

# Information on the Asylum Procedure

Englisch

Infobus  
für  
Flüchtlinge



Ein Gemeinschaftsprojekt von

**MFR**

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**AMNESTY  
INTERNATIONAL**



Landeshauptstadt  
München  
**Kulturreferat**



Wahl des Migrationsbeirates  
am 22. Januar 2017



**UNO-Flüchtlingshilfe**

## Welcome to Germany!

This guide provides an introduction to the asylum procedure in Germany. The guide is designed to fit in your bag or jacket pocket. That's why it's small and thin. It will answer some but probably not all of your questions. However, after reading it, you'll know where to get further information and to whom to address further questions.

Good luck!

Contact:

[infobus@amnesty-muenchen.de](mailto:infobus@amnesty-muenchen.de)

Info-Bus c/o amnesty international, Volkartstr. 76, 80636 München

[www.muenchner-fluechtlingsrat.de/infobus](http://www.muenchner-fluechtlingsrat.de/infobus)

Mobile: +49 176/67606378



### Consultation Hours:

Monday 2:00-3:30 pm, Unterhaching, Biberger Str. 88

Monday 4:00-6:00 pm, McGraw Kaserne, Tegernseer Landstr. 239a

Tuesday 5:00-7:00 pm, Funkkaserne, Frankfurter Ring 200

Wednesday 5:00-6:30 pm, Bayernkaserne Building 18 (with SOLWODI), Heidemannstr. 50

Wednesday 6:30-8:00 pm, Bayernkaserne Building 45, Heidemannstr. 60

Saturday 11:00am-1:00 pm, Am Moosfeld 37

(as of June 2016; regularly updated on our Homepage)

## Advisory Centres in Munich

### Questions about the Asylum Procedure

Infobus für Flüchtlinge (also Interview Preparation)	Consultation in Munich's Erstaufnahmeeinrichtungen Tel.: +49 176/67606378 <a href="mailto:infobus@amnesty-muenchen.de">infobus@amnesty-muenchen.de</a>
Amnesty Asylum Counselling	Volkartstr. 76, 80636 München (Leonrodplatz) Wed 7:00-8:00 pm
Legal Counselling for Foreigners	EineWeltHaus, Schwanthalerstraße 80, 80336 München (U4/5 Theresienwiese), Tue 6:00-8:00 pm, registration at 5:15 pm

### Counselling for Women

JADWIGA	Schwanthalerstr. 79, 80336 München Tel: +49 89/38534455 Email: <a href="mailto:muenchen@jadwiga-online.de">muenchen@jadwiga-online.de</a>
SOLWODI	Dachauer Str. 50 80335 München Tel.: +49 89/27275859 Email: <a href="mailto:muenchen@solwodi.de">muenchen@solwodi.de</a>

### Interview Preparation

Arrival Aid	Email: <a href="mailto:info@arrivalaid.org">info@arrivalaid.org</a> <a href="http://www.arrivalaid.org">www.arrivalaid.org</a>
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**Legal counselling is not available in Germany without payment. However, you can get information for free from the centres listed above.**

## Important Addresses

**Arrival Centre for Refugees (AZ)**

Maria-Probst-Str. 14, 80939 München

**Federal Office for Migration and Refugees (BAMF)**

Boschetsriederstr. 41, 81379 München

**Social Service, Inner Mission in First Reception Centre (Erstaufnahmeeinrichtung - EAE)**

**Bayernkaserne**, House 58, Heidemannstr. 60, 80939 München

**Funkkaserne**, Frankfurter Ring 200, 80807 München

**McGraw Kaserne**, Tegernseer Landstr. 239a, 81539 München

**Moosfeld**, Am Moosfeld 37, 81829 München

**Coming Home**

Office for support to return to your home country

Franziskanerstr. 6-8

81669 München

**Consultation Africa, South America** Tel.: +49 89/233-40780

**Consultation Asia** Tel.: +49 89/233- 40708

**Consultation Eastern Europe** Tel.: +49 89/233-40617

**Consultation South-eastern Europe and Iraq** Tel.: +49 89/233-40776

## Who does what in the asylum procedure?

### **Regierung von Oberbayern (ROB)/ Government of Upper Bavaria**

- performs first registration of refugees (according to **EASY** system)
- provides you with a new place of residence after the first reception centre (**EAE**)

### **BAMF/ Federal Office for Migration and Refugees (in Munich: Boschetsriederstraße and Schertlinstraße)**

- hears your reasons for seeking asylum (hearing, Interview)
- decides upon your application for asylum
- clarifies whether you must return to the country you entered first in Europe
- is a governmental office, not a court!

