

COUNTRY
CHAPTER

GER

GERMANY

BY THE GOVERNMENT OF GERMANY



Germany 2013 Overview:

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| Resettlement programme since: 2012, previously ad hoc | Selection Missions: Yes | Dossier Submissions: No |
|---|-----------------------------------|-----------------------------------|

Resettlement Admission Targets for 2013:

| | |
|---|------------|
| Admission targets for UNHCR submissions: | 300 |
| Total Resettlement Admission Target: | 300 |

Resettlement Admission Targets for 2014:

| | |
|---|------------|
| Admission targets for UNHCR submissions: | 300 |
| Total Resettlement Admission Target: | 300 |

Regional Allocations for 2013:

| | |
|-----------|-----|
| Africa: | |
| Asia: | |
| MENA: | 200 |
| Europe: | 100 |
| Americas: | |

Sub-quota features:

| Designated sub-quota/acceptance for: | 2013 Description, additional comments: |
|---|---|
| Emergency resettlement procedures | |
| Medical cases | Yes, no specific quota |
| Women-at-risk cases | Yes, no specific quota |
| Unaccompanied children | Yes, no specific quota |
| Family Reunion (within programme) | |
| Other, please specify | |

1. Resettlement Policy**1.1 Description of Germany's resettlement policy**

Following the decision of the Conference of the Ministers of the Interior of the Federal States (*Innenministerkonferenz*) in December 2011, Germany will take part in a resettlement programme during the years 2012 to 2014 and will resettle 300 persons per year (UNHCR submissions).

1.2 Ministries or Departments responsible for resettlement policy

The Federal Ministry of the Interior, the Federal Office for Migration and Refugees (BAMF) and the Federal Foreign Office are responsible for implementing the resettlement programme.

The interior ministries of the federal states and the local authorities (foreigners' authorities and social welfare authorities) are responsible for looking after the resettled persons once they arrive in Germany.

1.3 Process for deciding the annual resettlement quota and its composition, including the timelines for the process

At the appropriate time, the Federal Government will decide in consultation with the federal states whether the programme will be continued beyond 2014 and if so, to what extent.

The Federal Ministry of the Interior selects the resettlement regions in close consultation with the Federal Foreign Office and with input from the federal states.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

2.1 National legislation defining refugee status eligibility

Resettlement is currently conducted on the basis of Section 23 (2) **Residence Act** which states that the Federal government in consultation with the governments of the individual states can instruct the Refugee office to admit to Germany certain groups of foreigners who are granted temporary or permanent residence permits upon arrival.

So far, admission of foreigners for resettlement in Germany is based on a recommendation from UNHCR. Given that the criteria based on which UNHCR grants mandate refugee status may be wider than those of the 1951 Convention relating to the Status of Refugees, persons recommended by UNHCR can nevertheless be admitted to Germany. However, their residence permit is not based on refugee status. During the selection procedure other factors, such as the presence of family links in Germany, cultural and educational background, language skills, etc., may be taken into account, depending on the wording of the admission order of the federal government to decide in favour of admission to Germany.

2.2 Distinction, if any, between refugee status criteria for asylum-seekers, and that for resettled refugees

German national legislation distinguishes between various types of protection offered to persons in need of international protection. Section 3 (1) **Asylum Procedures Act** and Section 60 (1) **Residence Act** defines a refugee as prescribed for in Article 1 of the 1951 Convention relating to the Status of Refugees.

Persons who apply for asylum in Germany are issued a residence permit pursuant to Section 25 (1) of the Residence Act if their application for asylum is granted, or pursuant to Section 25 (2) of the Residence Act if they are granted Convention refugee status.

Pursuant to Sections 23 (2), 25 (1) and 25 (2) of the Residence Act, all these temporary residence permits (*Aufenthaltserlaubnis*) authorize the permit holder to pursue paid employment. These permits are regularly issued in conjunction with the exemption from the requirement to be able to support oneself. Temporary residence permits may be renewed, and after seven years holders of permits pursuant to Section 23 (2) of the Residence Act may be granted a permanent residence permit (*Niederlassungserlaubnis*), under Section 26 (4) of the Residence Act.

3. Criteria for Resettlement

3.1 Refugee resettlement eligibility criteria

The criteria for selecting persons to be admitted are based on the Admission Directive issued by the Federal Ministry of the Interior in consultation with the federal states.

The following provisions were added to the Admission Directive for the 2012 resettlement programme:

As far as possible, the following selection criteria should be considered:

- a. preservation of family unity;
- b. family or other ties in Germany conducive to integration;
- c. ability to become integrated (indicators: level of school and occupational training; work experience; language skills; religious affiliation; young age);
- d. need for protection.

