



## Press Review on Asylum Policy, May 2017

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### News:

#### *View to Europe and the World*

- In the countries of South-East-Europe, 75,000 refugees are stuck. 24,600 of them are kids according to UNICEF. Many would wait for a permit for their reunification with family members in Western Europe. Only, the requests are processed with a duration of up to two years. Also unaccompanied minors are affected. 5,000 requests were filed by people in Greece in 2016. Only 1,107 were allowed to leave the over strained country.  
<http://www.tagesschau.de/ausland/fluechtlingskinder-suedosteuropa-101.html> (May 4<sup>th</sup>, 2017)
- A state prosecutor of Italian citizenship accused NGOs who save people from drowning in the Mediterranean of working together with tractors. He publicly acknowledges that he only voiced a "working hypothesis" that lacks evidence. His accusation led to a debate among Italian public that lasted for weeks, making NGOs fear that their work might be delegitimized slowly. The United Nations High Commissioner for Refugees defends the refugees. The NGOs saved a third of all refugees that were kept from drowning.  
[http://www.deutschlandfunk.de/parlamentsausschuss-in-italien-vorwuerfe-gegen.1773.de.html?dram:article\\_id=385277](http://www.deutschlandfunk.de/parlamentsausschuss-in-italien-vorwuerfe-gegen.1773.de.html?dram:article_id=385277) (May 4<sup>th</sup> 2017)
- 15 people that escaped from Syria filed legal suits against the Syrian regime for the crimes it commits on its territory. The basis for the trials taking place in Germany is the comprehensive documentation of NGOs, the media and the UN. James Rodehaver, coordinator of the Commission of Inquiry on Syria, claims that meanwhile one can legally speak of mass extermination. The importance of documentation and legal reconditioning is emphasized by Stephen Rapp, former chief prosecutor of the International Criminal Court on Rwanda. Without legal repercussions, all agreements on protection of humanity would turn into paper waste. Anwar al-Bunni, the lawyer that prepared the legal suits in Germany, underlines that the crimes need to be investigated by Syrian society. Institutions are important for that but also knowledge. Only, both institutions as well as knowledge were destroyed in Syria. Legal experts need to be educated now in order to establish transitional justice immediately whenever the decisive moment comes.  
[http://www.deutschlandfunk.de/assads-regime-syrische-folteropfer-hoffen-auf-europaeische.724.de.html?dram:article\\_id=384657](http://www.deutschlandfunk.de/assads-regime-syrische-folteropfer-hoffen-auf-europaeische.724.de.html?dram:article_id=384657) (April 26<sup>th</sup>, 2017)

- EU works on establishing a common asylum policy. Most important part: a system that would distribute refugees among the member states. But some states refuse to receive refugees at all, namely Hungary. But also Austria and Poland rejected to take any refugees from Greece and Italy as it was agreed upon. EU-Commission now threatens them with an infringement procedure. The leader of the governing PiS-party in Poland, Jaroslaw Kaczynski, declared that he would go up to European Court of Justice. In order to make a common asylum policy despite fundamental opposition possible, further options are discussed. One of them: if a member state does not want to accommodate any refugees at all, it shall pay more for "border protection".  
[http://www.deutschlandfunk.de/fluechtlinge-eu-droht-mehreren-staaten-mit.2932.de.html?drn:news\\_id=745711](http://www.deutschlandfunk.de/fluechtlinge-eu-droht-mehreren-staaten-mit.2932.de.html?drn:news_id=745711) (May 16<sup>th</sup>, 2017)  
<http://www.sueddeutsche.de/politik/asylpolitik-viele-papier-kein-konsens-1.3511439> (May 18<sup>th</sup>, 2017)
- Whereas US president Donald Trump is stuck with his travel ban for Muslims and his border wall, he continuously tightens US deportation policy by smaller, less symbolic steps. 41,300 illegalized people have been detained in the first 100 days of Trump's presidency. This is an increase of 40% in comparison to the same period last year. Meanwhile, the number of deportation has not increased yet. Though, raids at the workplace are possible again. Furthermore, officials of Immigration and Customs Enforcement (ICE) agency appear in front of schools and churches, spreading fear. There, they do not have any enforcement rights. Illegalized people are undertaking preventive measures. Some do not go to work anymore. Others asked befriended American citizens, if they could pick up their kids from school. Saving money in case of a deportation has also become widespread. The policy of deterrence shows effect: the number of people who were caught at the Southern border of the US decreased whereas the numbers of people seeking shelter in Mexico has increased. The Republican party presented a bill to US-Congress that would tighten "border control". The minor offense of passing the border shall be turned into a major one, punishable with 20 years of imprisonment. Furthermore, ICE agents are supposed to carry assault rifles, more detention facilities for deportation are supposed to be build. Also, the Sanctuary Cities are in focus. Approximately 300 US cities and municipalities offer protection to illegalized people, the local police officers do not deport and do not support ICE. Trump ordered that the funding of those municipalities shall be reduced. Some conservative states like Texas support that policy. Progressive states and municipalities in contrast are preparing own laws already that are supposed to protect illegalized persons who are on their territory.  
<http://www.sueddeutsche.de/politik/trump-aera-die-stille-verschaerfung-der-amerikanischen-einwanderungspolitik-1.3520373> (May 28<sup>th</sup> 2017)

### *Federal, State and Municipality Level*

- The law on the "better enforcement of the obligation to leave" was agreed upon by Bundestag. The following restrictions are about to come in case Bundesrat agrees in the beginning of June:
  - The Federal Agency for Migration and Refugees (BAMF) shall have access to mobile devices of refugees in the asylum procedure under the condition that a judge agrees. Foreigners' Departments were enabled to do that before.
  - Detention for the purpose of deportation shall apply to people who are termed as "threatening individuals". Only police uses that term, there is no legal definition to it.
  - Custody for the purpose of deportation will be extended from four to ten days.
  - People who allegedly are a danger can be put in shackles.
  - Residence obligation can be applied to people seeking protection who allegedly made false statements about their identity.
  - People who seek protection and who have a "bad perspective to stay" can be hold

in first reception centers for up to two years. Until now, the duration was limited to up to six months. Also, "perspective to stay" is not a legal term.