### **Ausländerbehörde (ABH) = Kreisverwaltungsreferat (KVR)/ Foreigners Office of City or District (in Munich: „Poccistraße“)**

- extends the validity of your Ausweis/ID-papers if you remain in Germany or have been recognised as a refugee
- may instruct the police to arrest you if you have to leave Germany

### **Verwaltungsgericht (VG)/ Administrative Court (in Munich: „Bayerstraße“)**

- receives your appeal against negative asylum decision and decides upon it

## Overview: Steps in the Asylum Procedure

## **1. Requesting Asylum**

Go to the arrival centre in Munich at Maria-Probst-Str. 14 to request asylum and get first registration. You can also do this at any police station (but they might start court procedures regarding illegal entry into Germany). Usually you have to submit your ID-papers at this point.

*Make a copy/picture of your documents before handing them in, and ask for a receipt!*

## **2. Arrival Centre: Receiving your Arrival Certificate (Ankunftsnachweis) and a Quick Health Check**

Your arrival certificate serves as a temporary ID-paper. It indicates that you want to apply for asylum. Data such as your fingerprints and picture will be stored digitally.

## **3. Transfer to responsible first reception centre (EAE) (via EASY system)**

At the arrival centre the first reception centre responsible for you will be determined. This depends on your home country. So you might perhaps be sent to another part of Germany (via the **EASY** system).

**Family reunion:** If you came with your family or have relatives in Germany, say so during registration - you might be located closer to them. If you have health issues or social problems talk to the social service in your camp.

## **4. Accommodation in your first reception centre (EAE):**

You will stay for a maximum of 6 months in your first camp. In Munich you'll get a yellow accommodation certificate (Hausausweis/ yellow paper), containing dates for important appointments (health check, asylum application).

## **5. Checking for contagious diseases at the health care office (Gesundheitsamt)**

During your first few days the health care office (Gesundheitsamt) will check you for contagious

diseases. You'll be examined physically, with x-rays and some of your blood will be taken and checked. If you carry any disease you'll be informed through a letter in your mail, if you're healthy you won't receive any mail.

*If you suffer from health problems that were not checked for, say so and also tell the social service and the doctors at your camp.*

**6. Actual Application for Asylum at BAMF, Creation of your File** (the date for your appointment can be found in your yellow paper or will be sent to you in the mail): The actual and official application for asylum is done at the **BAMF**. It's responsible for handling your asylum case. Your fingerprints will be taken and compared to the EURODAC-Database.

**7. Travel Route Investigation by BAMF** (often together with point 6): During this appointment the **BAMF** will ask you about how you came to Germany. They are particularly interested in whether you gave your fingerprints or applied for a visa or asylum in another EU country.

**ATTENTION:** If you're already registered in another EU country the **BAMF** will check if you have to return to this country (see page 10). If there are reasons why you can't go back to that country (medical condition, situation there), tell them under all circumstances at this appointment!

**8. Travel Route Investigation by ZRS** (will not be conducted for all asylum seekers)

**9. Receiving temporary ID-papers (Aufenthaltsgestattung/green paper) from the BAMF**

After officially applying for asylum you'll receive a temporary ID-paper (Aufenthaltsgestattung/green paper). This paper is valid for the duration of your asylum procedure, but you need to extend it regularly at the foreigners office (ABH) responsible for you.

**10. Transfer to a Community Camp(Gemeinschaftsunterkunft: GU) or an Apartment**

After a maximum of 6 months you should get a transfer to another part of Bavaria, where you'll be assigned to a new accommodation.

