

DE

# First Information for Refugees



**Flüchtlingsrat**  
Sachsen-Anhalt e. V.

This flyer offers a first overview of the asylum process in Germany. It is directed at asylum seekers who have reached Sachsen-Anhalt and names the most important legal bases. For further information it is helpful to contact information centers or lawyers. Contacts to information centers can be found through the following link: [www.fluechtlingsrat-lsa.de./adressesen-und-beratungsstellen/](http://www.fluechtlingsrat-lsa.de./adressesen-und-beratungsstellen/).

## ***1. Accomodation and care during the asylum process***

### **? Who is responsible for the accomodation and care after my arrival in Sachsen-Anhalt?**

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- After your allocation within Germany the federal state of Sachsen-Anhalt is responsible for your accomodation and care. The central reception center for asylum seekers ("Zentrale Aufnahmestelle für Asylsuchende, or "ZASSt") is located in the city of Halberstadt. Other accomodations for first reception are in Bernburg and Magdeburg (expectedly until 2022). Halberstadt is also home to a branch office of the "Bundesamt für Migration und Flüchtlinge" (BAMF), the Federal Office for Migration and Refugees.

### **? How long will I have to live in the first reception center?**

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- Depending on the case, some people have to stay in the first reception center until the end of their asylum proces, at maximum for a time period of 18 months. If your asylum case was denied, you have to live in the first reception center until you leave Germany. If your aslyum case is rejected as "manifestly ungrounded" or "inadmissable", you will have to remain in the first reception center. Certain persons can be exempted from this obligation:
  - ▮ families with underaged children

- › women travelling alone
- › persons with an illness
- › persons with experiences of violence
- › religious or ethnic minorities
- › LGBTIQ\* (homosexual, transsexual or other)
- These persons and groups may move out of the first reception center to other places in Sachsen-Anhalt after six months. If you don't fulfill your so-called "duty to participate" ("Mitwirkungspflicht"), it is possible that you have to live in the first reception center for an unlimited amount of time.

Contact a local information center or the staff of ZAST. People from Serbia, Macedonia, Bosnia-Herzegovina, Albania, Kosovo, Montenegro, Ghana and Senegal are obliged to remain in the first reception center until their asylum case has been decided. There is no time limit for these cases.

### ? **Am I allowed to leave the first reception center?**

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- As long as you live in the first reception camp (ZAST), you are only allowed to move within a certain space (for example: if you live in ZAST Halberstadt, you may only move within the region "Landkreis Harz"). You are allowed to leave the premises of ZAST to do so. This rule is known as "Residenz-Pflicht". If you break this rule you will be sanctioned. However, BAMF is able to allow you to leave the restricted space for a certain amount of time, for example if you have a lawyer's appointment. If you personally have to appear at the Foreigners Authority ("Ausländerbehörde") or in front of a court, inform the staff of BAMF or ZAST. Get information about leaving the restricted space from the social workers in ZAST or from an information center for asylum seekers.

### ? **What applies if I don't have to live in ZAST anymore?**

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- If you don't have to live in ZAST anymore, you will be allocated to another county ("Landkreis") and live in an apartment or a joint accommodation ("Gemeinschaftsunterkunft"). If, according

to the date on your arrival confirmation, you have been living in Germany for longer than three months, Residenzpflicht is not applicable anymore. Territorial confinement can only be ordered if you for example committed an offense or your deportation is imminent. However, you are obliged to take your residence in the allocated county/Landkreis, or even a certain apartment or accommodation. This is called "Wohnsitzauflage". In this case you have to regularly be there and receive for example your mail ("gewöhnlicher Aufenthalt").

If you are able to make your own living (you have found a "Ausbildung" or work), the office can allow you to also take residence elsewhere. More information can be found under the title „Information about 'Wohnsitzregelung': [www.fluechtlingsrat-lsa.de/eigene-publikationen/](http://www.fluechtlingsrat-lsa.de/eigene-publikationen/)

## 2. The Asylum Process

### ? What happens at BAMF in Halberstadt?

- In Halberstadt all steps of the asylum process are centralized: all the way from registration to the letter containing the decision of BAMF about the asylum case ("Bescheid"). BAMF staff will register you in their data base by scanning your finger prints, taking fotos of you and noting your personal data. All this information will be stored in the "Central Register for Foreigners". After the registration you will get a confirmation letter stating that you are registered as having arrived in Germany – "arrival confirmation" or "Ankunftsnachweis". Only thereafter will you get an appointment for the registration of your asylum case. This will take place in the form of a conversation about your flight and the reasons for your flight ("Anhörung" or "interview").

