

New laws directed against refugees being planned by the German Federal Government (status as of March 25th, 2015)

While refugees are increasingly resisting the inhumane treatment by the German state, the Federal Government – with the help of the green-red coalition in the federal state of Baden-Württemberg – has put into place two laws in the past months, and is planning one more. These new laws are designed to make life even harder for refugees. It is anticipated that the last law will be put into place until June 2015.

1. Law for the classification of more countries as safe countries of origin and transit

The states of Serbia, Macedonia and Bosnia and Herzegovina have been listed as safe countries of origin and transit on September 19th, 2014. As a result, refugees from these countries have hardly any chance of being admitted in the asylum process. Their applications for asylum are generally rejected as being “manifestly unfounded”.

2. Amendments to the Asylum Seeker’s Benefits Act (Asylbewerberleistungsgesetz)

The Asylum Seeker’s Benefits Act was changed in a few points during a reform in the beginning of December 2014 instead of being abolished. In spite of a contrary judgment by the Federal Constitutional Court dated from July 18th, 2012, refugees are still forced to receive benefits under the Asylum Seekers Benefits Act for a period of 15 months instead of social assistance or unemployment pay. Thus, the racist expression of a special law for refugees in the area of social assistance is confirmed. The amendments will bear consequences most of all concerning medical care, sanctions for alleged denial of the duty to cooperate and the type of benefits. Medical care will be limited to a life-threatening emergency. In addition, there remains the option of sanction by reducing benefits (§ 1a Asylbewerberleistungsgesetz) although the judgment of the Federal Constitutional Court does not provide for such a reduction. Furthermore, the government didn’t completely resign the benefit-in-kind principle. Individual federal states or counties may continue to embark on the issue of food packages and vouchers.

3. Law to redefine the right of abode and the termination of residence

Holding on to the inhuman regulations of the Asylum Seeker’s Benefits Act is particularly grave, as part of the "Law for the redetermination of the right of abode and the termination of residence" foresees that in the future even more refugees should be covered by the Asylum Seeker’s Benefits Act. Obtaining residence for humanitarian reasons is made much more difficult (§ 25 paragraph 5 of the Residence Act), e.g. when deportation seems to be permanently impossible. In deviation to the current situation, a humanitarian residence permit pursuant to this paragraph shall be excluded if, for example, an entry ban is imposed. Significantly more refugees than before will be touched by the new law (see below). Thus, the so-called chain toleration (Kettenduldung) will become the norm again. Tolerated refugees are in the scope of the Asylum Seeker’s Benefits Act.

The Act further provides for a significant extension of possible imprisonment for refugees caught in the Dublin procedure by assuming that there is risk of absconding because the refugees did not await the outcome of asylum procedures in the EU member state country initially responsible. In addition, detention regulations are tightened in general. The authorities shall be given the option to take refugees in "custody" without a judge reviewing the detention in those cases where obtaining the court order would likely take more time than imprisonment itself.

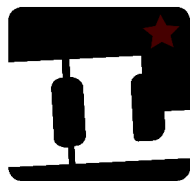
Finally, an extension of residence and visa bans for refugees obliged to leave and for rejected asylum seekers is planned. The people affected would be for example those whose asylum application was rejected as inadmissible, irrelevant or manifestly unfounded, as well as all unsuccessful subsequent asylum applications. The residence ban has massive implications: It prohibits granting a residence permit and an up to five-year ban on entering Germany and all EU countries.

The Federal Government has passed the bill in the beginning of December. The law will be discussed by the Federal Parliament on May 8th and will presumably become final until June 2015.

At the bottom line, the legislative packages will massively boost the disfranchisement of refugees in Germany. People exercising their right to free movement and residence are increasingly facing deportation, detention, discriminatory special laws and penalties. The demands of the refugees who have increasingly been teaming up in recent years to protest against deportations, compulsory stay in lagers, residence obligation (Residenzpflicht) and other racist special laws are deliberately being ignored. We appeal for protest actions against the tightening of the laws.

Refugees who want to know which impact the laws could have on their right to reside should contact a lawyer or an independent counseling center.

An Info-Leaflet of the



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