

INTRODUCTORY INFORMATION

for asylum seekers



Flüchtlingsrat
Niedersachsen e.V.



Presented by:



Welcome!

This brochure is especially geared towards asylum seekers who have recently arrived in Germany. Firstly, the initial steps of the asylum procedure are set out and the key legal bases are explained. The aim is also to provide an overview of possible perspectives, particularly with regard to employment, as having work can also secure your residence status.



This brochure cannot replace personal advice, so our main focus is to inform you of who can advise you on which matter.

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TIP:

In principle, you can also express your request for asylum to the police. However, we advise against this as the police can institute proceedings due to illegal immigration.

In every initial admission facility there are social services that will be able to assist and advise you.

I. THE BASICS:

Where do I apply for asylum?

Contact the **Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF)** or the local offices of the Federal State Admission Authority (Landesaufnahmebehörde, LAB NI) in Friedland, Braunschweig or Bramsche.

BRAUNSCHWEIG:

Boeselagerstr. 4
38108 Braunschweig
Tel.: 0531/ 3547-163
-162
-161

FRIEDLAND:

Heimkehrerstr. 18
37133 Friedland
Tel.: 05504/ 803 332
05504/ 803 327

BRAMSCHE:

Im Rehhagen 8
49565 Bramsche
Tel.: 05461/ 883 0

Initially, you will receive a **Certificate of Registration as an Asylum Seeker (Bescheinigung über die Meldung als Asylsuchender, BÜMA)**.

This certificate is not a residence permit. It is a preliminary residence document. It indicates that you have applied for asylum and has a limited period of validity. It also provides information about which initial admission facility (Erstaufnahmeeinrichtung, EAE) you must attend.

Family unit /community support: If you entered with relatives or have relatives living in Germany, mention this immediately on the day that your BÜMA is issued in order to be assigned to a location in their vicinity, if possible.



If you have already obtained a protected status in another European state, there is a risk that your asylum procedure will be terminated and you will be returned to that country. Contact a counselling centre immediately. (page 16-20)

EASY procedure:

The initial admission facility will first check which admission facility is responsible for you. This will depend on your country of origin and on the issue of whether the quota of refugees to be admitted to Lower Saxony (9.4 %) has been met. You may also have to consider that you could be sent to a facility in another federal state.

DUBLIN III:

CAUTION: If you have already been to another European country and were registered (fingerprinted) or applied for asylum there, then this country is responsible for your asylum application. The BAMF will check whether you have to return to this country

If this is the case, seek professional advice (see pages 16-20).

II. APPLICATION:

You will stay in the initial admission facility to which you have been assigned for between two weeks and three months. During this time the official application will be made at a branch office of the BAMF. During the application you will undergo an **identification process**, during which your fingerprints will be scanned and compared with the EURODAC database. You will also be questioned about your travel route. In this way the BAMF will find out whether you have been fingerprinted or have applied for a visa or requested asylum in another EU Member State.

You will normally be informed of a date for your hearing. The period of time between submission of the application and the hearing varies.

If there are high numbers of applications for asylum, you may initially be allocated to a municipality and only invited to a hearing later on.

Before the hearing, you should contact an independent counselling centre to ensure that you are well prepared for the proceedings (see pages 16 and 17).



A **personal hearing by the BAMF** will follow, during which the grounds for asylum will be determined. There you have the task and the obligation to present the reasons why you had to leave your country of origin and what threat you face if you return. This hearing forms the basis for the subsequent decision on the asylum application. The minutes of the hearing will be sent to you a few weeks after the hearing.

The personal hearing by the BAMF is the most important meeting in your asylum procedure. You will not only be questioned about your reasons for leaving but also about your travel route, your identity and your relatives. You should list all of the reasons that militate against your return to your country of origin or your transfer to another EU country.

How does my asylum application proceed?

After your application is submitted you will obtain **permission to stay under § 55 of the Asylum Procedure** for the purpose of completing the asylum procedure. While you are living in the initial admission facility, you may only move freely within the district. If you want to leave the district temporarily, you must submit a request to BAMF.

The amount of time until a decision is made can vary greatly.