## ? **What is an “proof of arrival” (“Ankunftsnachweis”) and what is a permission to reside („Aufenthaltsgestattung“)?**

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- “Ankunftsnachweis” is not a residence permit, but a temporary permit to reside in Germany while the asylum case is processed. The proof of arrival lists the responsible first reception center and basic information about you. This paper is of limited validity and will be replaced after your interview about your reasons for fleeing by a (permission to reside (“Aufenthaltsgestattung”). This also is not a final residence permit, but you can show it to authorities and police in Germany to prove that you are allowed to reside in Germany until the end of the asylum process. You should therefore always carry it with you.

As soon as you moved out of the first reception center, the Ausländerbehörde will be the responsible authority for you. The Aufenthaltsgestattung will be continuously renewed by the responsible authority until the end of your asylum procedure. If you lose the paper or want to correct some of its data, contact the responsible authority.

## ? **Which consequences does my path of flight have on my asylum case?**

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- BAMF staff interviews all asylum seekers about their flight path to Germany and checks e.g. the fingerprints. If another state, for example one of the European Union, is responsible for your asylum case, BAMF will ask you to leave Germany to apply for asylum in that responsible state (the so-called “Dublin procedure”) – your asylum case is “inadmissible”. In this case contact an information center or a lawyer as soon as possible to check if further steps can be taken. It is important to react quickly!

## ? **I have an appointment for the interview / “Anhörung”, what does that mean?**

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- The next step is the personal interview with staff of BAMF about your reasons for fleeing. It consists of the questioning about

your reasons for fleeing, and of the questioning about your path of flight. Sometimes the questionings take place right after each other. If not, you will be invited for a second appointment, for which you might have to travel to Halberstadt. A staff member of BAMF will talk to you in detail about the reasons for fleeing and your flight history. With this information BAMF will decide if and which status of protection you receive ("refugee", according to the Geneva Refugee Convention; "subsidiary protection"; or "national ban on deportation").

During the interview you will (repeatedly) be asked questions about your former places of living, paths of travel or asylum applications in other states. Concentrate on the explicit and detailed explanation of your personal situation and your flight due to political persecution or other dangers. Be wary to understand each question correctly. If you did not understand fully, ask about it. If it is difficult for you to talk about certain events, tell the BAMF interviewer. It must be considered by them. Severe health issues or traumas will be attested by a doctor. Hand in this doctor's letter to BAMF. If you are underage and / or have experienced genderbased persecution or violence, it is possible to be interviewed by a specialist on these issues. If possible, inform the BAMF about this before the interview.

**! Important information about the interview: The interview is the most important step of the asylum procedure. Please prepare well before the appointment – if possible with the help of information center staff or your lawyer. In Halberstadt Caritas offers the so-called "Asylverfahrensberatung" (asylum procedure counseling) which supports you in your preparations. Later on you will only have limited possibilities to correct what you told the BAMF interviewer. Contradictions, fundamental alterations or additions could be used to doubt what you told during the interview.**

You are entitled to a interpreter. If you have doubts about the trustworthiness or if you have other problems with the interpreter, immediately tell the interviewer. If problems with understanding occur, you are entitled to ask for another interpreter. A written protocol of the oral interview will be made. This protocol has to be re-translated into your language after the interview and corrected if you detect any mistakes. Check the protocol right away to see if it shows your explanations correctly before you sign it. If you notice mistakes, tell BAMF staff right away. The interview is not public but if you prefer it that way individuals that are accompanying you (supporter or lawyer) can join you in the room. Women are entitled to be interviewed by a woman, if they wish. Please explain any wishes such as these to BAMF staff.

### ? How long does the asylum procedure take?

- The duration of the asylum procedure is dependent on many different factors and officially ends with a letter from BAMF with the decision of the asylum application. If you decide to take legal action against the decision of BAMF, the asylum procedure officially ends with the end of the court trial. The asylum procedure can therefore take time between some days and several months.

### ? Which decision options does BAMF have?

- BAMF has several decision options:

**Positive decision:** If BAMF grants you the right to asylum (Article 16a German "Grundgesetz" / "refugee status" according to Geneva Refugee Convention), "subsidiary protection" or "national ban on deportation" you will be allowed to stay in Germany for a certain amount of time. As proof, the local Ausländerbehörde will issue a residence permit (first a temporary "Aufenthaltserlaubnis", later on you have the possibility to apply for an unlimited "Niederlassungserlaubnis"). With the decision of BAMF your "Aufenthaltsgestattung" expires.

