

## STUDY VISIT REPORT

Asylum seekers and Refugees in Germany – legal framework, actual situation and support from church based and non- governmental organizations in Hamburg and Mecklenburg Vorpommern

11 – 15 February 2019

### Participants:

1. Silvia Diaconu, social worker – AIDRom Bucharest
2. Flavius Ilioni Loga, brunc manager – AIDRom Timisoara
3. Inken Jessen – intern - AIDRom Timisoara

### DAY I - 11.02.2019

**Asylum system in Germany legal and practical framework** with Insa Graefe, Fluchtpunkt Hamburg (Counselling Centre): <https://fluchtpunkt-hamburg.de/>

**Description:** In the first meeting we were presented the legal system of asylum in Germany.

**A. Accommodation:** Hamburg has 2 types of accommodation for asylum seekers who had already stayed in another Dublin-member-state before: up to 6 months in reception centers where asylum seekers receive a cooked hot meal and the next 6 months in residential centers (or flats) . In many of them they can cook alone and have a higher degree of independence. As accommodation is a federal topic this might differ in any German federal state (“Bundesland”).

### **B. Protection: Germany has 4 forms to protect refugees:**

1. Asylum (a national institution adopted prior to the Geneva Convention of 1951 and granted to persons arriving directly in Germany from the country of origin without transit in another country).
2. Refugee status under the Geneva Convention
3. Subsidiarity protection (other human rights violations beyond those provided for refugee status).
4. National ban on deportation: A person who is seeking protection may **not be returned** if
  - return to the destination country constitutes a **breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)**, or
  - a considerable **concrete danger to life, limb or liberty exists** in that country.

A considerable concrete danger can be considered to exist for health reasons if a return would cause life-threatening or serious diseases to become much worse. This is not contingent on the healthcare provided in the destination state being equivalent to that available in the Federal

Republic of Germany. Adequate medical treatment is also deemed to be provided as a rule if this is only guaranteed in a part of the destination country.

**Review all forms of protection here:**

<http://ankommenapp.de/EN/Fluechtlingsschutz/AblaufAsylv/Schutzformen/schutzformen-node.html>

**5. Tolerance** - It is not a form of protection but is granted until deportation is achieved (temporary suspension of deportation)

C. **Nature and amount of the benefits:** Asylum-seekers and people with tolerance receive € 354 per month, which may lower due to financial penalties.

Adults with asylum, refugee status, subsidiary protection or national ban on deportation receive 416 euros / month until they find a job. They benefit from social assistance as German citizens. Familie- members and children receive less.

D. **Long term residence: A long term resident permit** is very difficult to be obtained in Germany, even after 5 years of staying as a refugee.

E. **Rejection:** If they receive **rejection** they have 30 days to leave the country, they are encouraged to leave by them self the country. 50% of the asylum seekers who have been rejected achieve their protection on court.

F. **The Dublin procedure** is hard to be implemented. If 6 month pass after the positive answer of the Dublin-member-state and the asylum seeker, under Dublin Procedure, is not deported in the first country of asylum, Germany accepts the asylum request. The persons who have received refugee status in a different country are accepted to ask for asylum but are being sent back to the country that granted a form of protection.

From 960 cases only 37 were deported in 2018 to Romania. ([https://www.ulla-jelpke.de/wp-content/uploads/2019/01/KA-19\\_6535-Asylstatistik-Dublin.pdf](https://www.ulla-jelpke.de/wp-content/uploads/2019/01/KA-19_6535-Asylstatistik-Dublin.pdf))

G. **Education:** Children are going to school to be prepared they visit extra classes to learn the language. After a while, they learn together with German kids.

## **DAY II - 12.02.2019**

### **HAJUSOM transnational arts center –Bunker II**

Is a talent incubator center for young people - refugee and non refugees, with dance, art performance, ,writing poetry and groove together with experienced ensemble members. These groups produce performances, music and text that are presented around the region and internationally. Furthermore there is a regular mentoring service offered that provides support in all circumstances of life. Hajusom considers migration to be a normal part of human existence.



**Hamburger Ombudsstelle in der Flüchtlingsarbeit** with Mrs Annegrete Stoltenberg, Ombudswoman for Refugees in Hamburg

The institution of Ombudswoman is a mediation institution. The holder of the position does not have legal power but her position is based on the good reputation and standing of the person chosen for the position. Thus, the ombudswoman is seen by the governmental authorities as well as NGOs and individuals as a reasonable mediator interested in providing mediation in different situations. For refugees the majority of complaints to the Ombudswoman are regarding accommodation facilities and integration. No legal complaints regarding the asylum procedure are being taken. The Ombudswoman is not paid for her position, being independent in this manner.