**11. BAMF-Interview - Reasons for Escape:** Invitation by mail (also possible ahead of point 10): very important!!! (see page 12)

**12. Receiving your Interview Transcript**

**13. Receiving your Asylum Decision**

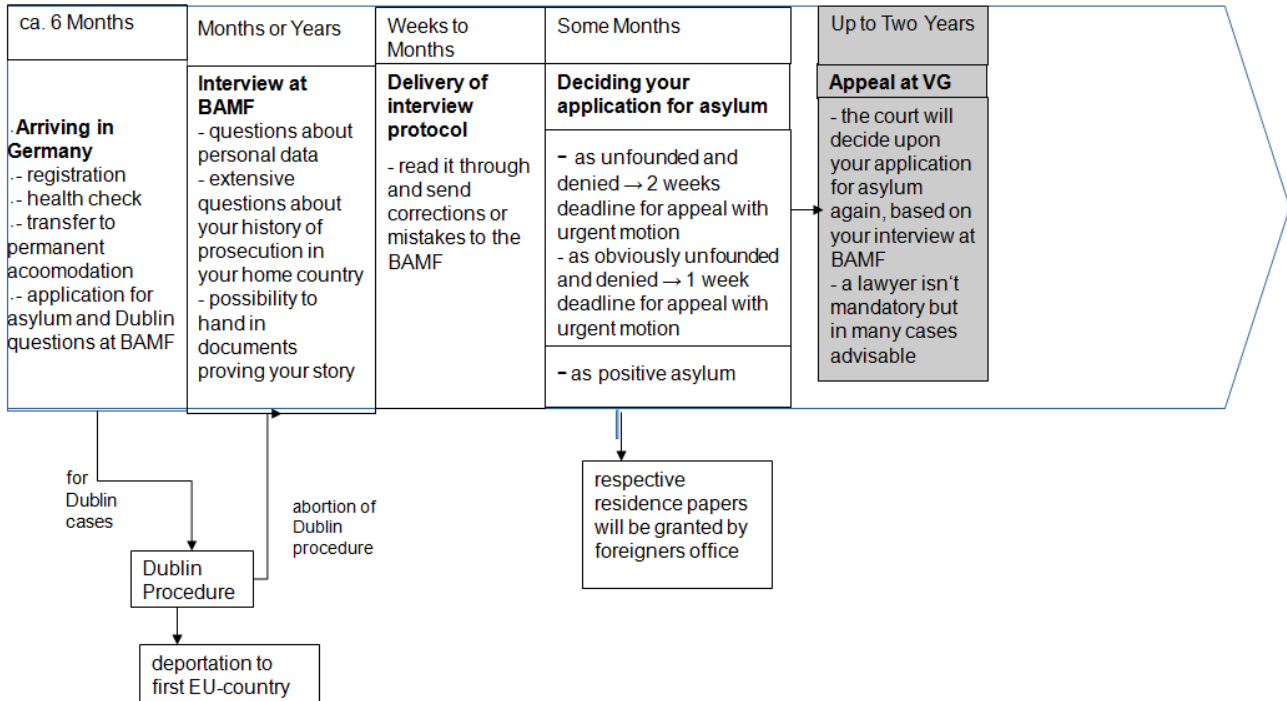
**14. Possibility of Going to Court** (see page 16)

**IMPORTANT:** The whole procedure will be different if you already gave your fingerprints or applied for asylum in another country or if you came to Germany with a visa for another country → see more at page 10

Asylum seekers from "safe countries of origin" (Bosnia, Albania, Kosovo, Montenegro, Macedonia, Hercegovina, Serbia, Senegal, Ghana) can be assigned to special reception centres with accelerated procedures. If this applies to you, try to seek advice before the **BAMF** Interview.



# Asylum Procedure



**Dublin-Procedure:**

After your official application for asylum at the **BAMF**, they will search the European EURODAC-Database for your fingerprints. If you have already been to another European country and received registration there, if you have applied for asylum in another European country or if you entered into Germany with a visa for another country, the **BAMF** will check if you have to return to that country.