3.2 Admissibility criteria

Persons are not to be admitted under the following circumstances:

- a. if they have been convicted of crimes regarded in Germany as intentional offences;
- b. if there is evidence indicating that persons are or have been associated with criminal or terrorist organizations, or that they otherwise are or have been engaged in or support or have supported activities opposed to the idea of international understanding or peaceful co-existence.

4. Resettlement Allocations/Processing Priorities

4.1 Resettlement allocation including sub-quotas

Persons admitted under the resettlement programme are allocated to the federal states depending on the states' population and budget situation, reflected in the so-called *Königstein Key*. As far as possible, regional ties of the persons admitted (e.g., family links) are taken into account.

4.2 Non-UNHCR allocations, including role of referral organisations

Other than the resettlement programme described here, Germany has currently no other defined procedures for admitting groups of persons from third countries without UNHCR participation.

5. Submissions and Processing via Dossier Selection

So far, Germany does not select refugees solely on a dossier basis and therefore does not accept pure dossier submissions.

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

Germany has, for the time being, opted for a combined procedure including a pre-selection of cases on the basis of UNHCR-resettlement dossiers and admission interviews carried out locally, if circumstances allow.

6.2 Case Documentation and Routing of Submissions

UNHCR sends the resettlement dossiers in electronic form to the Federal Office for Migration and Refugees in Nuernberg/ Germany (BAMF). The BAMF creates a file and assigns a reference number for each case.

Which case to invite for an interview is decided on the basis of the dossiers and if the circumstances allow, persons considered for admission are interviewed locally.

The interviews are carried out by selection teams deployed by the BAMF. The interviews serve to verify information provided in the dossiers, to double check and if necessary

update personal data, to assess school and occupational qualifications and to determine personal needs. The data are as far as possible collected in electronic form. Interviews are conducted as soon as possible after the dossier is received, depending on how much time is needed to organize them.

On the basis of the interviews an additional security check is conducted with the assistance of the Foreign Office. The BAMF takes the final decision on the admission of each individual case.

6.3 Processing Times

The processing time for resettlement decisions is not defined by law – however, past experience revealed (e.g., from the admission of the 2,500 Iraqi nationals in 2009/10 and the 300 persons admitted from Tunisia and Turkey in 2012) that decisions have been taken rather quickly, within less than four weeks after reception of the submission on average, and the timeframe between submission and departure usually did not exceed six months.

6.4 Recourses/Appeals

According to Section 23 (2) Residence Act which forms the basis for the admission decision and the residence title of persons admitted under the resettlement programme, negative decisions can be appealed directly at the responsible German administrative court.

7. Emergency Cases/Urgent Cases

Germany has no specific mechanism for receiving emergency cases. However, in exceptional cases, emergency cases could be admitted outside the resettlement programme on the basis of provisions allowing for the intake of individuals for humanitarian grounds.

8. Special Categories/Special Needs

Depending on available reception capacities in the German federal states, cases with specific needs can be submitted as part of the general quota. Germany accepts submissions of survivors of violence/ and torture, medical cases, women and girls at risk, children and adolescents at risk, and unaccompanied minors. HIV/Aids cases are not counted as a specific needs category. The programme is new and therefore still evolving. So far Germany has no specific sub-quotas.

9. Medical Requirements

Following a successful interview, a physical examination is conducted to find out whether the person in question poses any threat to public health and to determine the need for medical treatment after arrival in Germany.

The extent of health screening is determined in advance (as a rule, it includes tests for TB and HIV as well as an overall health check). The person's ability to travel is checked no more than 48 hours before departure. The German Government covers all costs related to the departure.

10. Orientation (pre-departure)

Persons who have been accepted for admission to Germany receive initial cultural orientation before leaving the country of first refuge, similar to the pre-integration measures funded by the Federal Office for Migration and Refugees in Nurnberg/ Germany (BAMF) in selected countries for persons migrating to join family members already in Germany. The orientation courses last up to 20 hours. If possible, help is provided to acquire basic German language skills.

11. Travel

11.1 Travel booking procedures

Travel may be by charter or scheduled flight. Group departures are usually preferred. IOM is entrusted with organizing the transfer to Germany. The Federal Office for Migration and Refugees in Nuernberg/ Germany (BAMF) informs IOM who is authorized to depart; IOM then books the flights and provides the BAMF with the travel details. If possible, BAMF staff accompanies the flights. If necessary, a medical doctor should also accompany the flight.

11.2 Payment

The German Government covers all costs related to the travel.

11.3 Travel documents issued

Persons are allowed entry to Germany with a valid, recognized passport and following the formal approval for their admission which is issued by the Federal Office for Migration and Refugees (BAMF). If the passport presented is not recognized by the German authorities, but the refugee has other documents to verify his or her identity, then an exception can be made to the passport obligation under Section 3 (2) of the Residence Act.

