the postal address and telephone number (of each office as necessary);
- a detailed list of the organisation's goals, tasks and legal form;
- the name, age, profession and address of the members of the board or managing directors;
- the number of employees;
- the number of local groups (for state associations);
- the number of members at the time of application;
- the extent of monthly or annual membership contributions;
- the time activities in the field of youth welfare were taken up;
- information on the performance of the safeguarding mandate in the case of a risk to child welfare as per § 8a SGB VIII and on ensuring the personal suitability of the staff (salaried and voluntary) as per § 72a SGB VIII;
- Information on collaboration with other sponsors of youth welfare.

In addition to the application, other documents are needed that can differ from municipality to municipality. Please find out in advance which documents are specifically needed. As a rule, these are:

- the statutes or articles of association and rules of procedure (for sponsors that are part of a larger organisation, the statutes of this organisation)
- the finance office's certificate of charitable status as per the German Fiscal Code or proof of the proper prerequisites (see above);
- a specialist report on activities in the field of youth welfare within the year preceding the application

- the sponsor's preventive and safeguarding concept incl. declarations of commitment and/or agreements with the youth welfare office to uphold the safeguarding mandate in the case of a risk to child welfare as per § 8a SGB VIII and on ensuring the personal suitability of the staff (salaried and voluntary) as per § 72a SGB VIII;
- a copy of the latest editions of all publications of the applicant
- for registered charities: An excerpt from the charity register; sponsors not organised as charities should provide suitable documents
- for state associations: a list of the subdivisions belonging to the state association with their addresses.

(Tip) The autonomous migrant organisation special advisors will support you.

If you need further information and support in your application, please contact the autonomous migrant organisation special advisors of the Paritätische NRW. You can find the contact data at:
www.mso-nrw.de/ueber-uns/team

(Tip) Involve the local group of the Paritätische NRW responsible for your organisation.

If your association is already a member of the Paritätische NRW, it is recommended to inform the responsible local group of your application. We recommend involvement in the local group, as the Paritätische NRW is usually represented on the youth welfare committee and can thus offer competent support for your application.

4. Sample letter

Application for recognition as an independent sponsor of youth welfare

Sample letter using the example of a fictitious charity

Header: Sender information

Hayat e. V. – supporting the welfare of children and young people with a migration background
Frau Yilmaz | Anystreet 2 | 40000 Anytown

Address of the youth welfare office, state youth welfare office or NRW youth ministry

To
Anytown Jugendamt
Anystreet 1
40000 Anytown

Anytown, 2 February 2022

Request for recognition as an independent sponsor of child and youth welfare as per § 75 SGB VIII

Dear sirs/madams,

Statutory name of the charity, date of foundation, current number of members and membership costs (if applicable)

We hereby apply for recognition as an independent sponsor of child and youth welfare as per § 75 SGB VIII. Our association, Hayat e. V. – supporting the welfare of children and young people with a migration background, has been up and running since 2012 and currently has 35 members paying an annual membership contribution of € 20.00 per year.

Overview of board members with name, function, profession and address

The members of the board are:

Surname, first name	Function on the board	Profession	Address
Yilmaz, Elif	Chair	Teacher	Anyroad 5 40000 Anytown
Pereira, Isabella	Dep. chair	Architect	Anyboulevard 7 40000 Anytown
Çelik, Aslan	Secretary	Translator	Anystreet 9 40000 Anytown
Klein, Veronika	Treasurer	Nursery school teacher	Anysquare 8 40000 Anytown

Sample letter

Statutory purposes, tasks of the association, information on how long youth welfare has been offered

Hayat e. V. has taken as its task supporting children and young people with a migration background in *Anytown* and helping them in their everyday lives. Since we were founded, we have advocated for the young girls and boys in our town. Our tasks and goals are:

- to advocate for better understanding between the different nationalities and cultures of the people living in *Anytown*,
- to ensure improved participation by children and young people with a migration background, particularly through youth welfare and cultural provision,
- to work towards increasing participation by people with a migration background in the cultural, social and political life of the Federal Republic of Germany,
- to give young people opportunities and use targeted provision to allow them to experience a communal life based in partnership and equality,
- to support children and young people in developing their competences and advise parents and guardians.

To achieve these goals, our association has, since its foundation, organised various offers and projects which children and young people can engage in in *Anytown*. This provision is open to all young people but gives particular consideration to the problems of families with a migration background.

After a list of the general statutory purposes, a concrete view of the work and provision of the association can be given.

One of our best-loved projects is the theatre group, currently made up of nine young people. Together with a social education worker, these young members select the plays, design the sets and present what they have worked on at an annual group event for families, friends and neighbours. Young refugees are also part of the group, for whom participation provides an important everyday point of reference.

What child and youth welfare provision is offered? How many participants are there? What is the personnel situation?

Recently, we have started organising a youth meeting offering girls and boys an opportunity to organise themselves and learn. The youth meeting is highly popular among young people whose families come from various cultural contexts and is supervised by two volunteer youth group leaders.



Sample letter

In the cover letter, the topic of safeguarding should be addressed. Has a concept already been drawn up for the association? Or is one currently being drawn up/ does the association intend to establish one in the future?

A list of existing memberships, cooperations etc. is welcome.

Giving a telephone No./email address aids further communication. If present, you can link to the association's webpage.

The letter should be signed by the chair.

The list of appendices comes at the end.

Important: the report should always relate to activity in the year preceding application.

As we are an independent sponsor working with children and young people, child protection has the highest priority in the everyday work of our association. For this reason, we are currently developing a safeguarding concept to be drawn up in collaboration with the board, social education specialist, volunteer group leaders and some young people. However, our safeguarding concept is not yet ready. We are happy, however, to append a copy of the current draft to this letter.

In addition, it is important to the chair of the association to network with other sponsors and institutions. Thus, since 2017, Hayat e. V. has been a member organisation of the Paritätische Wohlfahrtsverband and a member of the Paritätische Jugendwerk NRW.

To the benefit of pluralistic youth welfare provision in Anytown, we are applying for recognition as an independent sponsor of youth welfare. We are happy to receive any queries at any time. You can reach us by telephone at 01234 567890 and by email to vorstand@hayat-ev.de. You are welcome to find any further information about our work you need on our homepage, www.hayat-ev.de.

Kind regards,

Elif Yilmaz, Chair

Isabella Pereira, Deputy Chair

Appendices

- Statutes of the association
- Notice of charitable status exemption
- Excerpt from the charity register
- Report on association activities in the field of youth welfare in 2021
- Draft safeguarding concept
- Association flyer

5. Bibliography

Arbeitsgemeinschaft der Obersten Landesjugendbehörden (2016):

Grundsätze für die Anerkennung von Trägern der freien Jugendhilfe nach § 75 SGB VIII

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Kinder- und Jugendhilfe. Achstes Buch Sozialgesetzbuch

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Vielfältig engagiert – breit vernetzt – partiell eingebunden? Migrantenorganisationen als gestaltende Kraft in der Gesellschaft

www.svr-migration.de > Publications > Migrant organisations in Germany

6. Imprint

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