**Negative decision:** If BAMF does not attribute you one of these statuses, your application will be rejected as “ungrounded” (“unbegründet”) or “manifestly ungrounded” (“offensichtlich unbegründet”). If another state is responsible for asylum case (“Dublin procedure”) or if you have already been granted international protection in another state, your application will be rejected as “inadmissible”.

You have the right to take legal action against the decision of BAMF with a German court. However, if you decide to do so you have to get advice from your lawyer quickly because the window of time in which you are allowed to do so is very short – depending on the decision 7 or 14 days. Please check your mailbox daily if you are waiting for BAMF’s decision because you might have to act swiftly. With questions you can always turn to the local information center.

### ***3. Social Rights and Duties in the Asylum Procedure***

#### **? I want to learn German, who can help me with this?**

- Until your asylum application is decided you are not allowed to take part in a language class or integration course (which includes a German class). However, there are exceptions: You can participate if:
  - › there are free spots available  
AND
  - › a regular and permanent permit to stay can be expected in your case  
OR
  - › if you have been the asylum process for more than 9 months and can work in Germany. If you entered Germany after the 1st of



August 2019 and are already here for more than 3 months, you can also participate.

Exempted from taking part are individuals that come from so-called "safe home countries".

If you receive a positive decision for your asylum application you are entitled to take part in a integration course. Under certain circumstances you can also be obliged to take part.

BAMF does not offer these courses. Instead they are offered by independent organisations. For these courses you have to sign up yourself. You can get information about the offered courses and possibilities for participation at the local information center, social workers or BAMF staff.

## ? **How can I secure my own livelihood? Will I receive social benefits?**

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- During the duration of the asylum procedure you will receive money according to Act on Benefits for Asylum Seekers ("Asylbewerberleistungsgesetz", in short AsylbLG). If you live in a first reception center, you will receive accommodation, food and – if necessary – clothing and hygiene articles. Additionally, you will receive a certain amount of money from Sozialamt which you can spend as you wish (e.g. to buy public transport tickets or phone credit), or this amount of money will be given out to you as a voucher ("Gutschein") or non-cash benefits ("Sachleistung"). The amount depends on your age, family status and whether you live in an apartment or shared accommodation. In some counties the social office will hand you cash instead of non-cash benefits. The social office can also be asked to take over additional costs, e.g. furniture or initial equipment for newborns. In case of recutions of benefits, ask for support at the local information centers or with a lawyer.

## ? **How is health care organized during the asylum procedure?**

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- Upon your arrival the first reception center is responsible for your medical care – even after the first check-up. Ask the local staff about access to health care and, if necessary, about contact information of a doctor. If you don't live in the first reception center anymore you have to go to Sozialamt before every doctor's visit to receive a sickness certificate ("Krankenschein"). Bring this Krankenschein to the doctor's office. In case of an emergency in which medical treatment must be given immediately, you may also be treated in the hospital. In this case doctors are obliged to treat you.

A professionally given medical diagnosis can only be given by a doctor. You do not have to pay additional costs for prescription drugs. Asylum seekers in Germany are entitled to medical support in case of sudden pain or sickness – the so-called emergency treatment ("Notfallversorgung"). A comprehensive treatment of chronic illness is not provided. In special cases the Sozialamt can grant exceptions. If necessary, talk to the staff of Sozialamt. The Sozialamt has to grant prevention measures that German insurances advise on, e.g. vaccination for children. Pregnant women and mothers post-birth are entitled to comprehensive medical and care support by midwives and doctors. You can request financial support for equipment for newborns at Sozialamt, e.g. children's furniture and a baby carriage.

## ? **Am I allowed to work as an asylum seeker?**

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- As long as you have to live in the first reception center you are not allowed to work or do an apprenticeship ("Ausbildung") – an exception only applies if your asylum process is taking more than 9 months. Only after the relocation to a county in Sachsen-Anhalt and after three months of residence in Germany you may take up an employment. The Ausländerbehörde can grant you the permission to work ("Beschäftigungserlaubnis") after you

apply for it and are able to show an acceptance letter of the employer for a work or apprenticeship placement. The Ausländerbehörde will then examine under which conditions you will be employed (salary and work conditions), and can thereafter grant you the permission to work. This will be noted on your residence paper. To take up work /finding a suitable work position the recognition of foreign school and work degrees is important. Upon arrival you should therefore ask the social workers in your accommodation where the next information center can be found that is able to assert your qualifications.