If you received a negative reply from the BAMF, you should contact a refugee counselling centre and/or lawyer immediately (see pages 16 and 17)

If you have been waiting for a decision from BAMF for longer than six months, you should make enquiries with BAMF or contact a lawyer.

Possible decisions of the Federal Office (BAMF)

The following decisions
are possible:

Protection

1. Recognition of asylum status

2. Recognition of refugee status

Protection based on Art.16 of the Basic Law along with § 3 of the AsylVfG
Residence permit pursuant to § 25 (1) of the AufenthG

1. Recognition of asylum status declined

2. Refugee status granted pursuant to § 3 of the AsylVfG

Residence permit pursuant to § 25 (2) Alternative 1 of the AufenthG

1. Recognition of asylum status declined

2. Refugee status not granted.

3. Subsidiary protection status granted pursuant to § 4, paragraph 1 of the AsylVfG

Residence permit pursuant to § 25 (2) Alternative 2 of the AufenthG

1. Recognition of asylum status declined

2. Refugee status not granted

3. Subsidiary protection status not granted.

4. There are no bans on deportation under § 60, paragraphs 5 and 7, line 1 of the AufenthG.

Residence permit pursuant to § 25 (3) of the AufenthG

No protection

1. The application for asylum is inadmissible

Dublin III – Ordinance: Another EU country is responsible for your application for asylum.

You should be transferred to that country.

1. Recognition of asylum status rejected

2. Refugee status not granted

3. Subsidiary protection status not granted

4. There are no bans on deportation under § 60, paragraphs 5 and 7, line 1 of the AufenthG.

1. The right to asylum has been rejected as manifestly unfounded

2. Refugee status has not been granted as it is manifestly unfounded

3. There are no bans on deportation under § 60, paragraphs 5 and 7, line 1 of the AufenthG.

1. There is no right to asylum

2. Deportation is ordered.

You received protection in another European State and must be transferred to that country. **NO ASYLUM PROCEDURE IS POSSIBLE.**

Application for asylum inadmissible.

One week for a lawsuit and an urgent petition.

Application for asylum rejected as unfounded ("simple" rejection).

Two weeks for a lawsuit and an urgent petition.

Application for asylum rejected as manifestly unfounded.

One week for a lawsuit and an urgent petition.

For more details, see
www.nds-fluerat.org/leitfaden/

What happens if your application for asylum is recognised?

If your application for asylum is recognised, you are entitled to an integration course **and are permitted to start working immediately.**

What happens after your application for asylum is rejected?

If your application is rejected, you can **file an appeal.** If the appeal has a deferring effect, you will receive permission to stay. If you obtain tacit permission to stay, this means that the threat of deportation may be imminent. Deportation cannot always be carried out immediately.

When can I leave the reception centre?

If you file an application for asylum, you must initially stay in an initial admission facility for up to three months.

After no more than three months, you should obtain what is known as a “transfer” to a municipality in Lower Saxony. You can express a preference, but you may not determine your place of residence yourself. Accommodation will be allocated to you in the commune in which you are placed. This may be an apartment but it may also be shared accommodation.

Where can I stay?

During the first three months of your stay in Germany you may travel without any restrictions only in Lower Saxony and Bremen. Thereafter, you may travel throughout whole Germany. Regarding taking up residence, you will have to live at the place of residence as determined in the appropriate document. A change of residence can only be effected after prior consent by the authorities for which you have to apply giving your particular personal reasons.

In some individual cases the aliens offices may be allowed to restrict your freedom of movement. If this applies to you, you should contact a counselling centre.

III. WORK & QUALIFICATIONS

Taking up employment is not only an important step for a sustainable right to stay in Germany, but also leads to more independence from state institutions. If you are not yet permitted to work, there are possible ways of preparing yourself for the labour market. There are various institutions which can advise you on this *(see pages 19 and 20)*.

Who can work?

The riders in your documents show whether or not you are permitted to work. If your papers state “Erwerbstätigkeit nicht gestattet” (employment not permitted) even though you should be able to work according to the table, ask the immigration authorities to change this.