- The letter of tolerance of people who were tolerated for a longer period of time had to be revoked until now, their deportation to be announced. This rule shall be dropped in the case of people who allegedly made false statements about their identity.
- Youth welfare offices shall be obliged to file requests for asylum for unaccompanied minors.
- Fathers are regularly obliged to prove their paternity by genetic tests. In case that the mother or the father is tolerated, this already suffices for the application of that law.

<http://www.spiegel.de/politik/deutschland/asylrecht-bundestag-beschliesst-verschaerfung-a-1148375.html> (May 18<sup>th</sup>, 2017)

<http://www.fr.de/politik/asylrecht-ende-der-willkommenskultur-a-1282157> (May 19<sup>th</sup>, 2017)

<http://www.taz.de/Asylrecht-in-Deutschland/!5410836/> (May 19<sup>th</sup>, 2017)

- On Wednesday, Saxon State Parliament decided upon the Law regulating the enforcement of custody for the purpose of detention. Now it is possible to incarcerate people before their deportation. The custody needs to be approved by a judge. It affects people whose departure deadline has expired and who allegedly impede their deportation. Saxon Refugee Council called for protest against the law in front of Saxon State Parliament. Approximately 100 participants demonstrated in front of the building. People who never committed a crime cannot be detained. This should be a basic rule. The law itself has got some severe flaws. The coalition of CDU and SPD agreed to the law, the Left party and the Greens rejected, AfD abstained.

<http://www.mdr.de/sachsen/sachsen-beschliesst-abschiebegesetz-100.html> (May 17<sup>th</sup>, 2017)

Interviews with representatives of the different factions, recorded by *mephisto 97.6*.

Thomas Hoffmann from SFR expresses the NGO's position comprehensively in *Freie Radios*:

<http://www.freie-radios.net/83096>

Those who like reading more, here our position on our website, also in English:

<http://www.saechsischer-fluechtlingsrat.de/en/2017/05/09/a-better-custody-wont-make-human-rights-violations-any-better/>

Monday's press release: <http://www.saechsischer-fluechtlingsrat.de/en/2017/05/15/press-release-protest-against-detention-of-people-seeking-protection-in-saxony/>

- In Leipzig, people seeking protection in the asylum procedure will not have an electronic health card. Negotiations between the city of Leipzig and health insurances failed. Until now, refugees need to file a request for a treatment certificate at the social welfare office for the first 15 months of their stay. Hence, state officials judge on medical questions. Basically, the state government would have the possibility to spare municipalities from that efforts. A state wide health card could be an option and is standard in a couple of federal states already.

<https://www.tag24.de/nachrichten/leipziger-fluechtlingsrat-bekommen-keine-elektronischen-gesundheitskarten-257423> (May 22<sup>nd</sup>, 2017)

## Background and Opinion

- PRO ASYL's executive director, Günter Burkhardt, gives an interview to *Frankfurter Rundschau*. He points out that asylum procedures are marked with legal errors nowadays. An inadequate translation is frequent, the interviewing and the deciding person are not the same and in a rapidly processed procedure causes of escape cannot be identified, alleged contradictions cannot be dissolved.

<http://www.fr.de/frankfurt/interview-politischer-druck-a-1284811> (May 25<sup>th</sup>, 2017)

- In this report from *WDR*, Björn Blaschke describes the inhumane conditions under which

people have to live in the prisoner camps in Libya. Those who are incarcerated there, they are people seeking protection. They were caught on their escape over land or sea. Blaschke reports on a women's camp. The interviewees tell about rape and forced prostitution and that they inject contraceptives because of that. The International Organization on Migration states that slave markets exist in Libya. For 200 to 500 dollar, human beings can be purchased there.

<https://www.tagesschau.de/ausland/libyen-317.html> (May 5<sup>th</sup>, 2017)

- Kai Biermann replied to Thomas de Maizière's fantasies of a "Leitkultur" ("dominant culture") in *Zeit* newspaper. The term Leitkultur did not integrate anybody in the last 20 years, instead of overcoming differences it rather established new ones, it only serves to exclude. It is enough to make one weep that de Maizière uses the term for the election campaign now. Additionally, the Minister of the Interior does not question any of the thoughts brought up. Showing efficiency or being "patriotic in an enlightened way" is not consensus in society (the latter is being described by Biermann the following way: "Yes, we had problems. Once we were mass murderers, then we were embarrassed by that. A kind of belittling perspective on German history.").  
<http://www.zeit.de/politik/deutschland/2017-04/leitkultur-debatte-innenminister-demaiziere-muslime/komplettansicht> (April 30<sup>th</sup>, 2017)

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