

Information about the asylum procedure

**Infobus
for
refugees**



Landeshauptstadt
München
Sozialreferat



Welcome to Germany!

The guide offers you initial orientation in the asylum procedure in Germany. The guide is designed to fit in your handbag or jacket pocket, which is why it is small and thin. It will only be able to answer some of your questions. But hopefully it will guide you to the extent that after reading it you will know where you can get what information and ask further questions. We wish you every success!

Your Info Bus team in Munich.



Counseling centers in Munich

<p>Questions about the asylum procedure and interview preparation Infobus for refugees</p>	<p>Advice in Munich's initial reception centers See website for current consultation times https://muenchner-fluechtlingsrat.de/der-verein/projekte/infobus/</p>
<p>Asylum advice center</p>	<p>Bellevue di Monaco, Müllerstr. 2, 80469 Munich Wednesday 6-8pm, Friday 10am-12pm</p>
<p>Legal advice from lawyers Legal Aid Munich e.V.</p>	<p>Schwanthalerstr. 80, 80336 Munich Only after registration at https://www.migration-macht-gesellschaft.de/rechtshilfe-muenchen-ev/</p>
<p>Consultation on forced marriage, FGM/C, violence in the name of "honor" Desert Rose, IMMA e.V.</p>	<p>Goethestr. 47 80336 Munich Phone: +49 89/45216350 E-mail: wuestenrose@imma.de</p>
<p>Consultation for women affected by human trafficking JADWIGA</p>	<p>Schwanthalerstr. 79, 80336 Munich Phone: +49 89/38534455 E-mail: muenchen@jadwiga-online.de</p>
<p>SOLWODI</p>	<p>Dachauer Str. 50 80335 Munich Phone: +49 89/27275859, E-mail: muenchen@solwodi.de</p>

Consultation for people from the LGBTQIA* community LeTRa (for lesbians, bisexual women* and trans women)	Phone: +49 89/998295931 E-mail: gefueberat@letra.de
Sub (for gay, bisexual or queer men and trans* people)	Phone: +49 89/856346417 E-mail: refugees@subonline.org
Language course and finding a job IBZ Language and Career	Franziskanerstr. 8, 81669 Munich Monday & Wednesday 9:30-12:30, Thursday 13:30-16:30
Digital Guide	www.integreat.app

In Germany, you will not receive a free lawyer during the asylum procedure, but you can obtain information free of charge from consultation organizations!

Who does what in the asylum procedure?

Government of Upper Bavaria (ROB)

- is responsible for the initial registration of refugees (**EASY** department). The arrival center can be found here: Maria-Probst-Straße 14, 80939 Munich
- assigns you new accommodation after the initial reception center

Federal Office for Migration and Refugees (BAMF, in Munich Streitfeldstr. 39)

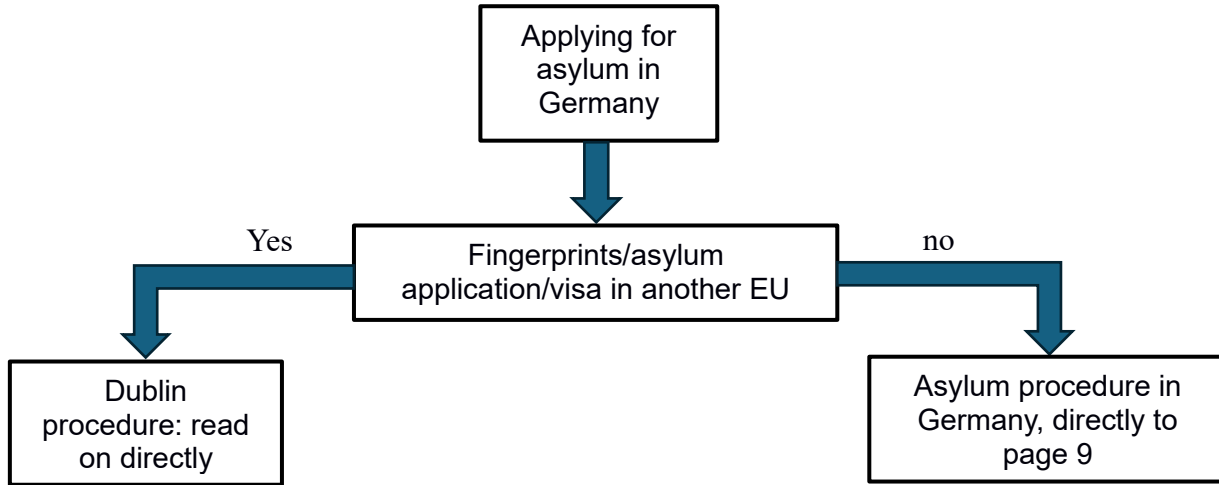
- interviews you on your grounds for asylum (hearing, interview)
- decides on your asylum application
- clarifies the question of whether you have to return to your first European country
- It is an authority, not a court!