### ? **Who can support me in my search for a suitable work or apprenticeship?**

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- The local "Employment Agency" ("Agentur für Arbeit") can inform you about job offers or programs to support refugees. Universities and Universities of Applied Sciences can inform you about study programs and further conditions for a degree. Ask the social workers in your accommodation where these offers exist.

### ? **Can my children join the local Kindergarten?**

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- If you are not obliged anymore to live in the first reception center, your children are entitled to child care. You can apply at Sozialamt for them to cover the costs. You have to look for a placement yourself, but Sozialamt, social workers and information centers can support you in this search.

### ? **When can my children start going to school? What do I have to be aware of?**

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- All children in Germany must go to school ("Schulpflicht"). Children of asylum seekers in Sachsen-Anhalt are obliged to do so after they were relocated to a county and have moved there. You can get information about educational offers in the first reception center. Children will be put into school if they turn six years

old before the 30th of June. Older children and teenagers will, depending on age and former education, be assigned to a certain school form / grade. Special education and language classes exist. You have to contact the Sozialamt as well as the region's school office ("Landesschulamt"). Ask the staff at Sozialamt or at the information centers, as well as the social workers about information on this. As long as you live in the first reception center your children are, however, not entitled to go to school. Joining a school is nevertheless possible – get support from a lawyer in case your application to do so is rejected.

### ? Does special support for children exist?

- Besides social benefits or your children Germany also offers additional support possibilities. You can apply for additional financial support at Sozialamt before your children go to school or kindergarden, e.g. for school materials, class trips or support for food costs.

## **4. Legal Consequences of a Positive Decision of the Asylum Case**

### ? How long can I stay in Germany with my protection status?

- If you received a positive decision from BAMF, you are entitled to receive a residence permit (§ 25 paragraph 1 or paragraph 2 AufenthG). You are allowed to stay in Germany until your residence permit becomes invalid. Persons with asylum or refugee status receive a residence permit for three years. Persons with subsidiary protection receive a residence permit for one year. An extension for two more years may be received if the requirements are still met. Persons with the status "national ban on deportation" (residence permit as of § 25 paragraph 3 AufenthG)

are initially allowed to stay in Germany for one year. If you are recognized with an asylum or refugee status, these statuses will become invalid if you once again become subject to protection by your home state, e.g. by renewing your passport or if you relocate to your home state. In case of deception or concealment of fundamental facts your status of protection can be withdrawn. In case of a possible withdrawal ("Widerruf" or "Rücknahme") you might be interviewed by BAMF again. In any case, get information at the local information center or with a lawyer.

### ? **What changes with a positive decision by BAMF?**

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- If you receive a positive decision you are not obliged anymore to live in the first reception center. With your residence permit you are allowed to take on an employment. You receive social benefits not from Sozialamt but from the local Jobcenter. Usually, you are entitled to take part in an integration course which teaches first and foremost the German language. If you do not yet speak German well, you may take part in an integration course. If you cannot read and write you are entitled to an alphabetisation course. If you have received an asylum or refugee status your husband / wife and your children might be able to move to Germany as well. For persons with subsidiary protection status this is only possible in few cases. In any case, get information at the local information center.

### ? **Do I have to stay in Sachsen-Anhalt?**

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- As a person with a protection status you are obliged to stay in Sachsen-Anhalt for three more years ("Wohnsitzregelung") because the place of residence is under the responsibility of the authorities. Before the three years pass, moving to another state of Germany is only possible if you or a family member have an employment which enables the financial support of your livelihood, or if you have found a study or apprenticeship placement. The Wohnsitzregelung must also be lifted to enable the cohab-

itation of your family. Give this information to the Ausländerbehörde and apply for the revocation or relocation. You may move to another county when your allocation was lifted or revoked. If you breach the Wohnsitzregelung you might be sanctioned with a reduction in financial support. More information can be found unter "Information about Wohnsitzregelung":

[www.fluechtlingsrat-lsa.de/eigene-publikationen/](http://www.fluechtlingsrat-lsa.de/eigene-publikationen/).

## **5. Legal Consequences of a Negative Decision of the Asylum Procedure**

### **? What happens if my asylum application is denied?**

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- If your asylum application is denied, you are obliged to leave Germany until a certain deadline given to you ("Ausreisepflicht"). You are not allowed to reside in Germany anymore.