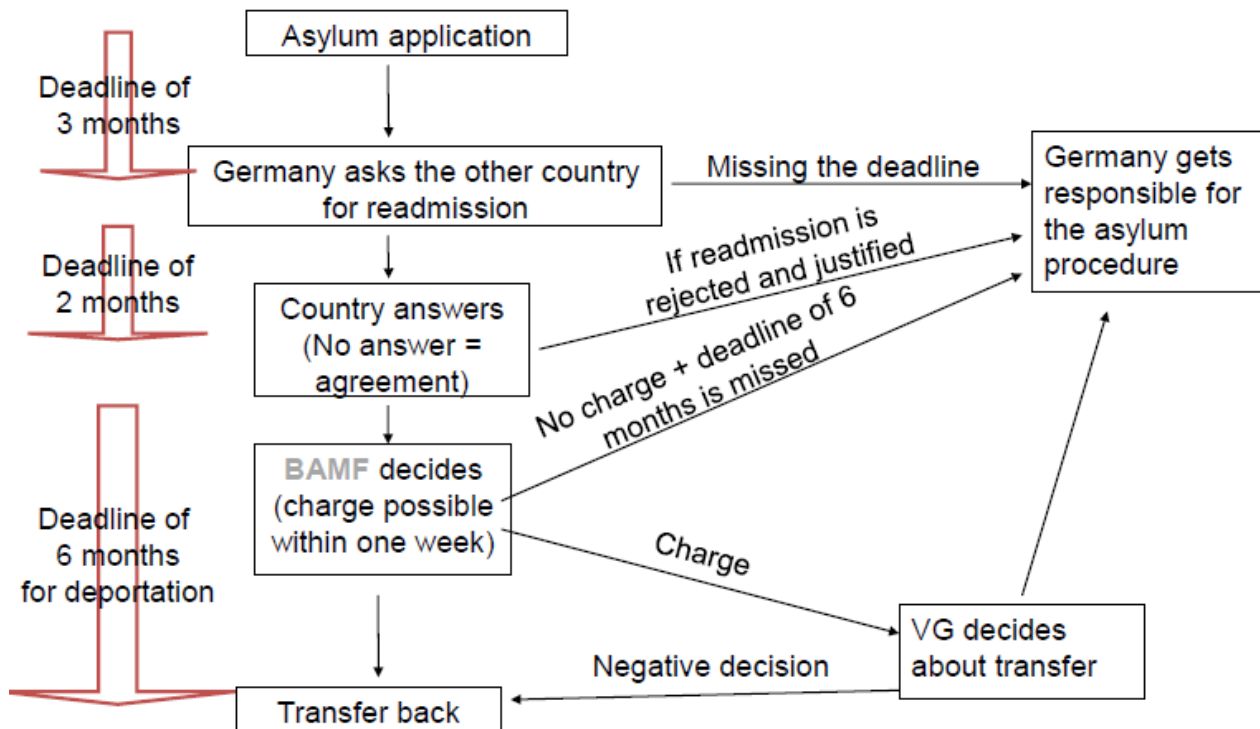
**If this is the case, you should immediately seek advice!**

**Important Comments on the Graphics:**

- if you appeal to the court the 6-monthly deadline will be suspended or restarted after the decision!!!
- if you disappear the deadline will be extended to 18 months!
- if you applied for asylum in your first European country the deadlines differ a little.

The graphic shows the Dublin-procedure for a so called acceptance process, meaning that you gave your fingerprints but didn't apply for asylum. For further information, contact an advisory centre under all circumstances!

## Process of the Dublin-Procedure after applying for asylum in Germany



## The Interview in the Asylum Process (point 11)

You will receive a written invitation containing the date of your interview from the **BAMF**.

**Be there on time! If you cannot come because you are ill, tell the BAMF immediately and include a medical certificate.** If you fail to do so it can have negative consequences for your asylum procedure!

This interview is by far the most important step of your asylum procedure. The things you say during the interview are crucial and cannot be corrected later. We highly recommend to seek out advice on asylum procedures before the interview. You're allowed to bring a person of trust with you, but you have to inform the **BAMF** in writing in advance about who will accompany you.

### Before the Interview

- Take some time to think through your escape history in a chronological order, so that you can clearly and flawlessly reproduce the sequence of events during the interview.
- If you suffer from life-threatening or severe health problems, those could prevent you from being deported to your home country. To prove this, you need a qualified and very extensive medical certificate which you should send to the **BAMF** as soon as possible. Regarding the immense requirements that such a paper must meet, you should in any case contact an advisory centre.
- You have the right to be interviewed in your mother tongue. Inform the **BAMF** in advance about it. The **BAMF** will provide a translator or you can bring your own.
- As a woman you can insist on being interviewed by a woman. If you wish to make use of that possibility you have to tell the **BAMF** beforehand.