Immigration office

- Depending on where you are in the process, you can contact the central Foreigners' Registration Office (ZAB) of the administrative district or the local Foreigners' Registration Office of the District or city responsible (**in Munich: KVR "Poccistraße"**)
- Extends residence permit (Aufenthaltsgestattung), issues tolerated stay permits (Duldung) and work permits
- can instruct the police to arrest you if you have to leave Germany

Administrative Court (VG, in Munich: "Bayerstraße 30")

- receives your appeal against a rejection of your asylum application and decides on it



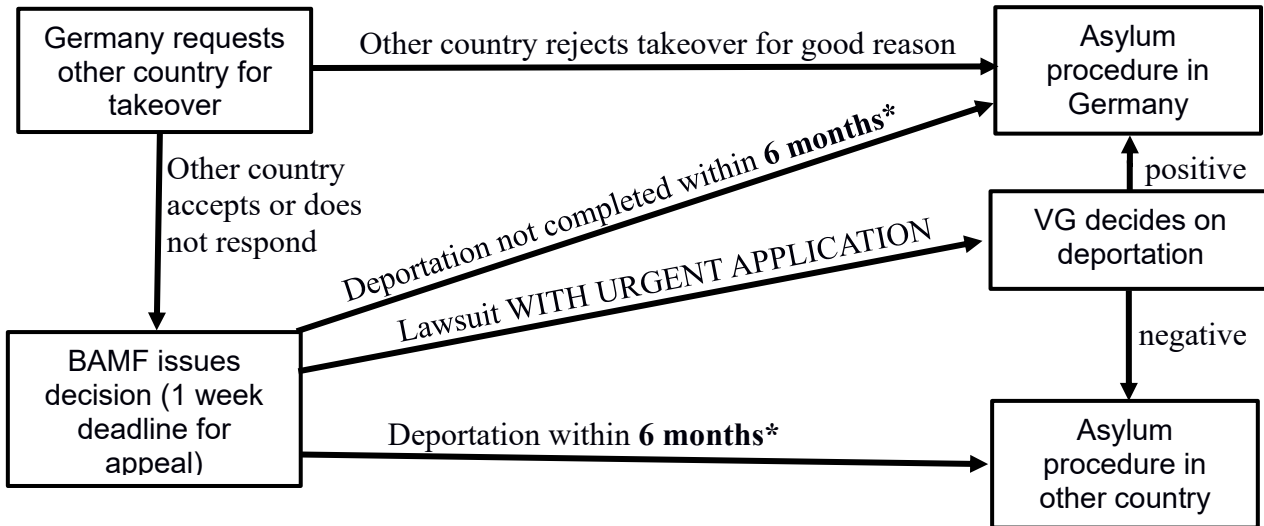
Dublin Regulation.

After you have officially applied for asylum at the Federal Office, the **BAMF** will search for your fingerprints in a Europe-wide database, EURODAC. If you have already been to another country in Europe and have been registered there, have applied for asylum in a European country or have entered with a visa from another European country, the BAMF will check whether you need to return to the first country.

