

Advice for asylum seekers

- Independent information

Seeking asylum in Germany is not easy. In order to improve your chances, it is very important that you gather as much information as possible beforehand. And you should go to a lawyer or to an advice center for refugees.

Many European states, including Germany, have agreed among themselves that one state only is responsible for examining an asylum application (Dublin II Regulation). This could mean that your asylum application may not be decided in Germany but in another European state. This is particularly possible if you...

- have entered Germany with a visa issued by another European state
- have already applied for asylum in another European state
- have been registered by authorities of another European state, e.g. if your fingerprints have been taken.

? What is important when I am submitting an **application for asylum**?

- You can submit an application for asylum at any branch of the Federal Office for Migration and Refugees (**Bundesamt für Migration und Flüchtlinge -BAMF**). You can ask for asylum at any German authority, also at a police station. You will then be sent to the branch of the Federal Office which is responsible for your application.
- If you are alone in Germany and younger than 16 years old, you are not politically mature for seeking asylum. The Federal Office will appoint someone guardian for you.
- At the Federal Office you will be asked to provide your personal details; you will be photographed and your fingerprints will be taken. You will also be examined for contagious diseases.
- If you have no original documents stating your identity and nationality, you and your belongings (such as bags) may be searched for names, telephone numbers, contacts etc.
- If you carry **more than 50.-€** in cash, the money could be taken away from you as a security for covering the costs of a deportation.
- It is possible that you are asked about **25 questions** when submitting your application (about yourself, about your parents and grandparents, and about how you got to Germany). Your answers will be recorded. At the interview at the Federal Office these questions will be asked again, and the answers should not be different then.

- You will be given a preliminary residence permit (**Aufenthaltsgestattung**). You must carry this with you at all times.
- If you move places or if you are given another place of residence, you must inform the Federal Office of your **new address** immediately. Important: Please check regularly if you have a letter from the Federal Office, so that you can react in time. For some court procedures there is a deadline of only one week!
- **Do not contact embassies or other missions of your country of origin**, even if you are requested to do so by German authorities.
- Always **copy** important documents and keep all the letters from the Federal Office safe. Papers are very important in Germany!

I have received an appointment for the interview at the Federal Office („**Anhörung gemäß §25 Asylverfahrensgesetz**“).

? Why is this **interview** so important for me and my case?

! It is the centerpiece of the asylum procedure!

The interview is your best opportunity to say why you are seeking asylum. It is your chance to tell the Federal Office your personal history as a refugee.

Before the interview:

! It is very important that you are well-prepared for the interview at the Federal Office.

What you say during the interview is decisive and you cannot add other aspects later.

- Try to remember important facts and details. It might be helpful to write down the most important reasons and dates in advance. This will help you to organize your memory. Do not give any such personal notes to the Federal Office and do not take them to the interview!
- You will have to talk about events that are painful or embarrassing for you. If you, as a woman, can only talk to another woman about what you have gone through, inform the Federal Office early enough.
- You can bring someone that you trust to be present at the interview. It is useful, if the person you take with you

speaks German as well as your language. Let the Federal Office know if someone will accompany you.

- You can bring a so called **translator of confidence** on your own expenses, additionally to the translator presented by the Federal Office, according to § 17 Abs. 2 AsylVfG.
- If you are in psychotherapeutic treatment or if you seek to begin a psychotherapy, let the Federal Office know. Send copies of **medical certificates** about treatments or a confirmation that you are waitlisted for a psychotherapy to the BAMF. Demand to speak to an officer with special knowledge about traumata.
- Be sure to arrive on time! If you are sick, you will have to present a doctor's certificate.
- **Do not bring mobile phones or more than 50 ,- Euro in cash** to the interview! In the worst case, these things will be taken away from you in order to cover the costs of a deportation.

During the interview

- A **translator** will be present at the interview. If you think that the interpreter is not translating your answers correctly, let the officer of the BAMF know.
- You should only answer if you have fully understood the question, you have been asked!
- If you have documents that prove that you flew to Germany (flight tickets, boarding cards etc.) you should present them to the Federal Office. The interviewer can see

if your fingerprints have been taken in another European state and knows therefore often about your escape route.

- Be sure to present missing documents or documentary evidence of your persecution in your country of origin at the interview. Let the Federal Office know if you think that friends or relatives could send you important documents from your country of origin. Documents can be very useful as evidence. **However, what you say at the interview is decisive!**
- You have to **tell precisely and detailed why you have left your country**: tell about the persecution you faced in your country (discrimination, prison, physical abuse, torture etc.) or other. Describe accurately what you are afraid could happen to you if you return to your country.
- If you are suffering from an **illness or a trauma**, tell the Federal Office about it, especially if the health system in your country is weak or if you cannot afford medical treatment. Medical certificates can be useful.
- Take your time! You can always ask for a **break** or for something to drink!
- The **transcript of the interview** has to be read back to you in your language. If you notice any mistake, insist of a correction of the transcript. Ask for a copy/ duplicate of the transcript to be given to you.
- You should only sign the transcript of the interview, if there were no communication problems and if you are satisfied with it. Check the transcript once again and tell your lawyer or an advice center for refugees immediately if there are any mistakes.

I have received a letter from the Federal Office that my application for asylum is rejected (**Ablehnung**).

? What can I do now?

! This is the rejection of your protection!

There is a risk of you being deported, if you do not appeal against this decision at a court in time! **Contact a lawyer or an advise center for refugees as soon as possible!**

A lawyer that is specialized in asylum law can justify the lawsuit much better than you can, because he/she knows the German legal system. It is helpful if the lawyer is specialized in your country of origin.

1. Your application was rejected as „manifestly unfounded“ („offensichtlich unbegründet“):

- There is a high risk of deportation. You have to submit a written application at a court (Verwaltungsgericht) **within only a week!** Additionally you have to submit an urgent application for suspension (**Eilantrag auf Abschiebeschutz nach § 80 Abs. 5 VwGO**) within the

same deadline. If you do not submit the urgent application or should the court reject it, you can be deported, even though your case has not been decided. If the urgent application is successful, you may at least stay in Germany until your case is decided.

2. Your application was rejected as „unfounded“ (einfach „unbegründet“):

- You have to submit a written application at a court **within two weeks**. Within another two weeks you have to submit the explanatory statement.

3. Your application was rejected as „inadmissible“ or „irrelevant“ („unzulässig“ or „unbeachtlich“):

- The Federal Office has not examined your case substantively because it thinks another European state is responsible for your asylum application (Dublin II Regulation). It is possible to submit a written application at a court within a week, but this has no suspending effect, and you can be deported to the named European state. Should there be good enough reasons for a lawsuit (e.g. asylum application or registration in Greece or Italy, under aged and not accompanied refugee under 18 years old...) an urgent application for suspension (Eilantrag auf Abschiebeschutz nach § 80 Abs. 5 VwGO) has to be submitted within a week.

All the applications can be submitted (without a lawyer) directly at court at the so-called **Rechtsantragsdienst der Verwaltungsgerichte**. **This is for free!**

The office is mostly opened between 8 and 12 o'clock. Signs in the building will show you where the office is located. Please remember that you have to be able to travel in the city of the court building.

If this is not possible for you, you can also send a fax with the application (from a public fax machine or at the office of an advise center for refugees). It is important that the letter or fax reaches the court in time, before midday of the end-date.