## During the interview

- You will be asked if you can communicate properly with the translator. If you have problems with the translator, you should have this put on record and ask for another interpreter. Not all interpreters are qualified enough. If all else fails, the interview will have to be postponed. Do not compromise on this point.
- The interviewer will ask you if you feel that the state of your health will allow you to complete the interview and if you understood the procedure. You should say at once if you still see any problems or if you still have questions. Don't be intimidated if the interviewer shows stress reactions – this is YOUR interview and YOU have a right to it.
- Don't answer questions unless you understood them exactly.
- Report all important events, personal experiences, incidents even if the decision-maker does not ask about them explicitly.
- Show all your proofs (documents, newspaper articles, photos).
- Also mention painful or embarrassing events – these might be very important for your asylum procedure. If you feel unable to do this, at least mention that you cannot continue at this point because the recollection is too painful still.
- Your statements will be recorded and later minuted in German. The statements will then be translated for you by the translator. Check carefully for errors and correct them immediately. The transcript is the basis for the decision in the asylum procedure and also in case of a lawsuit in court.

## The Interview

<b>24 Questions about your identity, family &amp; origins</b>	Clarification of your identity using short questions. Answer directly and clearly.
<b>Escape route</b>	Describe the escape route. Often the same questions are asked repeatedly. Nevertheless, answer again truthfully, avoid inconsistencies to previous statements or explain these inconsistencies.
<b>Reasons for escape</b>	Describe clearly and convincingly <b>all</b> personal reasons and events that forced you to escape. This report will be the basis for the <b>BAMF</b> to accept you as a refugee or not.
<b>Obstacles against returning</b>	Describe why you cannot return to your country of origin and how this affects you individually. This is the basis for the <b>BAMF</b> to suspend the deportation order.
<p><b>What it's all about – from the BAMF's decision maker's point of view</b></p> <p>The decision maker has to be convinced that all you say is correct. For this reason he will check your statements carefully. If you cannot provide objective proof, he will have to trust you personally.</p>	
<p style="text-align: center;"><b>Criteria of the asylum examination</b></p> <ul style="list-style-type: none"> <li>• Asylum will be granted if you personally are prosecuted because of your race / ethnic group, religion, nationality, social group or your political convictions.</li> <li>• Your right to life, freedom, and physical integrity has to be protected in every country.</li> </ul>	

### **Important for the Interview:**

- The interviewer is the decision-maker, not the translator. Talk to him.
- Look into the eyes of the interviewer – in German culture it is impolite not to look into the eyes of the person you talk to, you might seem insincere if you don't look into the eyes of the interviewer.
- Speak about things directly. Don't talk around a topic - this might be taken as insecurity or an attempt to hide something. You might lose your credibility.
- Misunderstandings or inconsistencies with earlier interviews with the authorities should be explained during the interview.
- Sign the document at the end of the interview only if you understood everything and all important statements have been put on record.

### **After the Interview**

**The transcript of the interview** (point 12): the transcript of the interview will be sent to you – in German – a few weeks after the interview. Have it translated as soon as possible. If you find any mistakes, write to the **BAMF** and ask for a correction of the mistakes.

### **The asylum decision** (point 13):

Check carefully what the **BAMF** wrote and what the reasons for the recognition or rejection of your asylum application are. You may appeal against the **BAMF**'s decision at the Administrative Court (**VG**). The time for appealing period begins the day you received the asylum decision. Make sure to keep the letter with the envelope (!), the date stamp is crucial for the start of the time period for appeal.