If this is the case for you, be sure to seek advice!

The diagram is a simplified representation of the Dublin procedure for a reception procedure, i.e. when only fingerprints have been submitted without an application for asylum. For more detailed information, please contact an advice center! As long as you have not received a decision from the BAMF, you cannot be deported, even if you have submitted fingerprints in another country.

Procedure Dublin procedure after a hit in the EURODAC database



Important notes on the graphic:

- *The 6-month period begins to run from the moment responsibility is transferred to the other Dublin state. This date can usually be found on the second page of the decision.
- If an action is filed with an urgent application , the 6-month period is suspended. If the urgent application is rejected, the period starts all over again!!! Be sure to seek advice before taking this step. In many cases, an urgent application has negative consequences because it has no chance of success, but gives the authorities more time to deport you. You can also file a complaint without an urgent application. This has no negative consequences, but does not protect you from deportation.
- In the case of a complaint with an urgent application, the first step is to decide on the urgent application against deportation. A positive decision on the urgent application does not mean that Germany is responsible for you. In the second step, the court will decide on the appeal at a later date. Only then will you know whether your asylum application will be processed in Germany or whether you can still be deported to the other country.
- In case you go into hiding and are deregistered, the period is extended to 18 months! It is therefore important that you are regularly in your accommodation (max. 2 days absence) and that you are not deregistered there. If you are notified of a deportation date and you are not at home, you are also considered to have absconded.

Asylum procedure in Germany

1. Statement of the asylum application

Report to the arrival center in Munich at Maria-Probst-Str. 14. You can also report your asylum request to the police, but they may initiate proceedings for illegal entry. As a rule, you will have to hand in your documents when you register.

Copy/photograph documents beforehand and ask for a receipt!

2. Arrival center: Issue of proof of arrival and short health check

The proof of arrival (Ankunftsnachweis) is a temporary residence document. It indicates that you wish to apply for asylum. Data such as your fingerprints and photo are stored electronically.

3. Transfer to the responsible initial reception facility (EASY)

The arrival center will check which reception facility is responsible for you. This depends on your country of origin. You may therefore be sent to a facility in another federal state. (EASY procedure)

Family unit: If you have arrived with relatives or have relatives in Germany, mention this during registration so that you can be allocated to a place near them if necessary. If you have health or social problems, please contact the social services at the facility.

4. accommodation in the responsible EA (camp):

You will remain in the camp assigned to you in Bavaria for a maximum of 24 months, but will usually be relocated earlier. Exceptions apply for so-called safe countries of origin (Balkan states, Senegal, Ghana, Moldova, Georgia) and persons in the Dublin procedure. In Munich, you will be issued with a yellow house card (yellow paper). Important dates are entered on it (health check-up, filing).

5. examination by the public health department for infectious diseases

During the first few days, a health check is carried out by the public health department. This involves

the detection of communicable diseases. They are physically examined, x-rayed and have blood taken. If they have any diseases, they will be informed of this in writing, otherwise they will not receive any information.

If you are suffering from health problems that have not been investigated, speak up and also contact the social services and doctors at the facility.

6. formal application for asylum at the BAMF, file creation (the date will be entered on the house card or communicated by letter):

The official asylum application is submitted to the BAMF. It is responsible for processing the asylum application. Your fingerprints will be scanned here. You will receive a residence permit.

7. travel route interview by the BAMF (often together with point 9, less often with point 6):

At this appointment, you will be questioned about your travel route. The BAMF is particularly interested in whether you have given fingerprints, applied for a visa or submitted an asylum application in another EU member state. **ATTENTION:** If you have already been registered in another European country, the BAMF will check whether you must return to this country (see page 6). The decision is based on entries in the EURODAC database. False information will therefore not give you any advantage. If there are reasons why you cannot return to this country (state of health, situation there), be sure to mention them at this appointment. If you cannot come because you are ill, let the BAMF know and present a doctor's certificate.