The graphic shows which refugees can work and after which period of residence and under which requirements they can work. In addition to the residence permits listed here, there are others that allow for various different types of access to the labour market. The counselling centres will provide you with information about this (see pages 19 and 20).



	Asylum seekers	Subsidiary protection, bans on deportation and residence on humanitarian grounds	People entitled to asylum and refugees under Basic Law & the Geneva Conventions on refugees	Tolerated migrants
Paragraph	§ 55 of the <i>AsylVfG</i>	§ 25 (2)/ (3)/ (5) of the <i>AufenthG</i>	§ 25 (1)/ (2) of the <i>AufenthG</i>	§ 60a of the <i>AufenthG</i>
Status title	Permission to stay	Residence permit	Residence permit	Tacit permission to stay
Training, internships, voluntary service?	Allowed after three months ¹	Allowed immediately	Allowed immediately	Allowed immediately For details see § 32, paragraph 2 of the <i>BeschV 2 BeschV</i>
Dependent work?	1st–3rd month – ban on work 4th–15th month – with a priority check from the 16th month – without a priority check	Allowed immediately	Allowed immediately	1st -3rd month – ban on work 4th–15th month – with a priority check from the 16th month – without a priority check
Highly skilled work and work for relatives (with no priority check)	Allowed after 3 months	Allowed immediately	Allowed immediately	Allowed immediately For details see § 32 (2) <i>BeschV</i>
Can a ban on work be demanded by the immigration authorities?	No	No	No	Yes if the refugee fails to cooperate (e.g. by providing a false identity)
Independent work?	Independent work is <i>not</i> allowed	Independent work can be allowed <i>on request</i>	Independent work is allowed	Independent work is <i>not</i> allowed

IMPORTANT!

Children up to 18 years of age are required to attend school regularly.

If you want to attend a language course and don't have access to the job market, there may also be projects and foundations that can provide financing. The counselling centres provide information (pages 19 and 20).

What can I do despite the ban on employment?

- school-based vocational education
- study (if there is no ban on study)
- self-financed German courses, e.g. at the adult education centre (Volkshochschule, VHS)



You can get more detailed information from the counselling centres (see from page 18).

Language courses

People with residence status in accordance with § 25 (1) and § 25 (2) of the Residence Act (AufenthG) are entitled to a **free integration course** that includes a language course.

If you still have a temporary residence permit or permission to stay until deported, you are not entitled to an integration course. However, there are **ESF-BAMF language courses that**, which you can attend thanks to **right to stay projects**. These language courses are job-related (i.e. they prepare you for the German labour market and also include practical experience).

How are degrees and qualifications from my country of origin recognised?

Certificates are very important for the recognition of your qualifications, but you can also take examinations. The labour market projects (Arbeitsmarktprojekt), Netwin and Fairbleib will support you in this endeavour. (see pages 19 and 20).

The Integration through Qualification Network (IQ Netzwerk) offers advice and information if you have any questions on:

- recognition of degrees and qualifications
 - additional qualifications for the recognition of degrees
- See counselling centres, right to stay projects and the IQ Network (pages 19 and 20)

People with resident status under § 25 (3) of the Residence Act may make use of free places in integration courses, if applicable. Contact the counselling centres of the right to stay projects about this (pages 19 and 20).



IV. COUNSELLING CENTRES

1 Procedural advice for refugees in Braunschweig:

Caritasverband Braunschweig e.V.

Kasernenstr. 30
38102 Braunschweig

Tel.: 0531 / 380 08-39 (Reinhild Foltin)
Tel.: 0531 / 35 470 (Markus Frankenberger)

Email: r.foltin@caritas-bs.de
www.caritas-bs.de

Caritas-Sprechstunde in der Erstaufnahmeeinrichtung

Boeselagerstr. 4 - Haus 4
Consultation hours: Weds and Thurs
10am - 12:30pm

Tel.: 0531 / 3547-187

Refugium Flüchtlingshilfe e.V.

