

Information against the fear

ABOUT THE DEPORTATIONS FROM GERMANY TO PAKISTAN



HOW TO FIGHT
FOR YOUR RIGHT
TO STAY?!

About the Deportations from Germany to Pakistan

Over the last months, many within the Pakistani community have felt a growing fear about the risk of deportation from Germany to their country of origin.

First charter-deportations were organized from German airports to Islamabad, latest from Frankfurt and Düsseldorf in January and in March 2018. One flight left with 23 and another one with 35 rejected asylum-seekers from Pakistan. There are serious hints that more deportation flights from Germany to Pakistan will follow.

For all those who have been rejected not only by the Bundesamt (BAMF) but also by the court (if they appealed against the BAMF-rejection) and who have only a "Duldung" (toleration status) it seems to get more dangerous.

You should now be more careful than before and figure out once more together with your lawyer or in counseling offices, which measures should be taken. In case you have only a "Duldung" and don't know how to continue or also if you just feel afraid, please come for counseling.

YOU CAN FIND CONTACTS HERE:

www.w2eu.info/germany/en/articles/germany-contacts.en.html
and here: www.proasyl.de/beratungsstellen-vor-ort

Or you can ask Pro Asyl: ☎ +49 (0)69-242 314 20
-> Mo-Fr 10-12 & 14-16 or email proasyl@proasyl.de

KEEP YOURSELF INFORMED

Keep contact with your lawyer and local activist groups. Your lawyer will sometimes have the chance to figure out if there are new options for you and also if the danger of deportation is increasing. Sometimes, activists find out about future charter deportations some days in advance and try to warn people who might be affected

**The current situation:
Deportations from Germany to Pakistan are increasing, but they cannot deport masses of Pakistanis from Germany at once!**

Over the last years, only a small number of rejected Pakistan asylum seekers have been deported from Germany: 22 people in 2015, 81 people in 2016 and 139 people in the first three quarters of 2017. The number is increasing but we should take into consideration that a much larger num-

ber of asylum seekers from Pakistan arrived in 2015/16 than in the years before.

What is more alarming than the numbers: In the last flights from Germany also people have been deported, who never provided an ID, a pass port or a birth certification to the German authorities. Due to the missing identification papers all the years before the German authorities failed in their attempts to deport Pakistan people. The Pakistan embassy refused to issue the needed travel documents for deportations. Now Germany seems to have access to some data bases in Pakistan and can compare with fingerprints taken in Germany. The Pakistani embassy then has to confirm the identity so that papers for return can be issued. This process, however, can take several months and it is still not clear, when and in which cases it will work or not. It's no reason to get into panic, but to get informed and to get organized.

Of course, every single deportation is one deportation too many, but to be clear again: overall, not many people have been deported from Germany to Pakistan. Nobody should panic! You should rather get informed and organized by building support networks and for an exchange. Nobody should stay alone with his or her fear!

We know that the deportations to Pakistan are mainly intended to deter and create panic within the Pakistani com-

munity. Since last year, the German authorities tried to convince rejected asylum seekers to 'voluntarily return' to their country of origin. 'Voluntary return' means that they offer some hundred Euros so that people sign a paper and return to Pakistan by themselves. The 'forced' deportations now are intended to demonstrate that there are no other options but to return, either 'voluntarily' or forced. This is blackmail as, of course, it is not on a "voluntary basis" and everybody should think twice before agreeing to voluntarily return. If you consider this as a possible next step, you should ask the above-mentioned contacts about options for a trustful counseling beforehand. Many times, we have seen people, who had to flee a second time from their countries of origin after a return. Also, there are official reports that Pakistani authorities take bribes for being released from people who returned ("voluntary" or by force).

We would like to join hands and build solidarity in order to not let the authorities succeed with their attempt of creating fear to terrorize people who have already enough problems. Most importantly: don't panic! If you are afraid to be affected by the re-admission agreement, please ask your lawyer or a counseling office to try to figure out with them how to obtain a right to stay. Use also contacts to figure out what might happen in case you decide to flee in other European countries.

SOME USEFUL INFORMATION FOR YOUR RIGHT TO STAY

There are different needs during the different steps of the procedure. So we divided the following chapter into three parts:

1. Most in danger: all those (and especially young and healthy men) who have only a "Duldung" after negative decisions in the asylum procedure.
2. If the interview was taken but you do not have the decision OR you had a negative decision but you are waiting for the second decision from the court.
3. If you are still waiting for your interview to be taken.