## Asylum decision of the BAMF: Which decisions are possible?

Decision	Consequences / Deadlines
<b>Recognition as a political refugee</b> (Art. 16a para. 1 GG)	Residence for three years and blue refugee passport. Privileged family reunification is possible (only if applied for within 3 months of the legally binding communication of the decision).
<b>Refugee status</b> according to the Geneva Convention is granted (§ 3 para. 1 AsylG)	See above (corresponds to “entitled to asylum”)
<b>Subsidiary protection</b> is granted (§ 4 para. 1 AsylG)	Residence for one year, if extended for three years. Privileged family reunification suspended until 16.03.2018! <b>2 weeks</b> to appeal at the <b>VG</b> and to apply for recognition as refugee.
Not entitled to asylum, refugee status not granted, deportation is prohibited (§ 60 para. 5 or 7 AufenthG)	Residence for one year, if extended for three years. <b>2 weeks</b> to appeal at the <b>VG</b> and to apply for recognition as refugee or to apply for subsidiary protection.
Application for asylum is rejected as being <b>not justified</b> ; no obstacles to deportation	The application for asylum is rejected. <b>2 weeks</b> to appeal at the <b>VG</b> to apply for recognition of refugee protection or at least to recognize that deportation is prohibited
Application for asylum is rejected as being <b>obviously not justified</b> (§ 30 AsylG); no obstacles to deportation	The application for asylum is rejected. Act very fast now! <b>1 week</b> to appeal at the <b>VG</b> . At the same time, you should apply for suspension of deportation (§ 80 (5) VwGO) so that you avoid to be sent back to your country before the court decides on your application for asylum.



Inadmissibility of the application for asylum because another country of the European community is the proper authority (**Dublin procedure**)

Deadline for urgent application and legal action is **one week**.

For your appeal to the **VG**, you need to provide a detailed written explanation of why the rejection of your asylum request is incorrect. Legal advice and, of course, a lawyer will be very helpful now. For the first appeal procedure a lawyer is not required, but a lawyer might be very useful.

### **After your application for asylum is rejected**

Your application for asylum is definitely ended. This means that you have no more option to take legal action (it is indisputable). You will receive a letter that will request you to leave Germany within a specified period. You may leave Germany “voluntarily”. You don’t have to return to your country of origin. You should not decide this alone but take legal advice first or talk to a lawyer. If you feel unable to leave Germany or don’t want to leave, you are in danger of being deported.

**If you receive such a letter from the BAMF or if you are informed in writing that you have to leave Germany, you should absolutely and immediately visit an advice centre for refugees or a lawyer.**

### **Other European countries**

To escape to another European country after your application for asylum has been rejected in Germany does not make sense! According to the Dublin Regulation the first European country in which you arrived is responsible for the asylum procedure. If you went through the asylum

procedure in Germany and have been rejected, you have almost no chance to get a residence permit in another European country.

If you want to return to your homeland, talk to a **returning-home advice centre** which is responsible for your region:

Rückkehrberatung Südbayern ( <b>Southern Bavaria</b> ) Lange Gasse 4, 86152 Augsburg Telefon: +49 821/5089632 a.werner@zrb-suedbayern.de	Rückkehrberatung Westbayern ( <b>Western Bavaria</b> ) Franziskanergasse 3, 97070 Würzburg Telefon: +49 931/38666782 info@zrb-westbayern.de
Rückkehrberatung Nordbayern ( <b>Northern Bavaria</b> ) Marienstraße 23, 90402 Nürnberg Tel.: +49 911/2352222 E-Mail: info@zrb-nordbayern.de	München Rückkehrhilfen ( <b>Munich</b> ) Franziskanerstraße 6-8, 81669 München Tel: +49 89/233-40708 reintegration@muenchen.de

### **Other important things:**

#### **Am I allowed to travel?**

Within the first three months or during the time in the reception centre (**EAE**), your stay is restricted to a certain area. After that you may move or travel freely within Germany. Ask the responsible foreign citizens department (**ABH**) to remove the restriction from the **Aufenthaltsgestattung**.

#### **Make sure that letters from the authorities are delivered to your current address!**

During the first weeks and months of your asylum procedure, you will be accommodated in a

reception centre (**EAE**). Post from the authorities (e.g. appointments for hearings, notices) for you will be delivered to the reception centre.

Check the notices on the notice board there **daily** and collect documents immediately. If you don't, you might read important decisions too late and risk missing deadlines for a response. No excuses will be accepted: this will be considered a failure on your part.