Open-ended refugee counselling in the initial admission facility

Boeselagerstr. 4 - Haus 4
Consultation hours: Monday 2pm - 4pm

Tel.: 0171 / 833 57 97 (Ketema Wolde Georgis)

**1 Procedural advice
for refugees in Friedland:**

***Caritasverband im
Grenzdurchgangslager Friedland***

Heimkehrerstr.11
37133 Friedland

Tel.: 05504 / 261 and /8561
(Thomas Heek)

Tel.: 05504 / 94 99 084
(Johanna Heil)

Fax: 05504 /8562

Email: caritasfriedland@web.de
heil-caritasfriedland@web.de
www.caritasfriedland.de

***Innere Mission und Evangelisches Hilfswerk
im Grenzdurchgangslager Friedland e.V.***

Heimkehrerstr. 18, Haus 20
37133 Friedland

Tel.: 05504 / 981 62 (Angela Paul)

Email: im-aussiedler@t-online.de
www.innere-mission-friedland.de

1 Procedural advice for refugees in Bramsche:

Caritasverband für die Diözese Osnabrück e.V.

Große Rosenstraße 39/40

49080 Osnabrück

Tel.: 0541/ 349 698 11 (Willi Voß)

Tel.: 0541 / 349 698 13 (Margret Pues)

Email: WVoss@caritas-os.de

MPues@caritas-os.de

www.caritas-os.de

2 Support and provision of help outside of the initial admission facility in Lower Saxon:

Flüchtlingsrat Niedersachsen e.V.

Langer Garten 23 B
31137 Hildesheim



Tel.: 05121 / 15 605

Email: nds@nds-fluerat.org

www.nds-fluerat.org

Open consultation hours:

Thurs 2pm - 5pm

3 Counselling centres for work, training and qualification (right to stay projects)

Caritasverband für die Diözese Osnabrück e.V.

Coordination centre NetwIn 2.0
Knappsbrink 58
49080 Osnabrück

Tel.: 0541 / 34978 - 169

E-Mail: skreftsiek@caritas-os.de
www.esf-netwin.de
www.caritas-os.de



fairbleib

Lange Geismar Str. 73
37073 Göttingen

Tel.: 0551/4 88 64 13

Fax: 05 51/4 88 64 14

Email: h.martens@bigg-goe.de
www.bildung21.net

IQ Netzwerk

RKW Nord GmbH
Wasastraße 8
49082 Osnabrück

Tel.: 0541/60 08 15-24

Email: bussmann@rkw-nord.de
www.netzwerk-iq.de



IMPORTANT: *The counselling centres listed can recommend lawyers to you. You can also find a list of lawyers at:*

<http://www.nds-fluerat.org/adressen-und-anlaufstellen/>



County boroughs:

1 - Braunschweig	4 - Oldenburg
2 - Delmenhorst	5 - Osnabrück
3 - Emden	6 - Salzgitter
	7 - Wilhelmshaven

ABBREVIATIONS

ABH	Ausländerbehörden (immigration authorities)
AE	Aufenthaltserlaubnis (residence permit)
BAMF	Bundesamt für Migration und Flüchtlinge (Federal Office for Migration and Refugees)
BÜMA	Bescheinigung über Meldung als Asylsuchende/r (certificate of registration as an asylum seeker)
HKL	Herkunftsland (country of origin)
LAB_Ni	Landesaufnahmebehörden Niedersachsen (federal state admission authorities, Lower Saxony)
VHS	Volkshochschulen (adult education centres): these offer German courses
EAE	Erstaufnahmeeinrichtung (initial admission facility)

CLARIFICATION OF TERMS

People granted subsidiary protection

A stay in Germany is allowed as there is a ban on deportation.

Priority check

If you have a concrete job offer, the Labour Office must first check whether there are Germans or other EU citizens available for this position and whether the standard local salary is being paid.

Dependent work

A job where you are employed by a company or a business.

Independent work

You have your own company or business.

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Language courses?

ESF-BAMF Programmes

The right to stay projects can enroll you in language courses. These language courses include practical experience and prepare you for an occupation. If you are interested, please register with the right to stay projects. You will find these on pages 19 and 20.

Notes:

*For more detailed information on the asylum procedure,
please see www.nds-fluerat.org/leitfaden/*