1) Most in danger: all those (and especially young and healthy men) who have only a 'Duldung' after negative decisions in the asylum procedure

You can only be deported, if you have been rejected twice, in the Bundesamt (BAMF) and in the court (if you filed a complaint against the negative decision). The Pakistanis who were deported in the last months, were picked up at home or at their work-places, most of them already in the days before the charter deportation happened.

Most likely, more charter-deportations to Islamabad will take place in the next months. We would recommend to everyone who has only a "Duldung" to check now, if there are other options to get a status.

We can recommend to figure out five different options:

- A. Since August 2016, if you follow a vocational training ("Ausbildung") you can get a so-called "Ausbildungsduldung". For the whole time you are following the "Ausbildung", you have the right to keep a "Duldung/toleration status" (and you will not get deported while on this status) and in case you find a job afterwards you have the right to get a residence permit. That means vocational training effectively can save you from deportation. You have to apply for a work permit at the foreigners' office ("Ausländerbehörde") if you have found a vocational training place. Sometimes they will not give you the work permit. If they deny, they have to do so in written form, and you can again appeal against this decision in front of a court. This appeal is often successful, because it is often unlawful for that office to deny it to you.

You can find an overview about this in German here:

www.proasyl.de/news/anspruch-auf-ausbildung-informationen-zur-neuen-rechtslage-fuer-geduldete

In case you have a ban on employment because you did not co-operate with the foreigners' office to provide travel documents for return, you should discuss with your lawyer or a counseling office whether there are possibilities to cancel this ban.

- B. There is also the option to apply for a right to stay according to §25a for people younger than 21 who have been in Germany for at least 4 years and, according to §25b, for people older than 21 who have also families with children who have been in Germany for at least 6 years, and for adults without children who have been in Germany for at least 8 years.

In German here you can find some advice on how this works: www.einwanderer.net/migrationsrecht/25-a-aufent-bleiberecht-fuer-jugendliche-und-heranwachsende

- C. Even if the asylum procedure fails, and you obtain a negative result all the way to the end of the process, there is also the option - via "Petition" to a state parliament and the so-called 'hardship case commission' ("Härtefall-Kommission") - to get a right to stay based on "integration". It is complicated to defend and prevent a person from being deported especially if s/he

is accused of criminal offences. If the criminal offence sentence is too high, this also blocks petitions to the "Härtefall-Kommission".

Remark: sentences for drug-dealing and other kind of criminal conviction will exclude from all options to get another residence permit and thus cause a big danger of deportation. All people who have a job can try to figure out with a local counseling service, if it might make sense to start a petition.

- D. If there are new reasons or evidence (for example new medical problems, a psychological survey that did not exist before etc.) there could be also options to restart a new procedure (Folgeantrag). You should speak about this with your lawyer. But for Pakistanis it is very rare to get a right to stay via the asylum procedure (protection rate: 5-6%).
- E. If your family situation changes in the meantime, for example you get married with a German citizen or a person who has already a right to stay here and/or you got a child who has a right to stay in Germany and you are taking care of it, this changes the situation and you have to figure out with your lawyer and/or counseling-office how to present this to the authorities as a new basis for your right to stay.

HOW TO STOP A DEPORTATION LAST MINUTE?

In case they pick you up for deportation and it is too late to figure out your options, it can be still possible to stop a deportation until the last moment. Most important is that you inform others (and especially your lawyer if you have one) and that you try to resist. This is especially possible if they try to deport you with a regular flight with other passengers.

In an airplane chartered only for deportation usually there will be police-officers accompanying each person and so the chances to resist are very limited.

ATTENTION: resistance can result in being detained until the authorities make another attempt to deport you.

You can find more ideas on how to resist here:

w2eu.info/germany.en/articles/germany-deportation.en.html
(in English, including a PDF printable in several languages)

www.youtube.com/watch?v=g2Umb7MyDhw&feature=youtu.be

www.nodeportation.antira.info/abschiebungen-verhindern

For people who are thinking about leaving to another country: In case you are considering leaving Germany to go to another country, it can be very helpful to think about it twice to avoid finding yourselves in an even worse situation.