If the refugee is unable to present any passport but can otherwise verify his or her identity (including for example a UNHCR refugee certificate or registration document), the German diplomatic representation abroad issues a travel document for foreigners pursuant to Sections 5 and 7 of the Ordinance Governing Residence. The approval for admission and the exception from the passport obligation are valid for six months from the date of issuance and expire if the refugee does not enter Germany within this time frame. The travel document for foreigners is issued by the diplomatic representation with a maximum validity of one month pursuant to Section 8 (2), first sentence of the Ordinance Governing Residence..

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival

Resettled refugees receive a temporary residence permit pursuant to Section 23 (2) Residence Act which so far has been issued for three years and can be extended consecutively. Equal to refugees recognized in the German asylum/ refugee status determination procedure following spontaneous arrival in Germany, resettled refugees are entitled to gainful employment, participation in language and integration classes as well as to social benefits similar to German nationals. However, as long as resettled refugees receive social welfare to maintain themselves, their residence is restricted to the district where they were assigned to live.

12.2 Documentation issued, including travel documents

Resettled refugees are not normally issued Convention Travel Documents. In case they do not possess or cannot reasonably be expected to obtain a valid and recognized national passport from their country of origin, they can be issued a German travel document for foreigners according to Section 5, 7 of the Ordinance Governing Residence. (Refugees recognized in the German asylum/ refugee status determination procedure are issued a Convention Travel Document upon request.)

12.3 Process for regularization of status, including requirements and timeframes

Whereas refugees recognized in the German asylum procedure must be granted a permanent residence permit after an initial period of three years (unless the Federal Office for Migration and Refugees has in the meantime declared the cessation of the initial

refugee recognition), resettled refugees can apply for permanent residence after a period of seven years. Following transformation of recent EU legislation (Directive 2011/51/EU) this period will be shortened to five years. The permanent residence will be granted if the refugee can maintain him/herself without social assistance and has a basic command of the German language.

12.4 Documents issued to children born after arrival but before naturalization of their parents

Children born in Germany to foreign parents are issued a residence permit pursuant to Section 33 of the Residence Act.

12.5 Requirements, costs and timelines for citizenship

The requirements for acquiring German citizenship through naturalization are laid out in Section 10 of the Nationality Act. Naturalization typically requires eight years of legal and habitual residence in Germany. However, depending on the successful completion of integration programmes, it is possible to become naturalized already after six or seven years.

13. Domestic Settlement and Community Services

13.1 Overview of services, including providers and length of eligibility

The local authorities / NGOs are mainly involved in the post-arrival process. Local authorities take over responsibility from the federal government after arrival in Germany. The refugees are offered inter alia migration advising services, migration services for young people, integration courses. Persons admitted are eligible for the entire system of government-sponsored integration services. Existing measures, in particular the migration advising/youth migration services, integration courses and job-related language courses (ESF-BAMF courses), already enable the promotion of integration based on individual circumstances and needs.

14. Family Reunification of Refugees

14.1 Definition of family within the German resettlement program context

Immigration to join resettled refugees is based on the general provisions governing family reunification with foreigners living in Germany according to Sections 27 et seqq. of the Residence Act. There is no special regime for family reunification with resettled refugees. Family members are defined as all persons whose personal ties to the foreigner in Germany fall under the protection of Article 6 of the Basic Law (Constitution), for example spouses and all relatives by blood or marriage.

Foreigners with a residence permit can reunify in Germany with their nuclear family including: spouses and same sex partners (according to the national law on same sex partners), minor children, a parent with custody over a minor and also other family members if there is an extraordinary vulnerability according to 36 paragraph 2 of the Residence Act. In case of polygamous marriages, only one spouse is allowed to join her husband in Germany. The minimum age of both spouses has to be 18 years.

Spouses need to prove basic German language skills prior to entry (Deutsch A1: 300 words active, 600 words passive). Children as of 16 years also need to prove German language skills (Deutsch C1) or a positive prognosis for integration based on previous education or living situation. Generally, the family member in Germany needs to have sufficient living space and sufficient income to support the rest of the family (families can though be exempted from the latter requirement. In the case of family reunification of resettled refugees, the German States have been requested by the national administration

to examine generously and to foresee exceptions to the above argued with the existence of specific or unusual circumstances.

14.2 Legislation regarding family reunification & eligibility

Family reunification with holders of temporary residence permits under Section 23 (2) Residence Act (resettled refugees) is possible; see Section 29 (1) no. 1 in conjunction with Section 29 (3) Residence Act. Family reunification with persons granted asylum or refugee status is possible and based on Section 29 (2), Section 32 (1) no. 1 and Section 36 (1) Residence Act.

14.3 Details on whether family reunification cases are counted within the resettlement quotas

Cases of family reunification are not counted within the German resettlement quota of 300 persons annually.

15. References/Resources

The following websites could be consulted:

www.bmi.bund.de

www.bamf.de