### **? Who can I turn to for support in this situation?**

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- If you have received a negative decision by BAMF you can take legal action in a German court. In this case you should immediately seek advice from a lawyer. The local information centers can help you with your search for a lawyer. You should then make an appointment in the next days to which you bring all your relevant documents. In the first three months of your residence in Germany / as long as you are obliged to live in the first reception center you have to let the Ausländerbehörde know if you are travelling to an appointment outside of your allowed area of movement.

**! Important: Read the information about possible legal action ("Rechtsmittelbelehrung") at the end of your decision letter very carefully. In many cases you have very limited time to take legal action.**

## ? **Will I have to pay for the lawyer?**

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- You will have to pay for the appointments with the lawyer and your representation in court by them. The costs depend on the case and can be up to several hundred euros. Many lawyers allow you to pay the costs in rates – talk to the lawyer about this before asking them to represent you. The language of the meeting depends on the lawyer's language skills. Usually you will be able to bring a friend or family member to translate. Talk to the lawyer's staff about your possible need for translation.

## ? **Does financial support exist for the first appointment with the lawyer?**

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- People with low income can also be advised by a lawyer. A large part of the costs can be covered by the so-called "Beratungsschein" which you may receive at the local court ("Amtsgericht"). You may receive the application forms and information about it at the court. You can also ask your lawyer about this. To apply for the "Beratungsschein" you will have to show your residence permit papers, the decision letter of BAMF, and – if you have them – documentation about your incomes and your apartment rental contract. You will then have to show the "Beratungsschein" to your lawyer to prove that the costs will be covered.






## ? **Does financial support exist for my representation in front of the court?**

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- Financial support for the costs of your court trial ("Prozesskostenhilfe") works similar to "Beratungsschein" – it is an offer for people with low financial means. If you meet the requirements, the costs of the trial (court and lawyer costs) will be taken over by the state. Additionally to a low income the prospects of the trial are also relevant for receiving "Prozesskostenhilfe" by the court. Your lawyer can give you more information on this.

## Addresses and Contacts:

### Geschäftsstelle Magdeburg

-  Schellingstr. 3-4  
39104 Magdeburg
-  0049 391 50 54 96-13/14 od.
-  0049 391 53 71 281
-  [info@fluechtlingsrat-lsa.de](mailto:info@fluechtlingsrat-lsa.de)
-  [www.fluechtlingsrat-lsa.de](http://www.fluechtlingsrat-lsa.de)

### Büro Halle (Saale)

-  Kurallee 15  
06114 Halle (Saale)
-  0049 345 44 50 2521
-  [info@fluechtlingsrat-lsa.de](mailto:info@fluechtlingsrat-lsa.de)
-  [www.fluechtlingsrat-lsa.de](http://www.fluechtlingsrat-lsa.de)



Find the addresses of counseling centers, information material, press releases and news about events on our website:

[www.fluechtlingsrat-lsa.de](http://www.fluechtlingsrat-lsa.de)

Dieses Projekt wird aus Mitteln des Asyl-, Migrations- und Integrationsfonds kofinanziert und gefördert durch:



EUROPÄISCHE UNION



Europa fördert  
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SACHSEN-ANHALT  
Die Integrationsbeauftragte

PRO ASYL  
DER EINZELFALL ZÄHLT

 UNO-Flüchtlingshilfe

### IMPORTANT NOTE

This flyer gives you a first overview about does not replace individual counselling. We cannot guarantee its comprehensiveness. This flyer was created in December 2019. Please turn to your local information center or lawyer as soon as possible. You can ask the staff at Sozialamt and / or the social workers in your accomodation about the contact information to do so. You can find the addresses of the information centers (asylum procedure counselling) on the integration portal webside of the State´s Integration Representative ([www.integriert-in-sachsen-anhalt.de](http://www.integriert-in-sachsen-anhalt.de)) andon the website of the Refugee Council (Flüchtlingsrat Sachsen-Anhalt, [www.fluechtlingsrat-lsa.de](http://www.fluechtlingsrat-lsa.de)).

The Flüchtlingsrat Sachsen-Anhalt e.V. works for the acknowledgement of the rights of refugees and the improvement of their living conditions. We are an indepent organisation and receive funding through our members, donations and project funding. We offer information and can support you in getting in contact with information centers and lawyers.

This flyer was created in cooperation with "Praxisprojekt Migrationsrecht" at Martin-Luther-Universität Halle-Wittenberg.