There are a lot of information and useful contacts here:
www.w2eu.info

And it is crucial to ask for advice BEFORE leaving, so that you know what it is important to keep in mind as you go. In many cases, especially when people have already been registered here and have been here for some time, it would be important to prove the chances for a right to stay in Germany and the concrete danger of deportation before leaving to a second EU-country – especially as there is also the risk of "Dublin" deportations back to Germany.

2) For those who have not received a decision on their asylum application OR have already received a first negative decision and are waiting for the court to decide:

Even if the migration office (Bundesamt/BAMF) takes a "negative" decision, they don't have the last word. Everyone has a second chance, if you appeal against their decision in front of a court of law. Very important: check your post/mail regularly (every day), so you don't miss the (temporary) window of opportunity to appeal

against a negative decision. After a negative decision, you should urgently contact your lawyer or a counseling office to discuss the chances of success of an appeal!

Some Asylum and Court procedures in Germany take a long time.

That can be a problem, because many times waiting leads to exhaustion. Nevertheless, this waiting time can be extremely useful for those who may have a lower chance to win the right to stay already with the asylum office ("Bundesamt" or "BAMF") in the first round. Time is on your side! If you use it for both to integrate more (learning the local language and/or trying to find a job or a vocational training) and to build a network of friends who will fight for your right to stay together with you, the more time you have, the better it is for you.

Please read carefully the information in the first part on "Ausbildungsduldung", Right to stay based on §25a and 25b and "Petition" and "Härtefall" above. For all these options it is crucial that:

- A. you learn German,
- B. you start to earn your own money (and are not dependent on social welfare),
- C. it can be helpful that you "integrate" (means also connections to local associations, it can be football, arts, music etc, you try to voluntarily assist someone etc.)

So you should use the time to prepare the next step (that is hopefully not needed, but it is always good to have a plan B).

3) If you are still waiting for your asylum interview: Some useful information on asylum procedures for Pakistani refugees:

1. Asylum procedures in Germany are now processed faster than before. There is less time to prepare for the asylum interview. Prepare yourself as soon as possible. Once more: no one will be deported before their case has been examined after the asylum interview and the BAMF has sent a negative decision!
2. It is always good to prepare for the asylum procedure. A few hints can help to get a better result:
 - a. **Before the interview:** Contact a counseling office and prepare yourself. You can find information about the asylum interview in Germany here:
English: www.w2eu.info/germany.en/articles/asylum.html
 - b. **The interview:** Here you need to talk as much in detail as possible about what really happened to you and your family. Take your time, and explain the reasons for

your personal persecution and what you fear might happen to you in case you have to return.

Some useful information to prepare for your asylum interview can be found here (in many languages):

www.asyl.net/arbeitshilfen-publikationen/arbeitshilfen-zum-aufenthalts-und-fluechtlingsrecht/informationsblatt-anhoerung/

d. **In the interview**, don't use a special "case" that is too far away from your own reality. Mostly these are "cases" well known to the BAMF. You may risk that they'll accuse you of lying. It would be very complicated to correct your statements and their reactions afterwards!

f. It is **very important to document health-related problems** from the very beginning by obtaining medical certificates from a doctor. Many of you know the symptoms: sleeplessness, bad dreams, headache-attacks, problems to concentrate etc. This is called "traumatization" or "post-traumatic stress disorder (PTSD)". If you are able to get medical/psychological certificates about this kind of suffering, these might help you in your asylum procedure. You should show these documents at the asylum interview or, following a possible rejection of your asylum application, to the foreigner's office ("Ausländerbehörde").

WE PROPOSE THE FOLLOWING:

1. Everybody should help in stopping rumors and false information. If you can, please copy this information and share with friends.
2. Prepare for your asylum case.
3. Let's join hands to ask for better integration options – we expect that the foreigners' offices ("Ausländerbehörden") will become more strict with work-permits or permissions to begin a vocational training ("Ausbildung"). We need to build networks to struggle for more and better access to both language courses and work permits.
4. Let's join hands and build solidarity against deportations. Let's join hands against fear. Each person who is at risk of deportation should have many friends around him/her.

AGAINST FEAR –RIGHT TO STAY FOR EVERYBODY!

FOR FREEDOM OF MOVEMENT

**Independent information for refugees
and migrants coming to Europe:
WWW.W2EU.INFO**