8. appointment for identity verification at the ZAB:

You will also be invited to the ZAB to clarify your identity. Here you will have to provide similar information as at the BAMF. In some cases, this appointment also takes place before the appointment at the BAMF. Only the information you provide at the BAMF is processed in your asylum procedure. Nevertheless, it is of course important to avoid giving contradictory information.

9. hearing on the grounds for asylum at the BAMF: Invitation comes by letter, **very important!!!** It is not unusual for more than 6 months to pass before you are invited to an interview. (see page 12)

10. delivery of the protocol of your hearing (see page 15)

11. transfer to shared accommodation or apartment/transfer

You should receive a so-called "transfer" to a Bavarian municipality at the latest at the end of your housing obligation in an EA (see 4.). You will be allocated accommodation there. **Be sure to inform the BAMF of your new address** so that the letters continue to reach you. You will find a template for this at the end of this asylum guide.

If you are already in court proceedings, you must also inform the court or your lawyer of your new address.

12. reply about asylum decision by post: It often takes a long time after your interview before you receive an answer. 6 months is not unusual, and processing times of more than a year are not uncommon. (see page 15)

13. options to file an appeal (see page 16)

Hearing in the asylum procedure (point 9)

You will receive a written invitation from the BAMF to your hearing appointment.

Be there on time! If you cannot come because you are ill, inform the BAMF and present a doctor's certificate. If you do not do this, it will have a negative impact on your asylum procedure!

This hearing is the most important event during your asylum procedure. What you say in your "interview" is crucial and cannot be corrected later. **If possible, attend a procedural counseling**

session before the interview. The information below cannot replace detailed preparation for your interview by an asylum procedure counselor.

You may bring a person you trust with you to the interview. However, you must register this person in writing with the BAMF in advance and they must not be in the asylum procedure themselves.

Before the hearing

- Go through your story in chronological order so that you can clearly describe the course of events at the interview.
If you have life-threatening or serious health problems, this could prevent you from being deported to your country of origin. In this case, you will need a qualified, very detailed medical certificate, which you should send to the BAMF as soon as possible. In view of the high requirements for a medical certificate, you should definitely visit a consultation service.
- You have the right to have the interview conducted in your native language. Please inform the BAMF of this. The interpreter will be provided by the BAMF or you can bring an interpreter you trust with you.
- As a woman, you can insist on being interviewed by a woman. You must inform the BAMF of this in advance. If you belong to the LGBTQIA* community (homo- or bisexual persons, trans*, queer, inter- or agender persons) or are traumatized, you can also apply for specially trained interviewers.

During the hearing

- You will be asked whether you can communicate well with the interpreter. If there are any problems with the interpreter, state this for the record and ask for another interpreter. Not all interpreters are sufficiently qualified. If necessary, the hearing must be postponed. Do not accept any compromises here.
- The interviewer will ask you whether you feel fit to attend the hearing and whether you have

understood everything about the procedure. Tell them immediately if you see any problems or have any questions. Do not be intimidated by the possibly stressed reaction of the hearing officer, it is your hearing and your right.

- Only answer questions once you have fully understood them!
- Report all important events, personal experiences or incidents, even if the decision-maker does not explicitly ask about them.
- Show all evidence (documents, newspaper articles, photos).
- Also talk about painful and embarrassing things, it can be very important for your asylum procedure. If you can't, at least say that you can't continue at this point because the memory is too bad.
- Your statements will be recorded in German and recorded later. The interpreter will retranslate the recording for you. Pay close attention to any mistakes and correct them immediately. The transcript is the basis for the decision in the asylum procedure and also the basis for the decision in court in the event of a complaint.

