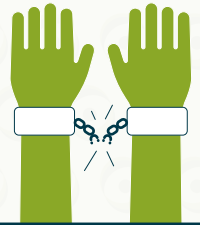




SENSA

SENSIBILISIERUNG zu
besonderen **SCHUTZBEDARFEN**
von **ASYLSUCHENDEN** Menschen
in Sachsen-Anhalt und Thüringen

EN



FACTSHEET: SPECIAL PROTECTION NEEDS IN ASYLUM PROCEEDINGS



PERSONS AFFECTED BY HUMAN TRAFFICKING

Under European law, certain groups of people are entitled to special protection and needs-based support to compensate for disadvantages in asylum proceedings and in the provision of care.

Below, we provide an overview of individual protection needs.

This information cannot and should not replace personal counselling and/or legal advice.

Human trafficking in criminal law means that a person is brought into or kept in an exploitative situation by force or threats. Often the exploitation is not easy to see at first glance.

Human trafficking can happen in the country of origin, during flight, or in Germany. It takes place in many areas. Not only in prostitution, but also in other types of work such as construction, meat processing, private households, etc.

Victims of human trafficking need and have special rights. According to the EU Reception Directive, they belong to the group of people who are especially in need of protection.

Information for the Asylum Procedure

During the asylum procedure, persons affected have the right to medical and psychological treatment, as well as safe accommodation and protective measures. A particularly important aspect is that a special officer for victims of human trafficking must be involved in the decision on the asylum application as soon as exploitation has been reported or other indications are available.

These specially trained interviewers are trained to interview persons affected by human trafficking.

Persons affected have the right to request that they be interviewed by a special officer.

For these rights to be applied, the person concerned would normally have to say themselves that they are affected by human trafficking. Because of shame and/or fear, this often does not happen. That is why the Federal Office for Migration and Refugees (BAMF) is required to look for signs that point to human trafficking itself. The personal interview about reasons for flight (also called "interview") is central in the asylum procedure.

Based on this, the BAMF and later the Administrative Court will decide about protection. It is generally difficult to explain in a clear way what has happened and what someone is afraid of. For this, very detailed information is needed. Victims of human trafficking often have difficulties telling their story in a believable way. This is because they often cannot name the places where they were exploited. They also often do not know the real names of the exploiters. For this reason, if possible, preparation for the interview together with a specialized counseling center or a specialized lawyer is highly recommended. They can help to make sure that all important points are explained. As a general rule: Who did what, where, and when? Even the smallest details can be important, especially when no proof can be given. Without proof, the decision depends on the credibility of the asylum seeker.

During the asylum procedure, the fact that a person was exploited does not automatically mean they will get protection. The asylum procedure is demanding, and this is why it is important to get advice and preparation before the interview from specialized counseling centers or lawyers.

Support and Special Rights

Specialized Counseling Center

Persons affected by human trafficking have the right to counseling and support through a specialized counseling center. The counseling is always free of charge, voluntary, anonymous, and independent from authorities or other state institutions. They advise about rights, help with applications, or accompany people to the authorities. If the affected person wishes, they may also take part in the asylum interview.





Reflection and Stabilization Period

Victims of human trafficking have the right to at least a 3-month reflection and stabilization period in accordance with Section 59(7) of the Residence Act. During this time, they are provided with safe accommodation and financial support. This time is meant to help the person calm down and recover. It also serves to get advice about future options, be fully informed, and decide if they want to make a statement to the police.

Right to Safe Accommodation (and Protective Measures)

According to the Council of Europe Convention on Human Trafficking, a person has the right to adequate and safe accommodation. This also applies when someone is already in the asylum procedure. The accommodations in initial reception centers often do not meet these standards.

Medical and Psychological Treatment

Victims of human trafficking have the right to medical and psychological care. This includes medical treatment and initial psychological care, for example in a trauma outpatient clinic. It also includes financial compensation and support for living costs under SGB XIV.

FACTSHEETS:

Illustration: Ernestine Donnerberg



This fact sheet is available in German, English, French, Arabic, Persian and Russian, as well as other fact sheets on other protection needs.

www.fluechtlingsrat-lsa.de/sensa-fs/

Further information and points of contact

for SAXONY-ANHALT

Topic page: **Special protection needs and**

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Identifying the special protection needs of asylum seekers is essential to safeguarding their rights during the asylum procedure.

The SENSE project raises awareness, provides training, and fosters collaboration among all professionals involved in the asylum process in Saxony-Anhalt and Thuringia. In doing so, it contributes to fair and legally sound asylum procedures.

Examples of special protection needs:

- Accompanied and unaccompanied minors
- Women* and gender-specific persecution
- Trauma and people with severe physical and mental illnesses



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