**Learning points:**

1. Enrollment of independent mediator in solving complaints for refugees, volunteers, citizens and employees who work in the accommodation facilities.
2. The services are free of charge, always confidential and information is treated with absolute discretion
3. Win-Win solution

## ALTE SCHULE Niendorf - Integration Centre for Refugees



The center provides several integration programs of adults and children, during asylum procedure or with a form of protection. There is an afterschool for minors, language classes for adults, art ateliers, cooking classes and community meetings.

### **Learning points:**

1. Need of parenting advice for refugees parents
2. Involvement of local volunteers, especially elderly persons (local community )
3. Art workshop (painting atelier) is an instrument of dialogue, communication and integration for children and adolescents. The course is free of charge
4. Open tailor workshop offered for all who would like to tailor
5. Cooking evening twice a month, 40 people come together in the evening to prepare an international buffet then eat together. German is spoken and people are singing, local community is active and participating as well.
6. Café with german language lessons

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**DAY III - 13.02.2019**

**Horst State run Asylum Seeker Centre**



The Horst Center is located outside of Hamburg, and it's administrated by a local NGO: Malteser., an operating company having contract with the federal state and offer for migrants , medical care, security and food and integration activities. This a reception center and provides cooked meals for asylum seekers. There are 3 buildings with rooms, washing machines, common bathrooms, sport rooms, kids rooms, around 600 people are living there. There is also religious spaces for prayer and a small shop where migrants can buy products. Here the Federal State, Department of Migration and Maltese organization (The Maltese are an international Catholic aid organization), are working together.

With regards to services like cleaning, washing machine ,Malteser company delegate for those jobs the Asylum seeker for small amount of money, if they refuse the federal state will cut from them part of social benefits .

**Learning points:**

1. Good public – private collaboration
2. Good logistics for a independent life for refugees and asylum seekers
3. Refugee fell more in a community then a camp, except the long distance to the closest city.

**Petrusgemeinde Schwerin: Input on Dublin-procedures and visit to the church community in Schwerin who gives church asylum.**

The church takes the responsibility of the Asylum Seeker, providing accommodation, German language and financial support until receiving a solution or they are allowed to start again the

asylum procedure. The community is involved and every Sunday is donating money for the migrants and doing activities with them



**Learning points:**

1. More church enrolment is needed in Romania as well

**DAY IV - 14.02.2019**

**Rostock Ökohaus e.V Shelter and central accommodation of Refugees**

The NGO administrated shelter provides accommodation to asylum seekers in the second period of asylum accommodation and to the recognized refugees, offering a more independent lifestyle facility. Refugee can cook for themselves and are closer to the city. The apartments respect the German legislation of 6m<sup>2</sup> per person. The facility is adapted for persons with disability, there is a special sector for LGBT refugees and there is a sport room for different activity. The center is organized by 10 social workers, male and female that work with case management method in informing the asylum seekers and refugees about their rights, looking for apartments, doctor visits, school, etc.

**Learning points:**

1. Non-governmental administrated accommodation camps are more open, friendly and less stressful for refugees and asylum seekers.
2. The structure of the camp is organized in different location: men, LGBT, families.
3. There is an Art Festival organized in the camp for the community to meet the migrants and enjoy intercultural dialogue trough arts.



4. The center is also for refugee, they are signing a contract and paying a rent per bed
5. The asylum seeker are delegated to do the cleaning, washing machine, translating for small amount of money and if they refuse will cut from the social benefits.



### **Rostocker Stadtmission**

The counseling center that works under Diakonie Hambrug provides social counseling regarding integration for refugees in Rostock city. It's located in the community and help refugee get in touch with the locals by fostering interaction between different refugee individuals or families and locals, by matching them based on hobby, city location, number of family members, etc.

#### **Learning points:**

1. The method of fostering interection between different refugee individuals or families and locals could be replicated in Romania, as well.
2. Use of intercultural mediators is important.

## Memorial centre Rostock-Lichtenhagen,



We were presented the history of German riots against Vietnamese migrants and Romanian asylum seekers. From August 22 to August 24, 1992 violent xenophobic riots took place in the Lichtenhagen district of Rostock, Germany; these were the worst mob attacks against migrants in postwar Germany. Even though stones and petrol bombs were thrown at an apartment block where asylum seekers lived, no one was killed.

### Learning points:

1. Nationalism extremism is the enemy of refugees and migrants and many people stood by it, because of ignorance and fear.
2. Dialogue and community meeting together is a great antidote to hate and nationalism.

Timisoara

08.03.2019

### Report made by:

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