The hearing/interview

questions about identity, family and origin	<ul style="list-style-type: none"> - Clarification of identity in short questions. → Answer directly and clearly
Travel route:	<ul style="list-style-type: none"> - Describe your travel route to Germany. - Frequent repetition of questions already asked → Nevertheless, answer truthfully again and avoid or clarify any contradictions with previous statements

Reasons for flight:	→ Describe clearly and convincingly all the personal reasons and events that forced you to flee. This description is the basis for whether the BAMF recognizes you as a refugee or not.
Obstacles to a return	→ Explain why you cannot return to your country of origin. This is the basis for the BAMF to suspend a possible deportation.
What is the BAMF decision-maker concerned with?	
The decision-maker must be convinced that everything you say is true. That's why he checks your statements very carefully. If you can't provide objective evidence, they have to believe you personally. It is therefore important to be as detailed and logical as possible.	
The asylum assessment criteria	
Asylum is granted if you are personally persecuted because of your ethnicity, religion, nationality, social group or political convictions. Their right to life, liberty and physical integrity must be protected in every country.	

Important for the hearing:

- The person you are talking to is the decision-maker, not the interpreter. Address yourself to them.
- Look your conversation partner in the eye. In German culture, it is impolite or comes across as insincere if you do not do this.
- Address things directly. Talking around a topic for a long time is seen as insecurity and an attempt to cover something up. You will lose credibility as a result.

- If there have been any misunderstandings or contradictions with the previous interviews with the authorities, clarify these in the interview.
- Only sign at the end of the interview if you have understood everything and all the important things have been recorded!

After the hearing

The hearing protocol (point 10):

The protocol of the hearing will be sent to you in German a few weeks after the hearing. Have it translated as soon as possible. If there are any errors, you can send a written request for correction to the BAMF.

The asylum decision/notice (point 12):

Take a close look at what the BAMF writes to you and how it justifies the recognition or rejection of your asylum application. You can lodge an appeal against the BAMF's decision with the administrative court. The time limit for the appeal begins after the day on which you were notified of the decision. Keep the letter together with the envelope (!). The date of the postmark is decisive for the deadline.

Asylum decision by the BAMF: Which decisions are possible?

Decision	Consequence/ deadlines
1. recognition as a person entitled to asylum (Art. 16a para. 1 GG)	- Residence for 3 years and blue refugee pass - Privileged family reunification possible (only with application within 3 months of the legally binding decision)

2. recognition of refugee status under the Geneva Refugee Convention (Section 3 (1) AsylG)	- Corresponds to persons entitled to asylum → see above
3. granting of subsidiary protection (§ 4 para. 1 AsylG)	- Residence for 3 years - 2 weeks to file a complaint with the VG and apply for recognition as a refugee.
4. rejection as a person entitled to asylum and as a refugee, but existence of prohibition of deportation (Section 60 (5) or (7) AufenthG)	- Stay for 1 year, if extended for a further 2 years - 2 weeks to file a complaint with the VG and apply for refugee protection/subsidiary protection.
5. rejection of the asylum application as unfounded ; No prohibition of deportation	- Asylum application rejected - 2 weeks to file a complaint with the VG and apply for refugee protection or for the determination of a ban on deportation.
6. rejection of the asylum application as manifestly unfounded (§ 30 AsylG); no prohibition of deportation	- Asylum application rejected, act quickly! - 1 week to file a complaint with the VG. You should request the suspension of deportation at the same time (§ 80 (5) VwGO), in order to prevent that you are sent back to your country of origin before the court has decided on your asylum procedure.

7. inadmissibility of the asylum application due to the responsibility of another EU member state (Dublin procedure)	Deadline for urgent application and complaint is 1 week . It is essential to seek advice beforehand, an urgent application often has a negative effect (see page 8).
8. inadmissibility of the asylum application due to protection status in another EU country	- Asylum application rejected, act quickly! - 1 week to file a complaint with the VG. You should request the suspension of deportation at the same time (§ 80 (5) VwGO), in order to prevent that you are sent back to this country before the court has decided on your asylum procedure.