After the transfer you will have to inform the **BAMF** about your new address yourself, this will not necessarily happen automatically. Make sure to find out how mail is delivered at your new residence.

### **Always carry your current documents of residence in Germany with you!**

If there is a police check and you can't prove your identity, you may get into serious trouble (criminal complaint, fine, arrest).

**Before submitting documents to the authorities, take a copy/ photo** and get a receipt for the documents. Make sure to keep all documents and papers safe – papers are very important in Germany!

## **Rights and duties during the asylum procedure**

### **Your rights**

- Nobody may request or force you to get into contact with your home authorities (consulate / embassy) (for example because of documents). If you do this your asylum procedure could be closed because you placed yourself under the protection of your homeland.
- The **BAMF** also has interviewers with special tasks, who are trained for the questioning of refugees with a special need for protection. If you have psychological problems because of

traumatic experiences, inform the **BAMF** in advance.

- If you are alone in Germany and younger than 18 years, you don't have legal age for asylum purposes and thus need to have a legal guardian for the asylum procedure. The guardian will be formally appointed by a guardianship court.

### **Your duties to cooperate**

You are legally obliged to assist the authorities by answering questions about yourself or your family members, i.e. you have to contribute to the clarification of these questions. Even a lawyer is not able to release you from this duty.

Your duties concern above all:

- The **clarification of your identity**: you should submit certificates from your home country, preferably ones which include your photo. Make sure that you keep a copy and get a receipt for all documents.
- Information and documents about your **journey**: visas or certificates showing border crossings may also be used as proof of identity. For the authorities, documents concerning your journey are very important, above all because of the Dublin-Decree Treaty. (see page 10)
- **Duty to register**: make sure that you inform the authorities about any change of address, changes in your right of residence, changes in family status etc. Better report too much than too little. Important messages / notifications should best be sent via fax with fax confirmation (keep this safely!).

## **Life during the asylum procedure**

### **What to live on?**

You will get social benefits from the German state. During the asylum procedure you will get support in the form of payment in kind and in cash (Asylbewerberleistungsgesetz, AsylbLG).

Of course, you are entitled to primary health care:

For asylum applicants, the law only provides limited medical care: treatment for acute (not chronic) diseases and pain, and medical care in case of pregnancy and childbirth. Any further treatment or help with any other disease is usually only granted after a report by the Health Department. Social services can support you in such cases.

### **How to live?**

Social and legal questions: there are a lot of people and organisations that can help you to get settled in Germany and to take part in everyday life here. Ask your questions here: Social services and migration information centres (Caritas, AWO, Innere Mission, Bavarian Red Cross BRK...) These are your first points of contact for all questions on social benefits and initial information on migration: if you want to learn German or progress professionally, if you want to know when and how you become eligible to work etc.

## Template for informing the BAMF about your new address

An das BAMF  
Bundesamt für Migration und Flüchtlinge  
Boschetsriederstraße 41  
81379 München

If you appealed against the decision at the **VG**, also inform the **VG** about your new address!

Mitteilung meiner Adressänderung – AZ: .....  
Sehr geehrte Damen und Herren,

hiermit teile ich Ihnen mit, dass ich ab sofort unter folgender Adresse erreichbar bin:

NAME Vorname  
Straße:  
PLZ/Ort:

Mit freundlichen Grüßen

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Datum / Unterschrift

Change of address – AZ:

Dear Madam, dear Sir, This is to inform you that with immediate effect my new address is:

FAMILY NAME First Name, Street-No., Postal Code/Town

Sincerely, date / signature)

Infobus für Flüchtlinge, c/o amnesty international  
Volkartstr. 76, 80636 München

**Mobil: +49 176/67606378**

e-mail: [infobus@amnesty-muenchen.de](mailto:infobus@amnesty-muenchen.de)

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(with SOLWODI), Heidemannstr. 50

**Wednesday** 6:30 pm-8:00 pm: Bayernkaserne in front of Building 45, Heidemannstr. 60

**Saturday** 11:00 am-1:00 pm: Am Moosfeld 37

(As of July 2016, the homepage always has the current office hours)

[www.muenchner-fluechtlingsrat.de/infobus](http://www.muenchner-fluechtlingsrat.de/infobus)