You must explain in writing to the Administrative Court (VG) why the rejection of your asylum application is wrong. A legal advice center and a lawyer can help you a lot here. A lawyer is not obligatory for the first legal proceedings but can be very helpful. Seek legal advice and enquire about specialist lawyers for asylum law before hiring a lawyer, as there are also some expensive lawyers who do nothing for their clients or even harm them with false applications.

After a failed asylum procedure

Your asylum procedure is final. This means that you can no longer appeal against it in court (it is "incontestable"). You will receive a letter asking you to leave Germany within a certain period of time. You can leave Germany "voluntarily". This does not necessarily have to be to your country of origin. You should never decide this on your own, but go to an advice center or a lawyer beforehand. If you are unable or unwilling to leave Germany, you may be deported.

If you receive such a letter from the Federal Office or if you are told to leave Germany, go to a counseling center or a lawyer IMMEDIATELY!

Other European countries

It does not make sense to flee to another European country after your asylum application has been rejected in Germany! The so-called DUBLIN Regulation applies: the first country in which you arrive in Europe is responsible for your asylum procedure. If you have undergone an asylum procedure in Germany, you have little chance of being granted residence in another European country.

Important to know

Where am I allowed to stay?

In the first three months or during your time in the camp, your stay will be restricted to a certain area. After that, you may move and travel freely in Germany. Ask the relevant immigration authority to remove the restriction from your residence permit. If you are traveling for a longer period of time, it is still important to inform the foreigners authority of this, otherwise you may be deregistered from your accommodation. Persons in the Dublin procedure must inform the immigration authority if they are away from their accommodation for more than 3 days.

Make sure that the mail from the authorities is delivered to your current address!

In the first few weeks and months, you will be sent mail from the authorities (e.g. invitations for appointments, notices) to the initial reception. Check the notices on the notice board **every day** and collect your post immediately. If you fail to do this, you may find out about important decisions too late. There is no excuse for this, it is considered to be your omission.

After the transfer, you must inform the Federal Office for Migration and Refugees (BAMF) of your new address yourself, this does not happen automatically. Make sure that the post is delivered to you at your new place of residence.

Always carry your current residence document in Germany with you!

If you are checked by the police and cannot identify yourself, this can cause you major problems (criminal charges, fines, imprisonment).

Before you hand in documents to the authorities, make a copy/photo and ask for confirmation that the documents have been handed in! Keep all documents and letters in a safe place - papers are very important in Germany!

Rights and obligations in the asylum procedure

YOUR RIGHTS

- No one may request or force you to contact your home authority (consulate/embassy) (for documents) during the ongoing asylum procedure (i.e. also during an appeal procedure). If you do so, your application for asylum will expire because you have placed yourself under the protection of your home country. **Before contacting the embassy/consulate, always speak to an consultation service.**
- There are also special interviewers at the Federal Office for Migration and Refugees (**BAMF**) who are trained to interview refugees with special protection needs. If you have psychological difficulties due to traumatic experiences, please inform the BAMF in advance.
- If you are alone in Germany and under the age of 18, you are not yet of age for asylum and need a guardian for the asylum procedure. This guardian is appointed by the guardianship court. Point out at all opportunities that you are a minor. If the authorities do not believe you and you are accommodated together with adults, go to a counseling service.

YOUR OBLIGATIONS TO COOPERATE

You are legally obliged to cooperate with the authorities in answering questions about yourself and your family members, i.e. to help clarify the issues. Even a lawyer cannot release you from this obligation.

The duties primarily concern:

- - **clarification of your identity**: You should, for example, present documents from your home country, preferably with your photo. Make sure that you keep a copy of these and receive a confirmation/receipt!

- Information and proof of your **travel route**: Visas or border crossing certificates may also be used by you as proof of identity. Travel documents are particularly important for the authorities because of the Dublin Regulation (see page 10).
- Your **obligation to register**: Make sure that the authorities are informed of your new address, changes to your right of residence or changes to your marital status. Better too much than too little! Important notifications are best sent by fax with a fax confirmation (keep it!).

Life during the asylum procedure

LIVE FROM WHAT?

You will receive social benefits from the Federal Republic of Germany.

During the asylum procedure, you will receive support in the form of benefits in kind and cash benefits (Asylbewerberleistungsgesetz, AsylbLG). Of course, you are also entitled to basic medical care:

The law only provides limited health benefits for you as an asylum seeker: Treatment of acute illnesses and pain, care during pregnancy and childbirth. Treatment and alleviation of other illnesses is usually only granted after an expert opinion from the health authority. The social services can also help you here.

HOW TO LIVE?

Social law issues: There are many people and organizations that can help you find your way in Germany and participate in German life. Go with your questions to social services and migration advice centers (e.g. Caritas, Diakonie, AWO, Innere Mission, Bavarian Red Cross) (They are your

first point of contact for all questions about social benefits and integration: if you want to learn German or get further vocational training, if you want to know when and how you are allowed to work, etc.

WHAT CAN YOU DO TO STAY?

The asylum procedure often takes a very long time. Use this time to improve your chances of being allowed to stay in Germany even if the asylum procedure is negative. In addition to the asylum procedure, you can also obtain a residence permit by integrating well. To do this, it is important to learn German well, not to commit any crimes and to have been in Germany for as long as possible. It can therefore also have advantages for you if the procedure takes a long time. As soon as you are allowed to work, this is also a good way to improve your prospects of staying. In particular, taking up an apprenticeship can help here.

HOW CAN I LEARN GERMAN?

As soon as you have received your residence permit, you can apply for an integration course. Ask your social services department about this. If you have received approval for an integration course from the BAMF, you can go to language schools and institutions that offer an integration course (e.g. Volkshochschule, Red Cross, Kolping). Of course, you can also look for offers to learn German through aid organizations or go to a language school beforehand. However, you will have to pay for the course yourself at language schools.

I'M IN A PLACE I DON'T WANT TO STAY. HOW DO I GET OUT OF HERE?

Unfortunately, asylum seekers are often housed in remote locations where they have little access to support. Find out where the nearest advice organization is. The Integreat app can be very helpful

here (see page 4). You can also apply for reallocation. However, you will need good reasons for this, e.g. medical certificates stating that you need different accommodation or nuclear family (underage children/spouse) in a different location.

HOW CAN I WORK?

You are generally not allowed to work during the first three months. As long as you live in an AnKER center, you are only allowed to work after 6 months. People from safe countries of origin (Bosnia and Herzegovina, Albania, Kosovo, Montenegro, North Macedonia, Serbia, Senegal, Ghana, Moldova, Georgia) are generally not granted a work permit.

As soon as the period during which you are not allowed to work is over, you can apply for a work permit at the Foreigners' Registration Office. To do this, the company that wants to employ you fills out a "declaration of employment" and you give this to the foreigners' authority. As soon as they issue the permit, you can start working.

I HAVE RECEIVED A PENALTY ORDER FROM THE PUBLIC PROSECUTOR'S OFFICE. WHAT NOW?

Contact a lawyer as soon as possible in order not to miss any deadlines. Even if you pay the fine quickly, penalties can result in you no longer receiving a residence permit later on. A lawyer can help you to reduce the penalty so that you stay below the limits that are dangerous for your residence.

Template for address messages

To the
Bundesamt für Migration und Flüchtlinge
Streitfeldstrasse 39
81673 München

Notification of my change of address - AZ:

Ladies and Gentlemen,

I hereby inform you that I can now be reached at the following address:

NAME First name

Street:

Postcode/location:

Yours sincerely

Date / Signature

Münchner Flüchtlingsrat, infobus for refugees
Dachauer Str. 17
80335 Munich
Mobile: +49 176/67606378
E-Mail: infobus.muc@muenchner-fluechtlingsrat.de

Consultation hours
Always up to date at

<https://muenchner-fluechtlingsrat.de/der-verein/projekte/infobus/>